



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



D.B. Criminal Misc. Suspension of Sentence Application No.
2050/2025

In

D.B. Criminal Appeal No.427/2025

Gajveer Singh Son of Shri Deepak Singh Rathor, Aged 18 Years,
Resident Of Deepdarshan Colony, Behind HMT Factory, Gali No.
19, Somalpur Road, Ajmer, Police Station Ramganj, District
Ajmer. (At Present In District Jail, Sikar)

-----Accused/Appellant

Versus

The State Of Rajasthan, Through P.P

-----Respondent

Connected With

D.B. Criminal Misc. Suspension Of Sentence Application No.
1773/2025

In

D.B. Criminal Appeal No.379/2025

Devendra Singh Son of Shri Virendra Singh Meditya, Aged 19
Years, Resident Of Gaddi, Police Station Gachhipura, District
Nagaur, At Present Resident Of Karni Colony, Ward No.12,
Kishangarh Road, Parbatsar, Police Station Parbatsar, District
Nagaur. (At Present In District Jail, Sikar)

-----Accused/Appellant

Versus

The State Of Rajasthan, Through P.P

-----Respondent

D.B. Criminal Misc. Suspension Of Sentence Application No.
1925/2025

In

D.B. Criminal Appeal No.408/2025

1. Rajendra Singh Son of Shri Phool Singh Shekhawat, Aged 42
Years, Resident Of Badagaon (Bubana), Police Station
Dantaramgarh, District Sikar.





2. Maina Kanwar Wife of Shri Ravindra Singh Rathor, Aged 41 Years, Resident Of Mored, Police Station Makrana, District Nagaur, At Present Resident Of Jeewan Vihar Colony Lavta Road, Opposite Panchayat Samiti, Parbatsar, Police Station Parbatsar, District Nagaur.

3. Krishan Devraj Singh @ Nand Singh Son of Shri Ravindra Singh Rathor, Aged 25 Years, Resident Of Mored, Police Station Parbatsar, District Nagaur, At Present Resident Of Jeewan Vihar Colony Lavta Road, Opposite Panchayat Samiti, Parbatsar, Police Station Parbatsar, District Nagaur.
(At Present In District Jail, Sikar)

----Accused/Appellants

Versus

The State Of Rajasthan, Through P.P

----Respondent

D.B. Criminal Misc. Suspension Of Sentence Application No.
1926/2025

In

D.B. Criminal Appeal No.409/2025

1. Himmat Singh Son of Shri Hem Singh, Aged 25 Years, Resident Of Mored, Police Station Parbatsar, District Nagaur (Rajasthan)

2. Jitendra Singh @ Aalu Son of Shri Ajit Singh Medtiya, Aged 20 Years, Resident Of Mored, Police Station Parbatsar, District Nagaur (Rajasthan)
(At Present In District Jail, Sikar)

----Accused/Appellants

Versus

The State Of Rajasthan, Through P.P

----Respondent

For Petitioner(s)	:	Mr. Ripu Daman Singh Naruka
For Respondent(s)	:	Mr. Rajesh Choudhary, GA cum AAG with Mr. Aman Agarwal & Ms. Neha Goyal
For complainant	:	Mr. Amit Singh Shekhawat



HON'BLE MR. JUSTICE MAHENDAR KUMAR GOYAL
HON'BLE MR. JUSTICE SAMEER JAIN

Order

05/02/2026

These suspension of sentence applications under Section 430 of the Bharatiya Nagarik Suraksha Sanhita, 2023 have been filed by the accused-applicants (for brevity, "the applicants") alongwith the appeals. The applicants have been convicted and sentenced by the learned Additional Sessions Judge Dantaramgarh, District Sikar vide judgment dated 30.08.2025 passed in Sessions Case No.06/2020 (CIS No.06/2020) as under:-

- 1. Under Section 323 R/W Section 149 IPC:** One year's simple imprisonment and fine of ₹1,000/- each in default thereof, fifteen days' additional simple imprisonment.
- 2. Under Section 341 IPC:** One month's simple imprisonment and fine of ₹500/- each in default thereof, seven days' additional simple imprisonment.
- 3. Under Section 302 R/W Section 149 IPC:** Life imprisonment and fine of ₹20,000/- each in default thereof, six months' additional simple imprisonment.

All the substantive sentences to run concurrently.

Learned counsel for the applicants submits that the fatal injury has been attributed to the co-accused. He further submits that their conviction has been recorded under Section 302 IPC with aid of Section 149 IPC. He contends that they were on bail during trial with no allegation of its misuse. He, therefore, prays that their applications for suspension of sentence be allowed.





Per contra learned Government Advocate cum Additional Advocate General assisted by learned counsel for the complainant opposed the prayer and prayed for dismissal of the suspension of sentence applications.

Heard. Considered.

From the material available on record, it appears that the deceased- Kanvraj Singh has received four injuries, i.e., one gunshot injury and three abrasions.

Indisputably, the fatal injury, i.e. gunshot injury has not been attributed to the applicants but, to the co-accused. They were on bail during the trial with absence of allegation of misuse of their liberty. Hearing of the appeals is likely to take time. In view thereof, we are inclined to allow the applications for suspension of sentence.

Accordingly, the suspension of sentence applications are allowed. The substantive sentence awarded to the applicants-**1. Gajveer Singh Son of Shri Deepak Singh Rathor, 2. Devendra Singh Son of Shri Virendra Singh Meditya, 3. Rajendra Singh Son of Shri Phool Singh Shekhawat, 4. Maina Kanwar Wife of Shri Ravindra Singh Rathor, 5. Krishan Devraj Singh @ Nand Singh Son of Shri Ravindra Singh Rathor, 6. Himmat Singh Son of Shri Hem Singh & 7. Jitendra Singh @ Aalu Son of Shri Ajit Singh Medtiya** by the learned trial Court vide judgment dated 30.08.2025 shall remain suspended during pendency of the appeals provided each of them furnishes bail bonds to the satisfaction of the learned trial Court to the effect that they shall appear before this Court on or before





05.03.2026 and as and when called upon to do so till disposal of the appeals and subject to following conditions:

1. That they will appear before the learned trial court in the month of January of every year till the appeals are decided.
2. That if the applicants change the place of residence, they will give in writing their changed address(es) to the learned trial Court as well as to counsel(s) in the High Court who shall, in turn, inform this Court.
3. Similarly, if the sureties change their address(es), they will give in writing their changed address(es) to the learned trial Court.

The learned trial Court shall keep the record of attendance of the accused-applicants in a separate file(s). Such file(s) be registered as Criminal Misc. Case relating to original case in which the accused-applicants were tried and convicted. A copy of this order shall also be placed in that file for ready reference. Criminal Misc. file shall not be taken into account for statistical purpose relating to pendency and disposal of the case in the trial Court. In case, the said accused-applicants do not appear before the learned trial Court, learned trial Judge shall report the matter to the High Court for cancellation of benefit extended by this order.

(SAMEER JAIN),J

(MAHENDAR KUMAR GOYAL),J

DEEPAK /15-18

