IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM no. OF 2018

IN

CRA No. 786-DB 0f 2017

In Re:

Ajit and Other ------------Appellants

VERSUS

State of Haryana ------------------- Respondent

First Application under Section 389 of Cr.P.C praying for suspension of sentence and grant of bail to the applicants /appellants during the pendency of Criminal appeal No. 786-DB of 2017 in this Hon,ble Court.

Respectfully Showeth:-

1. That applicants/appellants no.1 Ajit and no.2 Subodh @ Babloo sons of Sh. Raj Kumar have been filed present appeal against the judgment of conviction dated 18.7.2017 and order of sentence dated 21.7.2017 passed by the Ld. Additional Sessions Judge, Hisar.
2. That applicants/appellants have been convicted and sentenced by the Court of ld. Addl. Sessions Judge, Hisar on 18/21.7.2017 **as under:-**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Sr.  No. | Offence  u/ss | imprisonment | Fine | In default of payment of fine |
| 1. | 148 IPC | Rigorous imprisonment for three years | Rs 1,000/- | Further undergo  Rigorous imprisonment for one month |
| 2 | 302/149 IPC | Imprisonment for life | Rs. 10,000/- | Further undergo  Rigorous imprisonment for two years |
| 3 | 328/149 IPC | Rigorous imprisonment for seven years | Rs. 5,000/- | Further undergo  Rigorous imprisonment for one years |
| 4 | 364/149IPC | Rigorous imprisonment for ten years | Rs. 10,000/- | Further undergo  Rigorous imprisonment for two years |
| 5 | 323/149IPC | Rigorous imprisonment for one years | Rs. 500/- | Further undergo  Rigorous imprisonment for one month |
| 6 | 325/149IPC | Rigorous imprisonment for four years | Rs. 5,000/- | Further undergo  Rigorous imprisonment for one month |

All the substantive sentences shall run concurrently.

1. That the grounds of appeal may kindly be read as a part of this application.
2. That the applicants/appellants have undergone 5 years 7 months . Applicants/ appellants are in continuously custody since from 24.6.2012 i.e from the date of their arrest after the registration of the FIR no.108 dated 22.5.2012 u/s 302/328/364/323/325/148/149 IPC P.S. Agroha District Hisar.
3. That the case of the applicants/appellants’ is fully covered by the judgment of this Humble Court in Dharam Pal versus State of Haryana , 1999 (4) RCR (Criminal) 600, therefore they craves kind indulgence of this Hon,ble Court for suspension of sentence and grant of bail during the pendency of the present appeal in this Humble Court.
4. That the appeal is not likely to be listed for hearing in the near future.
5. That the applicants/appellants have a good case of acquittal on merits.
6. That the applicants/appellants had not earlier applied for bail.
7. That now the applicants/appellants is applying for suspension of sentence and grant of bail as per the law laid down in case Dharam Pal versus state of Haryana , 1994(4) RCR ( Criminal) 600 , they are entitled for suspension of sentence and grant of bail during the pendency of present appeal.

It is ,therefore, respectfully prayed that the present application be allowed and the sentence imposed upon the applicants/appellants may kindly be suspended during the pendency of the appeal and they be ordered to be released on bail in the interest of justice.

Chandigarh SURESH AHLAWAT

Dated 5.2.2018 ADVOCATE

Counsel for the Applicants/appellants

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM no. OF 2018

IN

CRA No. 786-DB 0f 2017

(now confined in Distt. Jail Hisar)

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Memo of Parties

1. Ajit son of Raj Kumar (aged about 46 years)
2. Subodh@ Babloo son of Raj Kumar ( aged about 32 years)

both resident of Village Landhari, Police Station Agroha, Disttt. Hisar. ----------------- Appellants

VERSUS

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Chandigarh SURESH AHLAWAT

Dated 5.2.2018 ADVOCATE

Counsel for the Applicants/appellants

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INDEX

|  |  |  |  |
| --- | --- | --- | --- |
| Sr. No. | Contents | Date | Pages |
| 1 | Application u/s 389 Cr.P.C. praying for suspension of sentence | 5. 2.2018 |  |
| 2. | Power of Attorney | All ready on record |  |

Chandigarh SURESH AHLAWAT

Dated 5.2.2018 ADVOCATE

Counsel for the Applicants/appellants