



**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO. 1585 OF 2024
(Arising out of SLP(CrL.) No.494/2024)**

JOR SINGH

APPELLANT(S)

VERSUS

THE STATE OF RAJASTHAN

RESPONDENT(S)

ORDER

Leave granted.

Heard learned counsel for the appellant and the State.

The appellant has approached this Court assailing an order of the High Court of Judicature for Rajasthan at Jaipur Bench passed on 18.10.2023. By this order, the High Court has rejected his prayer for suspension of sentence and consequent release on bail pending disposal of his appeal. The appellant has been convicted for his act resulting in death of one 'Rohit Kumawat', under Sections 326, 324 and 304 Part 2 of the Indian Penal Code('IPC'). As it is revealed from the custody certificate appearing at page No.'214 A' of the paperbook, as on 12th December, 2023, he had undergone detention for six years and eleven months.

The punishment imposed on him is of ten

years simple imprisonment and fine so far as commission of offence under Part 2 of Section 304 of the IPC is concerned. Lesser imprisonment is prescribed for other offences also, but they were to run concurrently. As it would appear from the penultimate paragraph of the judgment assailed, the factor which had weighed with the High Court for rejecting his plea for suspension of sentence was that he had faced charge under Section 302 IPC. But his actual conviction was for commission of offence under Part 2 of Section 304 IPC.

We are of the view that the offence he was charged with is of little relevance in a proceeding of this nature. There is no other factor which could justify his continued detention. Moreover, as the appellant has covered more than 2/3rd of the punishment imposed, we do not think he ought to remain detained till conclusion of hearing of the appeal. We, accordingly, suspend the sentence of the appellant and direct his release on bail on such conditions the Trial Court may consider fit and proper. The appellant, however, shall not delay hearing of the appeal and in the event he tries to cause delay in conclusion of the appeal, it shall be open to the prosecution to apply before the High Court itself for cancellation of his bail.

The present appeal stands allowed in the above terms.

Pending application(s), if any, shall also stand disposed of.

.....J.
[ANIRUDDHA BOSE]

.....J.
[SANJAY KUMAR]

**NEW DELHI;
MARCH 15, 2024.**

ITEM NO.43

COURT NO.5

SECTION II

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (Crl.) No. 494/2024

(Arising out of impugned final judgment and order dated 18-10-2023 in SBCRMSOSA(A) No. 1273/2023 in S.B. Crl.A. No.2406/2023 passed by the High Court Of Judicature For Rajasthan At Jaipur)

JOR SINGH

Petitioner(s)

VERSUS

THE STATE OF RAJASTHAN

Respondent(s)

(IA No. 8123/2024 - EXEMPTION FROM FILING O.T.)

Date : 15-03-2024 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ANIRUDDHA BOSE
HON'BLE MR. JUSTICE SANJAY KUMAR

For Petitioner(s) M/S. Lawyer S Knit & Co, AOR
Ms. Bina Madhavan, Adv.
Mr. S. Udaya Kumar Sagar, Adv.
Mr. Tushar Singh, Adv.
Ms. Niharika Tanneru, Adv.

For Respondent(s) Mr. Anish Maheshwari, Adv.
Mr. Anand Shankar, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal stands allowed and the appellant is
granted bail in terms of the signed order which is
placed on the file.

Pending application(s), if any, shall stand
disposed of.

(SNEHA DAS)
SENIOR PERSONAL ASSISTANT

(MALEKAR NAGARAJ)
COURT MASTER (NSH)