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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Date of Decision: 17th November, 2026***

\# **CNR No. DLHC010459102026**

\+ CRL.A. 951/2026 & CRL.M.(BAIL) 1829/2026

A....CCL .....Appellant

Through: Mr. Saurav Joon, Mr. Ravinder Dabas & Mr. Vaibhav Dubey, Advs.

versus

THE STATE OF NCT ODF DELHI .....Respondent

Through: Mr. Manoj Pant, APP for the State. P.W. ASI Laxmi, PS CWC Nanak Pura & SI Manisha, PS Punjabi Bagh.

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J. *(Oral):*

CRL.A. 951/2026

1. Learned Additional Public Prosecutor ("APP") for the State submits that he may be granted further time to file a Status Report.

2. Let Status Report be filed by the State, before the next date of hearing.

3. The latest Nominal Roll of the appellant be requisitioned from the concerned Jail Superintendent and placed on record, before the next date of hearing.

4. Appeal is admitted.

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5. List on its own turn.

CRL.M.(BAIL) 1829/2026 (For suspension of sentence)

6. By way of the present application, the applicant/appellant seeks suspension of sentence during the pendency of the captioned appeal filed against the judgment dated 06th June, 2026, and the order on sentence dated 22nd July, 2026, passed by the Principal Magistrate, Juvenile Justice Board-III, Sewa Kutir, Delhi, in connection with the First Information Report ("FIR") being *FIR No. 682/2019*, registered at Police Station ("PS") Punjabi Bagh.

7. Learned counsel appearing for the applicant/appellant submits that the applicant/appellant is a Child in Conflict with Law ("CCL") and has been sentenced to detention for a fixed period of two years, i.e., from 22nd July, 2026 to 22nd July, 2028.

8. He further submits that applicant/appellant was on bail throughout the trial and was only arrested subsequent to passing of the impugned order on sentence dated 22nd July, 2026.

9. It is submitted that the applicant/appellant has already undergone approximately 150 (one hundred and fifty) days of detention.

10. This Court notes that *vide* judgment dated 06th June, 2026, the applicant/appellant has been found to be involved in the commission of the offence under Sections 376D/302/120B/109 of the Indian Penal Code, 1860 ("IPC"), Section 6 of the Protection of Children from Sexual Offences Act, 2012 ("POCSO"), and also for abetment under Section 6 read with Section 17 of the POCSO Act. Further, *vide* order on sentence dated 22nd July, 2026, the applicant/appellant has been directed to be sent to special home till 22nd

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July, 2028, for reformative services.

11. This Court is mindful of the law laid down by the Supreme Court with regard to the suspension of a fixed term of sentence during the pendency of the criminal appeal. In this regard, it may be apposite to the refer to the landmark decision of the Supreme Court rendered in ***Bhagwan Rama Shinde Gosai & Ors. Versus State of Gujarat, (1999) 4 SCC 421***, wherein the following was observed:

> *"xxx xxx xxx*
>
> *3.* ***When a convicted person is sentenced to a fixed period of sentence and when he files an appeal under any statutory right, suspension of sentence can be considered by the appellate court liberally unless there are exceptional circumstances. Of course, if there is any statutory restriction against suspension of sentence it is a different matter.*** *Similarly, when the sentence is life imprisonment the consideration for suspension of sentence could be of a different approach. But if for any reason the sentence of a limited duration cannot be suspended every endeavour should be made to dispose of the appeal on merits more so when a motion for expeditious hearing of the appeal is made in such cases. Otherwise the very valuable right of appeal would be an exercise in futility by efflux of time.* ***When the appellate court finds that due to practical reasons such appeals cannot be disposed of expeditiously the appellate court must bestow special concern in the matter of suspending the sentence so as to make the appeal right, meaningful and effective. Of course, appellate courts can impose similar conditions when bail is granted.***
>
> *xxx xxx xxx"*
>
> *(Emphasis supplied)*

12. The aforenoted observations have recently been reiterated by the Supreme Court in ***Aasif alias Pasha Versus State of U.P. and Others, 2025 SCC OnLine SC 1644***, wherein, it has been held that suspension of a fixed

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term of sentence is to be considered liberally, and ought to be declined only where there are compelling circumstances on record indicating that the release of the appellant would be against public interest. The relevant portions of the said judgment are reproduced as under:

> *"xxx xxx xxx*
>
> ***10. There are two types of sentence that the Trial Court can impose depending on the nature of the offence. Some orders of sentence are for a fixed term, unlike the order of sentence of life imprisonment.***
>
> ***11.*** *The case in hand is one of a fixed term of sentence. The maximum punishment that has been imposed is 4 years.*
>
> ***12. Way back in 1999, this Court in "Bhagwan Rama Shinde Gosai v. State of Gujarat", (1999) 4 SCC 421 stated that when a convicted person is sentenced to a fixed period of sentence and when he files an appeal under any statutory right, suspension of sentence should be considered by the Appellate Court liberally unless there are exceptional circumstances.***
>
> ***13.*** *Of course, if there is any statutory restriction against suspension of sentence, it is a different matter.*
>
> ***14.*** *Similarly, when the sentence is life imprisonment, the consideration for suspension of sentence could be of a different approach.*
>
> ***15.*** *But if for any reason the sentence of a limited duration cannot be suspended, every endeavour should be made to dispose of the appeal on merits, more so when a motion for expeditious hearing of the appeal is made in such cases.*
>
> ***16. This Court said in so many words that otherwise the very valuable right of the appellant would be an exercise in futility by afflux of time.***
>
> ***17.*** *When the Appellate Court finds that due to practical reasons, such appeals cannot be disposed of expeditiously, the Appellate Court must show special concern in the matter of suspending the sentence so as to make the appeal right, meaningful and effective. At the same time, the appellate courts can impose similar conditions when appeal is granted.*

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xxx xxx xxx

22. *..... **The High Court shall keep in mind that the sentence is for a fixed term, i.e. 4 years and it is only if there are any compelling circumstances on record to indicate that the release of the appellant would not be in public interest that the Court may order accordingly**.*

xxx xxx xxx"

(Emphasis supplied)

13. This Court notes that in the present case, the applicant/appellant was enlarged on bail throughout the trial and that nothing has been brought to the notice of this Court to suggest that the applicant/appellant misused the liberty granted to him during the trial.

14. This Court is also informed that the applicant/appellant has no other criminal antecedents and is now a 24 (twenty-four) year-old married man with two children. This Court has taken note of the submissions made by learned counsel for the applicant/appellant in this regard.

15. Considering the facts and circumstances of the present case, the law laid down by the Supreme Court, and the fact that the present appeal pertains to the year 2026 and its hearing is likely to take some time, this Court deems it fit to suspend the sentence of the applicant/appellant during the pendency of the appeal.

16. In view thereof, the sentence imposed upon the applicant/appellant *vide* order on sentence dated 22nd July, 2026, passed by the Principal Magistrate, Juvenile Justice Board-III, Sewa Kutir, Delhi, in connection with the First Information Report ("FIR") being *FIR No. 682/2019*, shall remain suspended during the pendency of the captioned appeal, subject to the applicant/appellant furnishing a personal bond in the sum of Rs.15,000/- with one surety of the like amount to the satisfaction of the concerned Jail

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Superintendent, and further subject to the following conditions:

i. The applicant/appellant shall provide his mobile number(s) to the concerned Investigating Officer ("IO"), which shall be kept in a working condition at all time and shall not be switched off.

ii. The applicant/appellant shall not change his mobile number(s) without prior intimation to the IO concerned during the period of suspension of sentence.

iii. The applicant/appellant shall furnish his permanent address to the IO, within two weeks of his release. In case he changes his address, he will inform the IO concerned as well as this Court.

iv. The applicant/appellant shall appear before the Court as and when the appeal is taken up for hearing.

v. The applicant/appellant shall not leave the country without the permission of this Court.

vi. The applicant/applicant shall not commit any offence during the period of their release.

vii. The applicant/appellant shall not come in contact with the victim or her family members in any manner.

17. Copy of the order be sent to the concerned Jail Superintendent for information and necessary compliance.

18. It is clarified that any observations made herein are purely for the purposes of deciding the question of suspension of sentence and shall not be construed as an expression on the merits of the appeal.

19. The present application is allowed and disposed of in the aforesaid terms.

20. Copy of the order be sent to the concerned Jail Superintendent for

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information and necessary compliance.

MINI PUSHKARNA, J

NOVEMBER 17, 2026/Ni

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