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

% ***Date of Decision: 26th November, 2026***

CNR No. DLHC010373682026

\+ CRL.A. 773/2026 & CRL.M.(BAIL) 1526/2026

ARJUN KUMAR .....Appellant

Through: Mr. S.B. Tripathi, Advocate.
(M): 9999002154
Email: shive@sbtripathiadvocate.com

versus

NCT OF DELHI .....Respondent

Through: Mr. Raj Kumar, APP for the State.
(M): 9810405319
Ms. Anushkaa Arora, SC, DHCLSC with Mr. Shivansh Tyagi, Advocate for the victim.
(M): 987199212
011-41414498
Email: legal@abalawoffice.in
SI Shivam Sharma, PS Mayur Vihar.

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

MINI PUSHKARNA, J. *(Oral):*

CRL.M.(BAIL) 1526/2026 (For suspension of sentence)

1. The present application has been filed under Section 389 of the Code of Criminal Procedure, 1973 ("CrPC") read with Section 482 of the CrPC and Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS"), seeking suspension of sentence imposed upon the appellant, i.e., Arjun

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Kumar, S/o Devaki Nandan, pending appeal and release of the appellant on bail in connection with the First Information Report ("FIR") being *FIR No. 141/2019*, dated 26th April, 2019, registered at Police Station ("PS") Mayur Vihar, East, New Delhi.

2. The appellant herein has been sentenced *vide* order on sentence dated 20th July, 2019, passed by the Court of Additional Sessions Judge ("ASJ") – 06, Special Judge, POCSO Act, East District, Karkardooma Courts, Delhi, in the Sessions Case being *SC 2381/2019,* in the following manner:

a. Rigorous imprisonment for a period of 01 (one) year, along with a fine of Rs. 500 (Rupees Five Hundred only), in default whereof, to a simple imprisonment for a period of 15 (fifteen) days, for the offence punishable under Section 323 read with Section 34 of the Indian Penal Code, 1860 ("IPC");

b. Simple imprisonment for a period of 01 (one) month, along with a fine of Rs. 500 (Rupees Five Hundred only), in default whereof, to a simple imprisonment for a period of 15 (fifteen) days, for the offence punishable under Section 341 read with Section 34 of the IPC;

c. Rigorous imprisonment for a period of 03 (three) years, along with a fine of Rs. 2,000 (Rupees Two Thousand only), in default whereof, to a simple imprisonment for a period of 15 (fifteen) days, for the offence punishable under Section 354 of the IPC;

d. Rigorous imprisonment for a period of 02 (two) years, along with a fine of Rs. 1,000 (Rupees One Thousand only), in default whereof, to a simple imprisonment for a period of 15 (fifteen) days, for the offence punishable under Section 506 read with Section 34 of the IPC;

e. Rigorous imprisonment for a period of 03 (three) years, along with a

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fine of Rs. 2,000 (Rupees Two Thousand only), in default whereof, to a simple imprisonment for a period of 15 (fifteen) days, for the offence punishable under Section 8 of the Protection of Children from Sexual Offences Act, 2012 ("POCSO Act");

f. The sentences awarded are directed to run concurrently.

3. Learned counsel appearing for the appellant submits that since the appeal is of the year 2026, the appeal is unlikely to be heard in the recent future.

4. He submits that the appellant has been sentenced to undergo a total of 03 (three) years of sentence with a total fine of Rs. 6000/- (Rupees Six Thousand only), which has already been paid by the appellant.

5. He further submits that the appellant was on bail throughout the trial, and was only taken into custody after the order on sentence was pronounced.

6. Learned counsel appearing for the victim opposes the present application, and submits that the victim has clearly deposed, on the basis of which, the appellant has been convicted.

7. Learned Additional Public Prosecutor ("APP") for the State submits that the conviction in the present case is for 03 (three) years, and since the appellant was on bail throughout the trial, the Court may pass appropriate orders.

8. Having heard the learned counsels appearing for the parties, at the outset, this Court notes that the appellant was on bail throughout the trial and has been taken into custody on 20th July, 2026, after the order on sentence dated 20th July, 2026, was passed by the Sessions Court.

9. This Court also takes note of the fact that the appellant is a young man of 35 (thirty-five) years of age with 02 (two) small children, as his wife has

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already expired. There is only the old mother of the appellant to take care and to look after the children and no one else.

10. The present appeal is of the year 2026 and there is no likelihood of the appeal being heard at an early date.

11. It is to be noted that the Supreme Court has categorically held that in cases where the conviction is up to 03 (three) years or a fixed term sentence, the Courts ought to take a liberal view. Fruitful reliance cane be placed on the judgment in the case of ***Bhagwan Rama Shinde Gosai and Others Versus State of Gujrat, (1999) 4 SCC 421***, where, the Supreme Court has held as follows:

> *"xxx xxxx 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"*
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> *(Emphasis Supplied)*

12. Likewise, in the judgment in the case of ***Suresh Kumar and Others Versus State (NCT of Delhi), (2001) 10 SCC 338***, it was held as follows:

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"xxx xxx xxx

5. *This Court has stated in Bhagwan Rama Shinde Gosai v. State of Gujarat [(1999) 4 SCC 421 : 1999 SCC (Cri) 553] : (SCC p. 422, para 3)*

"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."

xxx xxx xxx"

(Emphasis Supplied)

13. Accordingly, considering the submissions made before this Court, it is directed that the judgment dated 20th November, 2025 and the order on sentence dated 20th July, 2026, shall remain suspended till the disposal of the appeal.

14. Accordingly, the appellant is directed to be released on bail in the proceedings emanating from the *FIR No. 141/2019*, dated 26th April, 2019, registered at PS Mayur Vihar, East, New Delhi, subject to the following conditions:

I. The appellant shall furnish personal bond in the sum of Rs. 10,000/- (Rupees Ten Thousand only) with one surety of the like amount to the satisfaction of the concerned Jail Superintendent;

II. The appellant shall ordinarily reside at his address as per prison records;

III. The appellant shall furnish to the Investigating Officer ("IO"), a mobile phone number on which the appellant may be contacted at any time and he shall ensure that the number is kept active and switched on at all times;

IV. If the appellant has a Passport, he shall surrender the same to the

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concerned Jail Superintendent and shall not travel out of the country, without prior permission of this Court;

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

VI. The appellant shall furnish his permanent address to the IO, within 02 (two) weeks of his release. In case he changes his address, he will inform the IO concerned as well as this Court.

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

VIII. The appellant shall not commit any offence during the period of his release.

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

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

17. *Dasti* under the signatures of the Court Master.

MINI PUSHKARNA, J

NOVEMBER 26, 2026
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