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

+ CRL.A. 310/2023

KAPTAN SINGH

..... Appellant

Through: Mr. Mukesh Kalia, Mr. Anirudh  
Yadav and Mr. Jitender Gupta,  
Advocates

versus

STATE GOVT OF NCT OF DELHI

..... Respondent

Through: Mr. Laksh Khanna, APP for State  
with Insp. Dinesh Rana, PS Sector 23,  
Dwarka  
Mr. Anupam S. Sharrma, Advocate  
with complainant in person

**CORAM:**

**HON'BLE MR. JUSTICE SURESH KUMAR KAIT**  
**HON'BLE MS. JUSTICE SHALINDER KAUR**

**ORDER**

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**30.10.2023**

**CRL.M.(BAIL) 486/2023**

1. The present appeal has been preferred by the appellant seeking quashing/setting aside of the judgment dated 03.01.2023 and order on sentence dated 18.03.2023 passed by learned trial Court in S.C. No.440351/2016, FIR No.929/2007, for the offences under Sections 498-A/304-B/302/201/34 IPC, registered at Police Station Dwarka, Delhi whereby the appellant was held guilty and sentenced to undergo rigorous imprisonment for 7 years for the offence punishable under Section 304-B IPC and to pay fine of Rs 10,000/-. In default of payment of fine, the



appellant was directed to further undergo SI for 3 months. Appellant was further sentenced to undergo rigorous imprisonment for 3 years for the offence punishable under Section 498-A IPC and to pay fine of Rs 5,000/-. In default of payment of fine, appellant was directed to further undergo SI for 3 months. All the sentences and default sentences were directed to run concurrently. In order to provide compensatory justice to the family of deceased, the appellant was further directed to pay a sum of Rs. 25,000/- to the parents of deceased and in default of payment of compensation amount, appellant was directed to further undergo simple imprisonment for 3 months.

2. Vide this application, the applicant/appellant is seeking suspension of sentence in case FIR No.929/2007, for the offences under Sections 498-A/304-B/302/201/34 IPC, registered at Police Station Dwarka, Delhi during pendency of the appeal.

3. Though the learned APP for State has strongly opposed the present application, however, keeping in view the fact that as per nominal roll dated 03.05.2023, the appellant has already undergone sentence for 1 year and 12 days as on 30.04.2023. Thus, as on date, the appellant has already undergone incarceration for more than one and a half years and appellant's conduct in jail is satisfactory. There is no other case pending against the appellant. Moreover, the age of appellant is more than 75 years.

4. Keeping in view the aforesaid facts and the fact that the present appeal is of the year 2023 and also that there are old appeals pending before us and the hearing of present appeal shall take substantial time, accordingly, we hereby suspend the sentence of the appellant during the pendency of the present appeal. Accordingly, the appellant be released on bail, if not required in any other case, on his furnishing a bail bond of Rs.10,000/- with



one surety of like amount to the satisfaction of jail superintendent concerned.

5. Copy of order be transmitted to the concerned jail authorities for compliance.

6. Application stands disposed of.

**SURESH KUMAR KAIT, J**

**SHALINDER KAUR, J**

**OCTOBER 30, 2023/rk**