

CRM-10201-2021 in CRA-D-503-DB-2017

RAM MEHAR AND ORS V/S STATE OF HARYANA

(PROCEEDINGS THROUGH VC)

Present: Mr. Vishal R Lamba, Advocate for the applicant/appellants.

Ms. Tanisha Peshawaria, Deputy Advocate General, Haryana.

Custody certificates of applicant/appellant No.1-Ram Mehar, applicant/appellant No.2-Ram Bilas and applicant/appellant No.3-Sarabjeet Singh has been received, which have been taken on record.

Learned counsel for the State prays for an adjournment to produce the custody certificate of applicant/appellant No.5-Pradeep Kumar S/o Nakli Singh, as she states that she has received the custody certificate of a wrong person.

Learned counsel for the applicant/appellants prays for an adjournment on behalf of applicant/appellant No.1-Ram Mehar and applicant/appellant No.3-Sarabjeet Singh. He, however, asserts that applicant/appellant No.2-Ram Bilas would be entitled to the benefit of the judgment passed in '*Dharam Pal Vs. State of Haryana, 1999 (4) RCR (Criminal) 600*'. He asserts so on the basis of the custody period as reflected in the custody certificate received from the counsel of the State of Haryana, according to which, he has completed actual undergone custody period (total) of 07 years 08 months and 18 days out of which the actual custody period after conviction is 03 years 01 month and 10 days. Counsel contends that the appeal preferred by the applicant-appellant No.2 is not likely to be heard in the near future and, therefore, he be granted the benefit of suspension of sentence during the pendency of the appeal.

Learned counsel for the State, on the other hand, opposes the prayer made in the present application while asserting that active role has been attributed to the applicant-appellant and, therefore, may not be granted the benefit as prayed for.

Having considered the submissions made by learned counsel for the parties and keeping in view the actual custody period having undergone by the applicant/appellant No.2-Ram Bilas, we accept the prayer made in the application for suspension of sentence being covered by the ratio in *Dharampal's* case (supra) as the appeal is not likely to be heard in the near future and during the parole, there has been nothing which would indicate his involvement in any other case.

Applicant/appellant No.2-Ram Bilas S/o Silak Ram is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Gurugram.

The prayer of suspension of sentence of the applicant/appellant Nos.1, 3 and 5 is adjourned to 21.02.2022.

(AUGUSTINE GEORGE MASIH)
JUDGE

November 24th, 2021
ps-I

(SANDEEP MOUDGIL)
JUDGE