Pawan Kumar vs. State of Himachal Pradesh

Cr. Appeal No. 350 of 2024

07.10.2026 **Present:** Mr. Divya Raj Singh and Mr. Karan Sadyal, Advocates, for the applicant-appellant.

Ms. Sharmila Patial, Additional Advocate General, for the respondent-State.

CRMP No. 2658 of 2026

This application has been filed for suspension of sentence of the applicant-appellant on the ground that he has served about 4 years 10 months, i.e., one-third of the awarded sentence and being a first time offender, he may be enlarged on bail, particularly keeping in view the provisions of Section 479 of BNSS.

Plea raised on behalf of applicant-appellant is misconceived because Section 479 of BNSS provides enlargement of an accused on bail for detention of one-third of the maximum prescribed sentence of the offence.

Further, there is another condition, which requires to be fulfilled for invoking the said provision, which is that there is no likelihood of hearing of the appeal. Present appeal pertains to the year 2024, whereas roster for hearing jail appeals has been available till 2025 and, thus, we are of the considered opinion that on both counts, the applicant-appellant is not entitled for suspension of sentence at this stage.

Accordingly, application is dismissed and disposed of.

(Vivek Singh Thakur)
Judge

(Bhupesh Sharma)
Judge

7th October, 2026
(Susheel)