

Rampal V/s State of Haryana

Present: Mr. Vinod Ghai, Senior Advocate with
Mr. Arnav Ghai, Advocate;
Mr. Arjun Sheoran, Advocate and
Ms. Kashish Sahni, Advocate for the applicant/appellant.

Mr. Deepak Bhardwaj, Addl. A.G., Haryana with
Mr. Munish Sharma, DAG, Haryana.

The applicant-appellant seeks suspension of sentence of imprisonment as imposed upon him vide order dated 17.10.2018 pursuant to judgment dated 11.10.2018 passed by learned Additional Sessions Judge, Special Court at Central Jail-I, Hisar for having committed offences punishable under Sections 343, 302 and 120-B of Indian Penal Code. He has been sentenced as under:

| Sr. No. | Offence Under Section | Imprisonment | Fine | In default of payment of fine |
|---------|-----------------------|-------------------------------------|------------|-------------------------------------|
| 1. | 343 IPC | R.I. for 2 Years | Rs.5,000/- | To further undergo R.I. for 1 month |
| 2. | 302 IPC | R.I. for life without any remission | Rs.1 lakh | To further undergo R.I. for 2 years |
| 3. | 120-B IPC | R.I. for life without any remission | Rs.1 lakh | To further undergo R.I. for 2 years |

Learned counsel for the applicant/appellant submits that the applicant/appellant has been falsely implicated in the present case and as a matter of fact it is a case of natural death, wherein even as per the report of board of doctors the deceased had died on account of ‘pneumonia’. It has further been submitted that infact 2 of the eye-witnesses, who are closely related to the deceased i.e. being the husband and mother-in-law of the deceased themselves admitted the fact that the deceased was already suffering from pneumonia since about 1 month prior to the date of occurrence. It has further been submitted that the applicant/appellant, who is

presently aged about 74 years, has already undergone an actual sentence of 10 years and 27 days and since 13 of his other co-accused have already been released on bail, the applicant/appellant also deserves the same concession on grounds of parity.

Opposing the application, learned State counsel submitted that it is a case where infact the deceased as well as number of other women had been held captive in the '*ashram*' of the applicant/appellant, where they were not even given food & sufficient accommodation and it was on account of suffocation that the deceased lost her life.

Learned State counsel has filed custody certificate of the applicant/appellant today in Court, as per which the applicant-appellant has undergone an actual sentence of imprisonment of 10 years and 27 days out of the total imposed sentence i.e. rigorous imprisonment for life without any remission. The custody certificate is taken on record.

We have considered the aforesaid submissions.

While there are specific allegations against the applicant/appellant to the effect that he had kept the women captive, but there are certainly some debatable issues particularly as regards the medical evidence, which had been brought on record. Additionally, we find that the applicant/appellant as on date is aged about 74 years and has undergone the substantive period of sentence i.e. 10 years and 27 days and given the fact that husband as well as mother-in-law of the deceased have not supported the case of the prosecution, we find it to be a fit case for suspending the sentence of the applicant/appellant during pendency of the main appeal. The instant application, as such, is allowed and it is ordered that the remaining sentence

of imprisonment of the applicant/appellant shall remain suspended during pendency of the appeal, subject to his furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

(GURVINDER SINGH GILL)
JUDGE

28.8.2025

Pankaj

(DEEPINDER SINGH NALWA)
JUDGE