



2026:DHC:6875-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI***Reserved on: 22nd July, 2026**Pronounced on: 19th August, 2026**Uploaded on: 19th August, 2026*# **CNR No. DLHC010886652025**+ **CRL.A. 1564/2025****SHASHANK JADON**

.....Appellant

Through: Mr. Rakesh Kumar Khanna Sr. Adv,
Mr. Pramod Kumar, Mr. Ajay Kumar
Yadav, Ms. Kanti Tiwari, Ms. Arushi
Jindal and Mr. Rupinder Walia, Advs.

versus

CENTRAL BUREAU OF INVESTIGATION

.....Respondent

Through: Mr. Atul Guleria, SPP CBI with Mr.
Aryan Rakesh, Adv. and Mr. Divyapal
Choudhary, SI CBI SC-III.
Mr. Ankur Mittal, Sr. Adv. with Ms.
Ipshita Dutta and Ms. Rabaica Jaiswal,
Advs. for Complainant.**CORAM:****JUSTICE PRATHIBA M. SINGH****JUSTICE VIKAS MAHAJAN****JUDGEMENT****Prathiba M. Singh, J.**

1. This hearing has been done through hybrid mode.

CRL.M.(BAIL) 2266/2025 (suspension of sentence)

2. This is an application file by the Appellant – Shashank Jadon, u/s 430, Bhartiya Nagarik Suraksha Sanhita, 2023, seeking suspension of his sentence during the pendency of the appeal before this Court.

3. The Appellant herein has been convicted for offences punishable under Sections 302/307/398/201, r/w Section 120-B of the Indian Penal Code, 1860



& (hereinafter, 'IPC'), read with Sections 25 & 27 of the Arms Act, *vide* judgment dated 20th September, 2025, passed by the Id. Special Judge, (PC Act) (CBI)- 18, Rouse Avenue Court, New Delhi in Case No. SC/23/2019 arising out of FIR No. RC-03(S)/2016/CBI/SC-III/ New Delhi (*hereinafter*, 'the impugned judgment'). The relevant portion of the conviction judgement is extracted below:

“Decision:

167. In view of the aforesaid facts established on record, the accused persons are convicted as below:-

167.1. Both the accused persons are convicted of the offences punishable u/Sec.120-B r/w Sec.302/307/398 IPC.

167.2. Accused Shashank Jadon is convicted of the offences punishable u/Sec.302/307/398/201 IPC & Sec. 25&27 Arms Act.

167.3 Accused Manoj Kumar is convicted of the offences punishable u/Sec.302/34, 307/34, 398 & 201 IPC.”

4. *Vide* a separate order on sentence dated 13th October, 2025 passed by the Id. Trial Court, the Appellant has been sentenced to undergo life imprisonment, and all sentences are to run concurrently. The sentence was passed in the following terms:

<i>S. No.</i>	<i>Section</i>	<i>Sentence</i>
<i>1.</i>	<i>120B IPC r/w Sec. 302/307/398 IPC</i>	<i>Life imprisonment with fine in the sum of Rs.10,000/-, IDSI 30 days</i>
<i>2.</i>	<i>302 IPC</i>	<i>Life imprisonment with fine in the sum of Rs.10,000/-, IDSI 30 days</i>
<i>3.</i>	<i>307 IPC</i>	<i>Rigorous imprisonment for 7 years with fine of Rs.10,000/-, IDSI 30 days.</i>



4.	398 IPC	<i>Rigorous imprisonment for 7 years with fine of Rs.10,000/-, IDSI 30 days.</i>
5.	201 IPC	<i>Rigorous imprisonment for 7 years with fine of Rs.10,000/-, IDSI 30 days.</i>
6.	25 Arms Act	<i>Rigorous imprisonment for 3 years with fine of Rs.10,000/-, IDSI 30 days.</i>
7.	27 Arms Act	<i>Rigorous imprisonment for 7 years with fine of Rs.10,000/-, IDSI 30 days.</i>

5. Against the impugned judgment, as well as the order on sentence, the Appellant has approached this Court by way of the present Criminal Appeal, which is pending adjudication.

6. For a proper adjudication of the instant application seeking suspension of sentence during the pendency of the Appeal, this Court deems it fit to consider the background which gives rise to the Appeal.

BACKGROUND:

7. The incident in question took place on 13th April, 2015, when a young, newly married Software Engineer, working with Tata Consultancy Services – Mr. Ankit Chauhan was driving along with his friend – Gagan Dudhoria from Sector 135, Noida to Sector 76 Noida, Uttar Pradesh, in his newly purchased Toyota Fortuner Car bearing temporary number UDB 0044239.

8. The allegation against the Appellant is that he, along with 2 other co-accused persons- Manoj Kumar and Pankaj Kumar were driving a Honda Accord car bearing No. UP-14BA-2300 and were duly armed. The Appellant is stated to have fired multiple gun shots, grievously injuring the deceased Ankit Chauhan, but the co-passenger Gagan Dudhoria is stated to have narrowly escaped.



9. The Appellant and the co-accused persons were then alleged to have fled from the spot and Ankit Chauhan was rushed to the hospital, where he was declared dead.

10. An FIR was registered on a complaint by Dharamvir Chauhan- father of the deceased, being **FIR No. 207/2015** at P.S. Sector 49, Noida, Gautam Budh Nagar, U.P. However, due to the inaction of the police, a writ petition was filed by the father of the deceased before the Allahabad High Court, seeking transfer of investigation of the case to CBI.

11. The Allahabad High Court, in **Criminal Misc. Writ Petition No. 26121 of 2015**, *vide* order dated 26th April, 2016, had transferred the investigation of the case to CBI.

12. Thereafter, investigation was conducted by CBI and upon completion thereof, chargesheet was filed before Judicial Magistrate First Class, Noida, U.P., who took cognizance of the offences.

13. However, *vide* an order dated 2nd August, 2019 passed by the Supreme Court, the trial of the case was transferred to Delhi. Since then, the trial took place before the Id. Trial Court in Delhi.

14. The case of CBI before the Id. Trial Court is that a conspiracy was hatched by the Appellant along with the co-accused persons, when he suffered huge losses in his business. The Appellant is stated to have hatched the said conspiracy with Pankaj Kumar and Manoj Kumar for stealing a Fortuner car and then selling it off to make easy money.

15. The Appellant is stated to have visited a car accessory vendor in Ghaziabad, Uttar Pradesh, for getting two fake number plates prepared being 'UP 14 BA 2300' for Honda Accord car that they themselves were driving and UP 16 CJ 0032 for the Fortuner car that was to be robbed by them.



16. The plan of the accused persons, according to the case of the CBI was that after stealing the car, the Appellant would drive to his home in the Honda Accord car and other two co-accused persons would deliver the stolen Fortuner car in Sikandrabad Bulandshahr, Uttar Pradesh, to one Mr. Satpal Bhati who would then pay them money in exchange of the car.

17. The Appellant, and the co-accused persons accordingly drove together on 13th April, 2015. One of the co-accused persons- Pankaj Kumar was carrying a 0.32 bore revolver and one country made pistol (*katta*). The 0.32 bore revolver was given by Pankaj to Shashank and *katta* was given to Manoj.

18. The number plate of the Honda Accord car was changed somewhere in Noida. They then located a new Fortuner car of Ankit Chauhan at around 3:00 p.m., when Ankit Chauhan along with Gagan Dudhoria had gone to meet his newly wedded wife- Amisha Chauhan outside her Accenture Office at Sector 135, Noida, U.P.

19. When Ankit Chauhan and Gagan Dudhoria came out of the Accenture office at about 4:00 p.m. and left in the Fortuner car to go to the Ankit Chauhan's residence, the three co-accused persons, including the Appellant, followed the Fortuner car near Barola bypass, Sector 50, Noida, U.P.

20. The Fortuner car which was being driven by Ankit Chauhan is stated to have been overtaken by the Honda Accord car and thereafter, the Appellant and Manoj Kumar came out of the Honda Accord car, brandishing their weapons, signalling Ankit to stop the vehicle and hand over the car keys.

21. Four bullets were then alleged to have been fired by the Appellant and an attempt was made by Ankit Chauhan to escape, but unfortunately, their car hit a tree and stopped.



22. Due to the gunshot injuries, Ankit Chauhan was profusely bleeding and when Appellant made an attempt to open the seat belt, it was realized that Ankit Chauhan was in a severely injured condition.

23. Out of the four bullets alleged to have been shot by the Appellant, one bullet was aimed at the co-passenger - Gagan Dudhoria, who had ducked and escaped the bullet.

24. After realizing that Ankit Chauhan was severely injured, the accused persons, including the Appellant are stated to have fled away from the scene and Ankit Chauhan was then taken to the hospital by Gagan Dudhoria, however, he did not survive.

25. During the course of investigation by CBI, one of the co-accused persons- Pankaj Kumar had passed away on 25th October, 2016. Hence, the charge sheet was filed only against 2 accused persons, *i.e.* the Appellant the co-accused Manoj Kumar.

26. Satpal Bhati was also initially made a co-accused in the conspiracy as the CBI suspected that he was the kingpin. However, a supplementary report was filed for closure against Satpal Bhati and he was named as a witness.

27. Before the transfer of trial from Noida, U.P. to Delhi, charges had already been framed by a Ghaziabad Court and some witnesses had been examined.

28. *Vide* the order on charge dated 31st January, 2019, the Id. Special Judge (PC Act) (Ghaziabad) had framed charges against the Appellant for offences punishable u/s 120B r/w 302/307398/201, IPC and u/s 25 & 27 of the Arms Act.

29. During the course of Trial, the CBI examined a total of 57 prosecution witnesses and 11 witnesses were also led by the defence, including the



Appellant- Shashank Jadon himself, who deposed as DW-11.

30. After conducting a lengthy trial of examining all the witnesses and considering the evidences, the Id. Trial Court, vide the judgment dated 20th September, 2025, arrived at the finding that the Appellant and the co accused person- Manoj Kumar were guilty for the offences they were charged under and had accordingly, convicted them.

SUBMISSIONS:

31. Mr. Rakesh Khanna, Id. Senior Counsel appearing for the Appellant has submitted that the Appellant is a young and talented Engineer who qualified from the Delhi College of Engineering.

32. It is his submission that at the time when the incident occurred, the Appellant was around 22-23 years of age. He is the only son of his aging parents and his father has suffered medical illnesses due to benign tumor located in his spinal cord. He also has strong roots in the society.

33. It is further submitted that there are various contradictions in the statements which are recorded before the Id. Trial Court. In fact, in the Section 161, Cr.P.C. statement of Gagan Dudhoria, the sole eye witness, he had stated that the firing had occurred from the front and there is a collision with the tree. He further stated that when they got out of the car, the bullets were fired.

34. However, it is their submission that all injuries which have been caused to the deceased would show that due they had left a blackening mark, which would mean that the shots were fired from a very close distance. Whereas, in the testimony tendered by Gagan Dudhoria before the Id. Trial Court, the allegation against the Appellant was that he fired from a distance in order to enable the car to stop and not from a close distance.



35. Ld. Counsel for the Appellant has also argued that in the writ petition filed by the deceased's father in the Allahabad High Court, it was stated that the deceased was killed by the shooters under mysterious circumstances. In the same petition, several allegations have also been raised against Gagan Dudhoria and the wife of the deceased.

36. From the above pleadings in the Allahabad High Court, it is clear that the entire conspiracy has not been unearthed by the CBI and Gagan Dudhoria and the wife of the deceased have been completely spared.

37. Mr. Khanna, Id. Sr. Counsel for Appellant has argued that the pleadings in the Allahabad High Court would show that the family of the deceased had raised enormous suspicion on Gagan Dudhoria and the wife of the deceased. The CDR of the Gagan Dudhoria were not analysed properly to actually see if he had made a call to his friend during the time of incident.

38. It is further submitted that the allegation that the Appellant had suffered business losses is also not correct and in fact, PW-46, who is the business partner of the Appellant had said that in the relevant financial year 2014-15, their business had made profits of Rs.52 lakhs. According to PW-46, the Appellant had also earned Rs.52 lakhs profit during the year.

39. Further submission made on behalf of the Appellant are that the CDR of Appellant's phone would show that the Appellant was in Faridabad at the time of the incidence and the same has not been duly considered by the Id. Trial Court. It is also their case that the ballistic report was also not definitive in nature.

40. On the other hand, on behalf of the CBI, it is submitted that the Id. Trial Court has considered all the evidence on record. The medical expert and the ballistic expert were duly cross-examined so no doubts can be raised at this



stage.

41. It is further the case of CBI that PW-41- Shan Malik, who had prepared the fake car number plates for the Appellant and PW-51- Satpal Bhati, who was initially thought to be a kingpin of the crime but had later been made a witness, have duly supported the preparation that was carried out by the Appellant to carry out the crime.

42. PW-51 – Satpal Bhati, in his testimony before the Court has stated that a spare car was sought from him by the Appellant and other co-accused persons and when he refused, the Appellant, along with the co-accused persons got fake number plates prepared.

43. On behalf of the Complainant, it is submitted that the CDRs of Satpal Bhati and Shashank not being a part of the charge-sheet would not make any difference, as there was direct ocular evidence of Gagan Dudhoria and hence, motive is of no significance.

44. It is further their submission that the scrutiny report of CCTV camera would show clearly that the Honda Accord was following the deceased and Gagan Dudhoria, who were in the Fortuner car. The Appellant was visible in the CCTV footage and the said CCTV footage being available, there can be no doubt that the Appellant was involved in the murder of the deceased.

45. Mr. Khanna, Id. Counsel for the Appellant in rejoinder has submitted that in the CCTV footage, the Honda accord car is visible, but no one else is visible inside the car. Hence, the Appellant cannot be conclusively implicated.

46. It is the case of the Appellant that the concerned I.O. and the father of the deceased have falsely implicated the Appellant and it is a fit case for acquittal.



ANALYSIS & FINDINGS:

47. *Vide* this order, the Court is only deciding upon the prayer for suspension of sentence of the Appellant during the pendency of the appeal.

48. There is no doubt that the Appellant was in his early 20s when the incident took place and is now 33-34 years of age.

49. As per the latest nominal roll of the Appellant on record, the Appellant has been in custody for almost nine years (8 years 11 months and 6 days as on 04th August, 2026). Apart from some cases under the Negotiable Instruments Act, 1881, the antecedents of the Appellant are not in doubt and his jail conduct is satisfactory.

50. PW-5 Gagan Dudhoria is the lead witness of the prosecution's case before the Id. Trial Court and is also the sole eye witness and survivor of the incident which caused the demise of Ankit Chauhan.

51. In his evidence, PW-5 has stated how he met Ankit Chauhan, the deceased somewhere around 2013-2014. Thereafter, he recounts in detail the chronology of events that took place on 13th April, 2015, *i.e.* the day of incident.

52. According to PW-5, on the date of incident, he had accompanied Ankit Chauhan to go meet his wife- Amisha Chauhan at her office in Sector 135, Noida. After meeting her, the two left to get in their car, where at the parking spot, PW-5 noticed a white Honda Accord car parked behind their Fortuner car and is also stated to have noticed a man sitting on the front seat of the car, who had two tattoos on his left arm.

53. After some time, PW-5 & Ankit Chauhan left for Sector 76, Noida, in their Fortuner car. While driving, Ankit Chauhan is stated to have pointed out to PW-5 that he could see a car following them. PW-5 then noticed a white



colour Honda Accord car bearing registration no. UP 14 BA 2300 following their car.

54. Upon noticing the said car, PW-5 made a call to one Prateek Gupta, who was a common friend. He is stated to have informed Prateek Gupta of the details of the car following them and had also texted him the registration details of the car. PW-5's phone is stated to have gone off after this, due to low battery.

55. According to the testimony of PW-5, Ankit Chauhan also gave him his mobile phone and asked him to call one Naresh *bhaiya*, who was the cousin of Ankit Chauhan. PW-5, upon making the said call, handed the phone over to Ankit Chauhan who told Naresh Kumar about the car following them.

56. While Ankit Chauhan was still on the call with Naresh *bhaiya*, the car allegedly stated to be following them overtook them from left side and stopped them midway. Two men came out of the said car and both were stated to be carrying arms. The said two men waved at them and asked them to stop the car, however, Ankit Chauhan tried to drive away from the left side, when a bullet was fired towards their car.

57. According to PW-5, the first bullet shot by the Appellant hit the left arm elbow of Ankit Chauhan, who shouted in pain but continued to try to escape from the location. However, the Appellant fired another gunshot, which hit the right-side neck of Ankit Chauhan. PW-5 further states that another gunshot was fired at his direction, however, he managed to escape the same by ducking towards the car dash board.

58. PW-5 further testified that after the gunshots were fired and Ankit Chauhan was profusely injured, the Appellant, who had fired the shots opened their Fortuner car from Ankit Chauhan's side and tried to unbuckle his seat



belt. That's when PW-5 is stated to have seen the Appellant closely and out of fear, he told the Appellant that they had nothing to give to him.

59. Upon seeing the injured condition of Ankit Chuhan, the co-accused told the Appellant to run away and the two of them sat in their car and fled from the scene.

60. PW-5 then took Ankit Chauhan to Shivalik Hospital, where they were told that he was in a serious condition and should be relocated to Kailash Hospital. By the time they reached Kailash Hospital, Ankit Chauhan was declared brought dead.

61. The testimony of PW-5 has also been confirmed by Prateek Gupta (PW-13) and Naresh Kumar Chauhan (PW-11), to the extent that they had received frantic calls from PW-5 and Ankit Chauhan, informing them of a car following them on the date of the incident.

62. Amisha Chauhan- the wife of the deceased was also examined as PW-50 before the Id. Trial Court. She confirms the CCTV footage outside the Accenture office in Noida, where she used to work. However, as per her testimony, she came to know of her husband suffering an injury only from her mother-in-law and according to her, Gagan Dudhoria did not inform her about anything. During her cross-examination conducted before the Id. Trial Court, she stated as under:

“.....

It is correct to suggest that after the incident, no one had informed me that Ankit was murdered with intent to commit robbery and snatching.”

63. Further, after the demise of Ankit Chauhan, *post-mortem* was conducted by Dr. Arvind Kushwah (PW-2) on 14th April, 2015. The post mortem report (Ex. PW 2/1) states the cause of death to be “coma due to lower



brain & spinal cord injury as result of AMI”. The post mortem report also shows the following gunshot injuries on the body of the deceased:

- “1. Abrasion blackened 5 × 1 cm elongated oval groove like along the right mandible 2.5 cm below right ear.*
- 2. Abrasion blackened 2 × 1 cm on 10 cm above left nipple along 11° clock.*
- 3. Gun shot entry wound 1.5 × 1 cm margin inverted blackened on left fore-arm anteriorly at 9 cm below elbow joint.*
- 4. Gun shot exit wound 1.8 × 1 cm margin everted at 3 cm below elbow joint postero-laterally on probing of injury no. 3 corresponds to injury no. 4 in upward direction.*
- 5. Entry wound gun shot 1.5 × 0.5 cm blackening & margin inverted at 10 cm below right ear at 7° clock position on right side of neck.”*

64. A perusal of the post mortem report of deceased shows that four of the gunshot injuries show blackened abrasions on the body.

65. In respect of the phenomenon concerned with blackening due gunshot wounds, reliance is placed by the Id. Senior Counsel for the Appellant upon the judgment of Supreme Court in ***Pankaj v. State of Rajasthan, (2016) 16 SCC 192***, as well as on Modi’s Jurisprudence (24th Edn.) quoting the “*Phenomena observed in Firearm Injuries or Short Holes on Clothing*” which is as under:

	<i>Phenomena</i>	<i>Range and remarks</i>
1.	<i>Flame/burning scorching/singeing</i>	<i>Revolver/pistols – within about 5-8 cm generally. Rifles – within about 15-20 cm generally. Shotguns – may show evidence of scorching up to 30-10 cm.</i>



2.	<u>Smoke/powder marks</u>	<u>Rifles generally up to about 30 cm (blackening) and about 100 cm (powder residues).</u> <u>Handguns up to about 60 cm.</u>
3.	<i>Tattooing</i>	<i>Handguns up to about 60 cm.</i> <i>Rifles up to 75 cm generally.</i> <i>Shotguns up to 100-300 m (may be found after careful search at higher range)</i>

66. It is the case of the Appellant that blackened abrasions occur only when shots are fired from about 30 cm distance, which is at very close range.

67. The decision of the Supreme Court in *Pankaj (supra)* has also been perused by the Court in this regard, wherein the Supreme Court had expressed doubts upon the evidence of the prosecution with respect to the gunshot wounds suffered by the deceased. The Court had also considered the Modi's Jurisprudence (24th Edn.) quoting the "*Phenomena observed in Firearm Injuries or Short Holes on Clothing*" and had acquitted the Appellant due to the uncertainties in the case of the prosecution. Relevant portion of the said judgment reads as under:

"22. ...In a case where death is due to injuries or wounds caused by a lethal weapon, it is always the duty of the prosecution to prove by expert evidence that it was likely or at least possible for the injuries to have been caused with the weapon with which and in the manner in which they are alleged to have been caused. In the case on hand, the contradiction i.e. the distance of fire is material and in our considered opinion, it would not be appropriate to convict the appellant-accused by ignoring such an important aspect.

23. An objection was raised by the learned Senior Counsel for the appellant-accused that recovery of firearm at the instance of the appellant-accused was planted by the police and it could not have been relied



upon. This Court, in a number of cases, has held that the evidence of circumstance simpliciter that an accused led a police officer and pointed out the place where weapon was found hidden, would be admissible as conduct under Section 8 of the Evidence Act, irrespective of whether any statement made by him contemporaneously with or antecedent to such conduct falls within the purview of Section 27 of the Evidence Act.

24. In the above backdrop, it would be appropriate to quote the Forensic Report dated 25-6-1999 with regard to the alleged recovery of the country-made pistol recovered at the behest of the appellant-accused which is as under:

“Result of Examination

- 1. One .32 bore country-made pistol (W/1) from packet ‘D’ is a serviceable firearm.*
- 2. The examination of the barrel residue indicates that submitted .32 bore country-made pistol (W/1) had been fired. However, the definite time of its last fire could not be ascertained.*
- 3. Based on stereo and comparison microscopic examination it is the opinion that one .32 bore lead bullet (B/1) from packet ‘C’ has not been fired from submitted .32 bore country-made pistol (W/1).”*

It is clear from the above that there is no material on record to connect that the gunshot injury suffered by the deceased was due to the shot fired from the firearm of the appellant-accused. It is also discernible that though the bullet was recovered but the same has not been connected with the weapon. Moreover, the prosecution is not able to prove the motive clearly. Though motive is not sine qua non for the conviction of the appellant-accused, the effect of not proving motive raises a suspicion in the mind. In the present case, it appears that the theory behind motive has been given after much thought process.

25. It is a well-settled principle of law that when the



genesis and the manner of the incident is doubtful, the accused cannot be convicted. Inasmuch as the prosecution has failed to establish the circumstances in which the appellant was alleged to have fired at the deceased, the entire story deserves to be rejected. When the evidence produced by the prosecution has neither quality nor credibility, it would be unsafe to rest conviction upon such evidence. After having considered the matter thoughtfully, we find that the evidence on record in the case is not sufficient to bring home the guilt of the appellant. In such circumstances, the appellant is entitled to the benefit of doubt.

26. After giving our careful consideration, we are unable to place any reliance on the evidence of PW 8. Since the same inspires no confidence at all, therefore, we are constrained to set aside the conviction and sentence awarded to the appellant. The appeal is allowed.”

68. As can be seen above, the scientific evidence in this case rebuts and put into doubt, the testimony of Gagan Dudhoria (PW-5), who is the sole eye witness of the incident. With respect to the gunshot wounds, PW-5 had stated as under:

“Ankit Chauhan was on call with Naresh. Two men came out of the said car, one from the front left side and other from the left back side. Both the men were carrying arms in their hands. Both of them asked us to stop our car through hand gesture. Ankit Chauhan took the car backside and tried to drive it away from the left side of the said car. When Ankit Chauhan tried to reverse the car, the person who had alighted from the front passenger seat of the said car, shouted to stop the car and hand over the keys of the car and he also fired a bullet towards our car. The said bullet smashed the front screen of our car and hit on the left arm elbow of Ankit Chauhan. Ankit Chauhan screamed in pain. At that time, Ankit Chauhan was on call with Naresh and



told him that "Bhaiya Inhone to Goli Challa Di" and his phone fell down. After reversing our car a bit, Ankit Chauhan tried to drive our car away, the man who had earlier fired on our car, fired again on the driver side window pane of our car. The said bullet smashed the said window pane. The said person again fired a bullet which hit on the right side neck of Ankit Chauhan. He fired one more bullet pointing towards me. I ducked down towards the dash board of the car and the bullet struck on the seat on which I was sitting. The man, who had fired, opened the Ankit's side gate of the car from inside and tried to untie the seat belt of Ankit Chauhan. At that time, I had seen the said man up close and I got terrified, I told him that we had nothing. The other man who had accompanied him shouted that "Jaldi bhaag warna pakde jayenge" and they left in the said car. Once again I noticed the number of the car i.e. UP- 14-BA- 2300."

69. From the above testimony, as per PW-5, the Appellant was at a distance when he fired the bullets, as the bullets had smashed the front screen of the car and had then hit the elbow of Ankit Chauhan. The second bullet was fired when the car was being reversed by Ankit Chauhan and the driver's side of the window pane was hit. A third bullet was also fired by the Appellant which hit the right side neck of Ankit Chauhan. Thus, according to the testimony of PW-5, all the three bullets were fired from a distance and thus, the blackened abrasions is a phenomenon which is not explicable at this point.

70. Further, the Court has also perused the writ petition filed by the father of the deceased before the High Court of Allahabad, being **Criminal Misc. Writ Petition No. 26121 of 2015** which had led to the order dated 26th April, 2016, containing the direction for transfer of investigation of the case to CBI. In the said writ petition, the father of the deceased had raised various



allegations and apprehensions about the case and its investigation, some of which are as under:

“13. That on the date of incident Ankit Chauhan (deceased) has taken leave and this fact was only known to Ankit Chauhan (Deceased) his wife and Gagan who remained with Ankit Chauhan till his death which also create suspicion on respondent no. 9 and Gagan.

14. That on the date of incident respondent no. 9 invited Ankit Chauhan (Deceased) to have lunch in her office for first time and deceased has taken leave.

xxx xxx xxx

16. That though Gagan was also in the car with Ankit Chauhan but shooter did not fired upon him nor said anything to Gagan.

17. That present case was preplanned murder committed by fire shooter only for the purpose of murder. No article such as golden chain, watch or other article which Ankit was having were looted and after committing the murder shooters fled away and till today police could not trace the accused persons.

xxx xxx xxx

20. That petitioner also prayed I.O. to proved or show the call detail of respondent no. 8, 9, Gagan and other suspected accused person but police has refused to provide call detail of suspected accused person. A correct copy of letter given by present Investigating Officer refusing to give call detail is annexed herewith and marked as Annexure No. 6 to this writ petition.

xxx xxx xxx

22. That at the time of incident Ankit Chauhan was having mobile and he also made a call to his relative Naresh Chauhan I.B.N.T.V. in regard to following of Honda accord but police has informed petitioner that there was no call detail in mobile of Ankit Chauhan, it appears that some body has deleted the call detail.

23. That petitioner has also come to know that sister



of respondent no.9 after obtaining code word/pass word of face Book of respondent no.9 has also deleted the complete record of face book account which also create doubt and suspects the involvement of respondent no.9.”

71. The above extracts from ***Criminal Misc. Writ Petition No. 26121 of 2015*** show that the father of the deceased seriously suspected Gagan Dudhoria (PW-5) and Amisha Chauhan- the wife of the deceased. However, the evidence in this regard is not forthcoming.

72. Considering the inconsistencies in the testimony of the sole eye witness against the scientific evidence with respect to the gunshot wounds, as also the fact that there were certain apprehensions of the Complainant which might not have been completely examined by the Id. Trial Court, this Court cannot completely rule out the possibility of there being an error in the impugned judgment convicting the Appellant herein.

73. The Court also notes that the Appellant has also given detailed testimony before the Id. Trial Court. The Appellant himself, as DW-11, has stated that at about 3:00 p.m. on 13th April, 2015, he was in Faridabad. He has also given the details as to the manner in which he was implicated by the police.

74. The question as to whether the Appellant was in Faridabad or not could be checked easily from his CDR. However, at this stage, it is not clear whether the CDR was fully produced and analysed before the Id. Trial Court or not.

75. Given that the present appeal has been filed in the year 2025, it would take a few years before the appeal can be finally heard.

76. The Appellant has already served approximately nine years of incarceration, having spent his entire youth in jail. He is also stated to have been recently engaged and is the only son of his elderly parents, who also



suffer from various ailments.

77. There is no doubt that the deceased was also a newly married young boy who was taking care of his parents. His life also came to an unfortunate end due to the incident that took place on 13th April, 2015.

78. However, an order granting or rejecting suspension of sentence to the Appellant cannot be deemed to mean that the Court has ascertained or concluded upon the innocence or guilt of the Appellant.

79. The intent behind the power of a Court to release a person, who has been sentenced to life imprisonment has been discussed by the Apex Court in several judicial precedents. In ***Kashmira Singh v. State of Punjab, (1977) 4 SCC 291***, the Supreme Court was deciding upon an appeal arising out of a sentence of life imprisonment in connection with offences under Section 302 IPC. In the said case, the Supreme Court held as under:

“2. The appellant contends in this application that pending the hearing of the appeal he should be released on bail. Now, the practice in this Court as also in many of the High Courts has been not to release on bail a person who has been sentenced to life imprisonment for an offence under Section 302 of the Penal Code, 1860. The question is whether this practice should be departed from and if so, in what circumstances. It is obvious that no practice howsoever sanctified by usage and hallowed by time can be allowed to prevail if it operates to cause injustice. Every practice of the Court must find its ultimate justification in the interest of justice. The practice not to release on bail a person who has been sentenced to life imprisonment was evolved in the High Courts and in this Court on the basis that once a person has been found guilty and sentenced to life imprisonment, he should not be let loose, so long as his conviction and sentence are not set aside, but the underlying postulate of this practice was that the appeal



*of such person would be disposed of within a measurable distance of time, so that if he is ultimately found to be innocent, he would not have to remain in jail for an unduly long period. The rationale of this practice can have no application where the Court is not in a position to dispose of the appeal for five or six years. It would indeed be a travesty of justice to keep a person in jail for a period of five or six years for an offence which is ultimately found not to have been committed by him. Can the Court ever compensate him for his incarceration which is found to be unjustified? Would it be just at all for the Court to tell a person: "We have admitted your appeal because we think you have a prima facie case, but unfortunately we have no time to hear your appeal for quite a few years and, therefore, until we hear your appeal, you must remain in jail, even though you may be innocent?" What confidence would such administration of justice inspire in the mind of the public? It may quite conceivably happen, and it has in fact happened in a few cases in this Court, that a person may serve out his full term of imprisonment before his appeal is taken up for hearing. Would a Judge not be overwhelmed with a feeling of contrition while acquitting such a person after hearing the appeal? Would it not be an affront to his sense of justice? Of what avail would the acquittal be to such a person who has already served out his term of imprisonment or at any rate a major part of it? **It is, therefore, absolutely essential that the practice which this Court has been following in the past must be reconsidered and so long as this Court is not in a position to hear the appeal of an accused within a reasonable period of time, the Court should ordinarily, unless there are cogent grounds for acting otherwise, release the accused on bail in cases where special leave has been granted to the accused to appeal against his conviction and sentence.**"*

80. In the case of *Affjal Ansari v. State of U.P.*, (2024) 2 SCC 187, the



Supreme Court has further defined the contours of the power of the appellate court under Section 389 of the CrPC (*now, Section 430, BNSS*), and observed as under:

*“19. This Court has on several occasions opined that there is no reason to interpret Section 389(1) CrPC in a narrow manner, in the context of a stay on an order of conviction, when there are irreversible consequences. Undoubtedly, Ravikant S. Patil v. Sarvabhouma S. Bagali [Ravikant S. Patil v. Sarvabhouma S. Bagali, (2007) 1 SCC 673, para 15 : (2007) 1 SCC (Cri) 417], holds that an order granting a stay of conviction should not be the rule but an exception and should be resorted to in rare cases depending upon the facts of a case. **However, where conviction, if allowed to operate would lead to irreparable damage and where the convict cannot be compensated in any monetary terms or otherwise, if he is acquitted later on, that by itself carves out an exceptional situation.** Having applied the specific criteria outlined hereinabove to the present factual matrix, it is our considered view that the appellant's case warrants an order of stay on his award of conviction, though partially.*

xxx

25. Having said so, we hasten to hold that societal interest is an equally important factor which ought to be zealously protected and preserved by the courts. The literal construction of a provision such as Section 389(1) CrPC may be beneficial to a convict but not at the cost of legitimate public aspirations. It would thus be appropriate for the courts to balance the interests of protecting the integrity of the electoral process on one hand, while also ensuring that constituents are not bereft of their right to be represented, merely consequent to a threshold opinion, which is open to further judicial scrutiny.”

81. In the case at hand, the Appellant has been previously granted bail by



this Court on two occasions *vide* orders dated 11th February, 2026 and 29th May, 2026. While he was out on bail, there was neither any untoward incident from his end, nor has he been involved in any illegal or unlawful conduct.

82. There are various aspects in this case which deserve to be closely examined. A deeper scrutiny would be required as the evidence is substantial in nature. At this stage, it cannot be said that the Appellant's case conclusively lacks any merit.

83. After taking into consideration the long period of incarceration, the age of the Appellant, his educational qualifications and his antecedents, this Court is inclined to suspend the sentence of the Appellant during the pendency of the appeal, subject to the following conditions:

- i. The Appellant shall be released upon furnishing a personal bond for a sum of Rs. 1 lakh with a surety of the like amount, to the satisfaction of the Trial Court/Link Court;
- ii. The Appellant shall not leave the country without prior permission of this Court;
- iii. The Appellant shall provide his residential address to the concerned I.O. The Appellant shall intimate the concerned IO regarding any change in his residential address;
- iv. The Appellant shall provide his mobile number to the concerned IO and intimate about change in the number, if any;
- v. The Appellant shall also surrender his passport, if any, before the Trial Court;
- vi. The Appellant shall report at the office of the CBI, as instructed by the concerned IO, on the first Monday of every month at 11:00 a.m. and he shall be discharged by 12 noon, after recording his



presence and completion of all the necessary formalities;

- vii. The Appellant shall not indulge in any criminal activity and upon any such activity being discovered or indulged into, the present suspension of sentence shall automatically stand cancelled.
- viii. The Appellant shall not contact the family of the deceased or any of the witnesses in this case, in any manner whatsoever.

84. The application is allowed in the above terms and disposed of accordingly.

85. The observations made in this order shall not affect the final hearing in the appeal.

86. A copy of this order be sent to the concerned Jail Superintendent for necessary information and compliance.

87. Order be uploaded on the website of this Court forthwith.

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88. List the appeal in due course, at its own turn.

**PRATHIBA M. SINGH
JUDGE**

**VIKAS MAHAJAN
JUDGE**

AUGUST 19, 2026/Rahul/ss