



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

Order reserved on: 23.09.2026

Order delivered on: 29.09.2026

CNR No. DLHC010314292026

+ **CRL.A. 660/2026**

RAJU KUMAR SINGH

.....Appellant

Through: Mr. Siddharth Luthra, Senior Advocate and
Mr. Ravi Prakash, Senior Advocate with
Mr. Samarth Luthra, Ms. Aditi Tripathi, Ms.
Pragya Priya, Mr. Kushagra Raj, Mr.
Manoviraj Singh, Ms. Madhusruti N., Ms.
Sumana Mukherjee, Ms. Aditi Paul, Mr.
Astu Khandelwal, Ms. Shruti, Ms. Manavi
Tyagi, Mr. Divyodit, Mr. Kshitiz Kumar
and Ms. Muskan Sharma, Advocates

versus

THE STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Sunil Kumar Gautam, APP for State
with SI Ankit Sharma, PS Fatehpuri Beri

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

ORDER

% **29.09.2026**

(CRL.M.A. 21082/2026)

1. Appellant seeks suspension of order of his conviction.
2. He has been held guilty for committing offences under Section 304 (Part-II) IPC and under Section 30 of *Arms Act, 1959*.
3. As per order on sentence, he has been given simple imprisonment for a period of *four years* for offence under Section 304 (Part-II) IPC and simple imprisonment for *two months* for offence under Section 30 of *Arms Act*. There is also a direction to him to pay compensation of Rs. 25 lacs to the family of deceased, in-default to undergo SI for a further period of three months.

CRL.A. 660/2026

Page 1 of 10



4. This court, *vide* order dated 27.07.2026, has, already, suspended said sentence.
5. Appellant now prays for suspension of order of conviction dated 06.06.2026.
6. Mr. Siddharth Luthra, learned Senior Counsel for the appellant submits that since the sentence for offence under Section 304 (Part-II) IPC is for a period of more than two years, Section 8(3) of *Representation of the People Act, 1951* stands attracted which stipulates that a person convicted of any offence and sentenced to imprisonment for not less than two years shall stand disqualified from the date of conviction and shall continue to remain disqualified for a further period of six years, to be reckoned from date of his release.
7. Mr. Luthra, learned Senior Counsel states that appellant is sitting *Member of Legislative Assembly* from Sahebganj, Bihar and has a remainder period of around four years. He has a long political career and has been winning consecutive elections and if conviction order is not stayed, not only would he face disqualification as *Member of the Legislative Assembly* but would also incur disqualification to participate in future elections. Relying on *Afjal Ansari vs. State of U.P.*: (2024) 2 SCC 187, it has been asserted that the appellate court is vested with power to suspend the order of conviction. He states that the conviction, even otherwise, is not sustainable as finding of guilt has been recorded on the basis of unwarranted presumptions while ignoring material evidence, including forensic analysis which exculpates the appellant. He, thus, underlines that keeping in mind the peculiar facts and circumstances of the case in hand, conviction needs to be stayed, else it would lead to grave injustice and irreversible consequences.



8. Such request has, however, been resisted by prosecution.
9. Indisputably, in a given factual matrix, an order of conviction can be stayed but at the same time, such exercise of power has to be under exceptional circumstances. Reference be made to *Rama Narang vs. Ramesh Narang and Others*: (1995) 2 SCC 513, *K.C. Sareen vs. CBI*: 2001 SCC OnLine SC 893 and *Afjal Ansari vs. State of U.P.* (supra). Mr. Sunil Kumar Gautam, learned Addl. P.P. for State, while relying on *Ravikant S. Patil vs. Sarvabhoutma S. Bagali*: 2006 SCC OnLine SC 1214, also lays emphasis on the fact that stay of conviction cannot be sought in a casual and mechanical manner, supplementing that such power has to be exercised under exceptional and rare circumstances, which, according to him, do not exist herein.
10. *Afjal Ansari vs. State of U.P.* (supra) sums up the factors relevant for consideration of any such request. The majority view goes on to hold that the very notion of irreversible consequences is centered on factors, including the individual's criminal antecedents, the gravity of the offence with emphasis on moral turpitude, and its wider social impact, while simultaneously considering the facts and circumstances of the case. It observed that *societal interest* was an equally important factor which ought to be zealously protected and preserved by the Courts and it was, thus, held that it would be appropriate for the Courts to balance the interests of protecting the integrity of the electoral process on one hand, while also ensuring that the constituents are not bereft of their rights to be represented on the other hand, merely based on a threshold opinion which is open to further judicial scrutiny. Reference be also made to *Antony Raju vs. State of Kerala & Anr.*: 2026 SCC OnLine Ker 3573 (*upheld by the Hon'ble*



Supreme Court on 27.04.2026), wherein Hon'ble Kerala High Court has observed that Court should be slow and doubly cautious while directing suspension of conviction with the caveat that it should be granted only in befitting cases since it, virtually, overturns a statutory mandate.

11. Since the hardship cited is an omnibus one and not individual-centric, factual matrix of any given case becomes the most dominant factor as has been observed by this Court in *Rajendra Bharti Vs. The State NCT of Delhi & Anr.*: 2026 SCC OnLine Del 5015. Therefore, the prime consideration is to assess the factual matrix on surface-level and if on such analysis, without going into in-depth evaluation, the court comes across any apparent, palpable and manifest illegality, gross on the face of record, it can order suspension of conviction. At the same time, the Court has also to see the criminal antecedents of the appellant, if any and to guard and secure the corresponding *societal interest*.

12. Facts of the prosecution case lie in a very narrow compass.

13. It was intervening night of 31.12.2018 and 01.01.2019. New year's Eve party was going on at Rose Farm House, Ambedkar Colony, Mandi Village, New Delhi. The aforesaid farmhouse belonged to Mr. Sanjeev Singh (brother of appellant Raju Kumar Singh) and all the guests were enjoying new-year party.

14. Archana Gupta (deceased herein) was also in the aforesaid party with her husband Vikas Gupta and their daughter.

15. When the clock struck twelve, there were celebrations.

16. Archana and her husband and daughter also wished one another and, thereafter, Archana Gupta went back to dance floor and continued dancing.

17. At that time, celebratory fires were made by security guard-Hari



Singh (since deceased) who was armed with a rifle of .315 bore and by appellant-Raju Singh with his pistol of 0.22 bore. Hari Singh did two firings in air and Raju Kumar Singh also did 4-5 firing in the air with his pistol.

18. After 4-5 minutes, there was another firing.

19. It was by Raju Kumar Singh only.

20. Soon thereafter, Vikas Gupta noticed his wife Archana Gupta had fallen down. He rushed towards her. She was lying unconscious. She was immediately brought to Fortis Hospital, Vasant Kunj, New Delhi.

21. According to prosecution, a bullet discharged by the pistol of Raju Kumar Singh had hit her and she, eventually, succumbed to such gun-shot injury.

22. During investigation, Raju Singh and Hari Singh were arrested on 02.01.2019. Their respective firearms were recovered and seized.

23. After investigation, accused Raju Singh was charge-sheeted for offences under Section 302 IPC and Section 30 Arms Act, whereas Hari Singh was charge-sheeted for offences under Section 336 IPC and Section 30 Arms Act. Three others were also sent up to face trial for causing disappearance of evidence.

24. Fact, however, remains that appellant Raju Kumar Singh was charged under Section 304 Part-II IPC and under Section 30 Arms Act. Renu Singh (wife of appellant) was charged under Section 201 IPC and Rana Rajesh Singh and Raminder Singh were charged under Sections 201/34 IPC.

25. Unfortunately, Hari Singh died before charges could be ascertained and proceedings *qua* him stood abated *vide* order dated 04.06.2022.

26. Learned Trial Court, in the impugned judgment, observed that the outcome of the case hinged upon determination of (i) *Identity of the person*



or persons firing immediately prior to the fatal bullet injury upon Archana Gupta and (ii) whether the cause of death of victim Archana Gupta could be ascribed to a bullet of 0.22 bore fired from pistol by accused Raju Kumar Singh.

27. These were answered against the appellant herein.

28. Mr. Siddharth Luthra, learned Senior Counsel submits that findings are not in consonance with the evidence appearing on record. He submits that it has clearly come on record that besides appellant Raju Singh, security guard Hari Singh had also indulged in celebratory firing and that there is nothing on record which may, unmistakably, reveal that the bullet fired by Raju Singh was responsible for the unfortunate death in question.

29. According to him, even those prosecution witnesses, who have supported the case of prosecution, have not stated so and conclusion is based on unwarranted inferences and guess-work. He submits that during trial, concerned Autopsy Surgeon revealed that there was a '*deformed bullet*' inside the body but post-mortem report (Ex. PW8/1) is conspicuously silent about any such recovery. He asserts that when Autopsy Surgeon had, while preparing postmortem report, made specific reference to even '*small metal fragments*', it would be unthinkable to imagine that they would miss out mentioning about a *deformed bullet*. He contends that these medical witnesses have tried to cover up the lacuna by claiming that '*deformed bullet*' had also been referred by them as '*fragments*', which fact does not seem to be digestible.

30. It is also claimed that the prosecution has not been able to elucidate whether gunshot was direct or on account of any ricocheting/rebounding. Mr. Luthra submits that the Autopsy Surgeon failed to give answer which



could have determined the range from which the shot was fired. Importantly, according to Mr. Luthra, when the aforesaid '*deformed bullet*' was examined by forensic expert, she could not give any definite opinion as in her report and testimony, such expert stated that no opinion could be given *regarding linkage of the deformed bullet with 0.22 pistol due to lack of sufficient compatible characteristic marks*. He asserts that the abovesaid facts emerge from bare perusal of the record and, therefore, conviction, being unsustainable, needs to be stayed.

31. Sh. Gautam, learned APP states that the findings have been given after due appreciation of entire factual matrix and there is no illegality or improper appreciation of evidence. He states that after comprehensive evaluation of testimony on record, learned Trial Court came to the conclusion that it was appellant and appellant only, whose bullet had killed Archana Gupta. It also made reference to the *entry wound* which aligned with the smaller dimension of a bullet 0.22 bore *vis-a-vis* bullet fired from 0.315 bore. It also observed that trajectory of the bullet commensurate with the entry and exit wound and such entry was compatible with the bullet fired from 0.22 bore pistol which was being used by appellant at the relevant time. It also, categorically, observed that there were two distinct rounds of firing during the new-year party. First round of celebratory firing was by Raju Kumar Singh and Hari Singh. After break of 5 minutes, there was another round of firing, which was by appellant alone and during such celebratory firing, Archana Gupta got the fatal injury. Learned Trial Court, thus, held that it emerged unambiguously that Archana Gupta was found lying unconscious on the dance floor immediately after the second instance of firing, when Raju Kumar Singh alone was seen firing.



32. I have given thoughtful consideration to the aforesaid contentions and perused the material only for the present limited purpose. I need not remind myself that scope of the present application is constricted as at this juncture, it only needs to be found out whether there is any palpable, manifest and apparent error in the judgment, which renders finding of guilt nugatory.

33. There is no dispute regarding the broad prosecution story. Admittedly, appellant and security guard Hari Singh were using firearms on the fateful evening. There were two distinct rounds of firing and as per case of prosecution, though, during the first round, appellant and Hari Singh, both were seen firing, at the second time of firing, which was with a gap of around five minutes, use of firearm was by appellant alone. This Court has taken a glance over the testimony of PW1 Mr. Vikas Gupta, PW3 Mr. Puneet Gupta and PW4 Mrs. Shikha Gupta and has also gone through the report of Autopsy Surgeon as well as of Ballistic Expert. In such type of incidents of celebratory firing, particularly happening in a party like the one in question, it is not always practical and feasible for anyone to see the actual moment of firing. The presumption and the inferences can always be drawn, therefore, these are, naturally, in the backdrop and in synchronization with the ocular evidence. The facts, which emerge from the record, indicate that at the relevant time, it was appellant who had used his pistol. No one else was seen firing at that crucial moment. The place where victim collapsed and the spot where appellant was present at the relevant time are in close proximity. It hardly matters whether the bullet hit her directly or the hit was resultant on account of some ricocheting. Fact remains that the injury was a direct consequence of the alleged firing ascribed to appellant. Testimony of Autopsy Surgeon is also quite precise and they have, in no



uncertain words, claimed that *deformed bullet* was specified by them as *fragments*. Moreover, there is an exit wound which means that, in all probabilities, the bullet had come out, leaving behind only its traces and fragments.

34. Appellant was, allegedly, under the influence of liquor and had used firearm and had indulged into celebratory firing, despite knowing fully well the consequences of his such act. This Court is also conscious of the fact that three other accused persons were charged for causing disappearance of evidence and though, such charge could not be proved, said aspect is also required to be analyzed comprehensively.

35. Be that as it may, on *surface-level analysis* of the matter, this Court fails to come across any manifest perversity and palpable error in the appreciation of the evidence, warranting any stay of conviction.

36. Additionally, the very nature of the offence clearly contains an element of *moral turpitude*. There is no *strait jacket* formula to decipher as to which offence can be said to be involving moral turpitude. It, essentially, depends upon the facts of a given case but said expression does imply that the act must be inherently base and depraved, contrary to good morals and shakes the moral conscience of society. The act and conduct in question are, clearly, suggestive of offence of said category only.

37. To make things worse, he does not have clean antecedents. There is long list of cases in which he is found to be involved in. Undoubtedly, in several such cases, he has already been acquitted but it is not a case where he has a clean slate.

38. In view of my foregoing discussion, the present application seeking suspension of order of conviction is dismissed.



39. It is, however, clarified that the observations made hereinabove are tentative in nature and shall not be construed as final expression.

CRL.A. 660/2026

40. Appeal is *admitted*.

41. List in *due course*.

(MANOJ JAIN)
JUDGE

SEPTEMBER 29, 2026/dr