



\$~12

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CRL.A. 451/2020 & CRL.M.(BAIL) 15/2021, CRL.M.A. 251/2021
JAIDEEP SINGH SENGAR@ATUL SINGH Appellant
Through: Mr. Ajay Burman, Sr. Adv. with Mr.
SPM Tripathi, Adv.

versus

CBI Respondent
Through: Mr. Nikhil Goel, SPP with Mr.
Dushyant Sarna, Adv.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

08.01.2021

%

(through video conferencing)

CRL.M.A. 251/2021 (Exemption)

Exemption allowed, subject to just exceptions.

CRL.A. 451/2020 & CRL.M.(BAIL) 15/2021

The matter is taken up on Crl.M.B.15/21. The prayers made in the present application are to the effect:

- “a. Grant the bail and sentence be suspended till the appeal period.*
b. Grant interim bail to applicant for 6 months, so that the applicant can get treatment of his own choice.
c. Pass any other/ direction in favour applicant may deem, fit and proper in light of present facts and circumstances in the interest of justice.”

At this stage, learned senior counsel for the appellant submits that prayer clause (a) is presently not pressed and what the applicant seeks is the grant of interim bail for a period of 6 weeks for his treatment with it having been *inter alia* submitted to the effect that the applicant is taking treatment



from the AIIMS for oral cancer and the doctor had referred him for radiotherapy, Department of Radiology on 02.01.2021 and subsequently he visited the AIIMS on 04.01.2021 and that the applicant has been asked to report to the Radiation Oncology Department on 01.02.2021, qua which, it is submitted that it appears that the date is in fact 11.02.2021 and not 01.02.2021. It is *inter alia* submitted on behalf of the applicant that the Histopathology report provided by the AIIMS indicates that the appellant is in the high risk group and thus the applicant would seek opinion from other hospitals i.e. Tata Institute Mumbai, Metro Cancer Hospital, Delhi.

Notice of the application is issued to the CBI. The documents that have been submitted with the application be verified by the CBI and furthermore in view of the prayer made on behalf of the CBI that the aspect as to whether the treatment that is sought to be given to the appellant i.e. radiotherapy and radiation oncology, as to whether the same can be given to the appellant whilst being in custody at the jail concerned may also be allowed to be ascertain. In the interest of justice, the said prayer of the CBI is also allowed and the verification report in relation to the aspect as to whether the radiotherapy and radiology and treatment from the Radiation Oncology Department, AIIMS can be imparted to the appellant whilst in custody be also submitted by the Superintendent Jail, Delhi concerned where the appellant had been earlier lodged, which reports are called for for the date 14.01.2021.

ANU MALHOTRA, J

JANUARY 8, 2021

vm