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

+ **CRL.A. 539/2020 & CRL.M.(BAIL) 8255/2020**

KULDEEP SINGH SENGHER Appellant

Through: Mr. P.K. Dubey, Senior Advocate
with Mr. Kanhaiya Singhal, Ms. Priyal Garg,
Mr. Chetan Bhardwaj, Mr. Prasanna, Mr. Udit
Bakshi, Ms. Ajay Kumar and Mr. Satyam Sharma,
Advocates

versus

CENTRAL BUREAU OF INVESTIGATION Respondent

Through: Mr. Nikhil Goel, SPP with Mr. Kartik
Kaushal, Advocate for CBI.
Mr. Mehmood Pracha, Mr. Jatin Bhatt and
Mr. Dhruv Yadav, Advocates for Complainant.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

% **19.01.2023**

CRL.M.A. 27635/2022 (exemption)

Allowed, subject to all just exceptions.

Application stands disposed of.

CRL.M.(BAIL) 1599/2022 (seeking interim suspension of sentence)

Learned Senior Counsel for the Appellant submits that the Appellant has been granted interim bail by the Division Bench of this Court for the period 27.01.2023 to 10.02.2023. The order dated 16.01.2023 passed by the Division Bench in Crl.M.B. 1525/2022 in Crl.A. 53/2020 is as follows:-

"CRL.M.B. 1525/2022

1. By this application the appellant seeks interim suspension of sentence on the ground of marriage of his daughter.

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2. A status report has been handed-over under the signatures of SI Sanjay Tyagi, CBI, ACB, Lucknow who is the holding investigating officer of the case presently. As per the status report on an inquiry it was revealed that Ms. Aishwarya, D/o Kuldeep Singh Sengar, the appellant herein, has been engaged to be married to Vivishwan, R/o 3, Mall Avenue, Lucknow. As per the verification, the Tilak function is to be performed on 30th January, 2023 at Gorakhpur and the marriage function on 8th February, 2023 at BBD Badminton Academy, UP, Lucknow.

3. Though as per the application, it is stated that the functions including that of Godh Bharai start from 18th January, 2023, however we are not inclined to grant interim suspension for the said functions.

4. Learned counsel for the complainant who entered appearance in the midst of hearing, opposes the grant of interim suspension of sentence to the appellant.

5. In view of the verifications carried out, this Court deems it fit to grant interim suspension of sentence to the appellant who would be released from custody on 27th January, 2023 and would surrender to custody on 10th February, 2023, subject to his furnishing a personal bond in the sum of ₹1 lakh with two sureties of the like amount, out of which one surety bond would be a family member of the appellant, to the satisfaction of the learned Trial Court.

6. The appellant will also furnish the mobile phone number to be used by him in the personal bond. The said mobile phone will be kept in an active mode throughout the pendency of the interim suspension of sentence. The appellant on being released on interim suspension would first report to SI Sanjay Tyagi, CBI, ACB, Lucknow at his office at 7, Nawal Kishore Road, Hazratganj, Lucknow and he would drop the pin of his mobile phone showing his location constantly to the mobile phone of SI Sanjay Tyagi, which mobile phone number of the



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SI has already been shared with the learned counsel for the appellant. Further, except on 30th and 31st January, 2023 when the appellant will be required to go to Gorakhpur, the appellant will appear before the SI Sanjay Tyagi at 7, Nawal Kishore Road, Hazratganj, Lucknow the office of CBI, ACP and report to him daily.

7. After the expiry of interim suspension of sentence, the concerned holding investigating officer will submit a report to this Court as to whether the appellant has complied with the directions of this Court or not during the period of interim suspension of sentence.

8. Further, during the period of interim suspension of sentence from 27th January, 2023 to 10th February, 2023 Look Out Circular will also be issued against the appellant so that he is not in a position to cross borders of this country.

9. It is further directed that during this period of interim suspension, the appellant or any of his family member will not contact the victim or any of her family members or go near their place of residence, or contact any of the witnesses already examined or proposed to be examined in any trial connected with the appellant.

10. Application is disposed of.”

Mr. Mehmood Pracha, learned counsel for the complainant/victim states that the facts of the present case are different from the case in which the interim bail has been granted. Learned counsel submits that threat perception still continues as per the report filed by the Central Government and the State Government before the Apex Court and therefore interim bail may not be granted. He also submits that since Police Officers are also co-accused in this case, therefore there is a possibility of the Appellant misusing the liberty, if granted.



Ms. A.S., daughter of the deceased is present before this Court. She has vehemently opposed the interim bail application. She states that she has an apprehension that if the Appellant is admitted to interim bail, he shall misuse it. She further states that if the Appellant is admitted to interim bail, it may only be in the custody of Delhi Police and some Police Officers may also continuously stay with the Appellant.

Learned counsel for the CBI submits that they will comply with the directions passed by the Division Bench in Crl.A. No.53/2020 and an appropriate order may be passed by this Court.

I have considered the submissions of the learned counsel for the Complainant and Ms. A.S., daughter of the deceased. In my opinion, sufficient directions have already been given by the Division Bench of this Court and no further directions are required to be given.

Accordingly, the Appellant is admitted to interim bail from 27.01.2023 to 10.02.2023 on furnishing a personal bond of Rs.1 lakh with two sureties of the like amount, out of which one surety will be a family member of the Appellant to the satisfaction of the Trial Court.

Accordingly, the application is disposed of.

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List on 13.02.2023.

Order *dasti*.

DINESH KUMAR SHARMA, J

JANUARY 19, 2023

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