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

+ **CRL.A. 539/2020**

**KULDEEP SINGH SENGHER**

.....Appellant

Through: Mr. Kanhiya Singhal, Advocate

versus

**CENTRAL BUREAU OF INVESTIGATION** .....Respondent

Through: Mr.Atul G., SPP for CBI with SI Sanjay Kumar

Mr.Mehmood Pracha, Mr.Sanawar, Mr.Jatin,  
Mr.Kshitiz and Ms.Nujhat, Advocates for  
complainant

**CORAM:**

**HON'BLE MR. JUSTICE MANOJ KUMAR OHRI**

**ORDER**

% **10.12.2024**

**CRL.M.(BAIL) 2060/2024 (interim suspension of sentence)**

1. The present application has been filed seeking interim suspension of sentence for a period of 20 weeks in FIR No.89/2018 and FIR No.90/2018 registered under Sections 120B/193/201/203/211/323/341/304 Part-II IPC & under Section 3 read with Section 25 Arms Act at PS Makhi, U.P. on medical grounds.

2. By way of appeal, the appellant seeks to assail the judgement of conviction dated 04.03.2020 vide which he has been convicted for offences punishable under Sections 166, 167,193, 201, 203, 211, 218, 323, 341 & 304, 120B of IPC and Section 3 read with section 25 of the Arms Act and order on sentence dated 13.03.2020 vide which he has been directed to



undergo rigorous imprisonment for a period of 5 years for the offence punishable under Section 120B IPC alongwith payment of fine of Rs.1,00,000/- in default whereof, he was directed to further undergo imprisonment for a period of 1 year; rigorous imprisonment for a period of 7 years for the offence punishable under Section 193 IPC alongwith payment of fine of Rs.50,000/- in default whereof, he was directed to further undergo rigorous imprisonment for a period of 18 months; rigorous imprisonment for a period of 2 years for the offence punishable under Section 203 IPC alongwith payment of fine of Rs.10,000/- in default whereof, he was directed to further undergo rigorous imprisonment for a period of 6 months; rigorous imprisonment for a period of 7 years for the offence punishable under Section 211 IPC alongwith payment of fine of Rs.50,000/- in default whereof, he was directed to further undergo rigorous imprisonment for a period of 18 months; rigorous imprisonment for a period of 1 month for the offence punishable under Section 341 IPC alongwith payment of fine of Rs.500/- in default whereof, he was directed to further undergo rigorous imprisonment for a period of 7 days; rigorous imprisonment for a period of 10 years for the offence punishable under Section 304 Part (ii) and rigorous imprisonment for a period of 3 years for the offence punishable under Section 3 read with Section 25 of the Arms Act alongwith payment of fine of Rs.25,000/- in default whereof, he was directed to further undergo rigorous imprisonment for a period of 6 months. The benefit of Section 428 Cr.P.C. has also been provided to the appellant and all the sentences have been directed to run concurrently.

3. Learned counsel for the appellant submits that the appellant has also been convicted in RC (S) No.8/2018 registered under Section 376 IPC and



Section 5(c)/6 of POCSO Act. His appeal challenging the judgment of conviction and order on sentence, filed vide CRL.A. 53/2020 is pending consideration before the Division Bench. He further submits that the appellant has approached the Division Bench by way of CRL.M.(BAIL) 1843/2024 seeking interim suspension of sentence. He has also handed a copy of the order dated 05.12.2024, wherein the medical Status Report dated 25.11.2024 submitted by the Office of Senior Medical Officer, Central Jail No. 3, Tihar Jail, New Delhi was considered. The reports read as under:-

**“Medical status report dated 25.11.2024.**

*“With reference to the Registrar General, High Court of Delhi, New Delhi, seeking medical report of aforesaid inmate patient to be submitted as per date given.*

*As per prisoner management System, the aforesaid inmate/patient is currently lodged in Central Jail No.03, Tihar Since 24.08.2019.*

*Inmate/patient is known case of Diabetes Mellitus Type-II with Bronchial Asthma with external and internal Hemorrhoids with Low back ache with radiculopathy bilateral lower limbs with Anxiety with decreased sleep with Chronic periodontitis (dental pain).*

*Inmate/patient is under regular follow-up of jail visiting Orthopaedician, Jail visiting Surgeon, jail visiting Ophthalmologist from D.D.U Hospital, Jail Dental Surgeon, jail Medicine Specialist, Maulana Azad Institute of Dental Sciences (MAIDS), Orthopaedics department - Lok Nayak Hospital, Neurology department - G.B Pant Hospital, Eye department- D.D.U hospital, Guru Nanak Eye Centre (GNEC) as well as AIIMS.*

*Inmate/patient has been reviewed by Jail Senior Resident Orthopedics as well as Orthopaedics department - Lok Nayak Hospital multiple times in view of Low back ache with numbness in bilateral lower limbs. He last visited Lok Nayak Hospital on 16.10.2024. He was advised medications, L-S belt, and physiotherapy accordingly. He was also advised MRI LS*



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Spine.

Inmate/patient was also reviewed in Neurology department - G.B Pant Hospital on 09.11.2024 in view of low backache with pain radiating to left lower limb with loss of sensation left lower limb. His detailed examination was done by Neurologist wherein tenderness was found at lumbar region, decreased power and loss of sensation over left lower limb was also noted. He was advised medicines, Physiotherapy

along with MRI LSSpine and also advised to review in Neuro-surgery OPD and Orthopaedics department with MRI report. The date for the same has been procured from Radiology - G.B Pant Hospital as on 01.04.2026.

Inmate/patient has also been reviewed by Jail Senior Resident Medicine on multiple occasions in view of Diabetes Mellitus with Hypertension with Bronchial Asthma. Inmate/patient had given repeated complaints of dry cough with minimal expectoration with shortness of breath along with deranged blood sugar levels and numbness in both lower limbs. He was also admitted in Central Jail Hospital under Medicine department on multiple occasions for the same. He was recently admitted on 19.10.2024 till 22 .10.2024 as well as on 25.10.2024 to 26.10.2024.

Inmate/patient was reviewed by Jail visiting Senior Resident Surgery with complaint of pain and bleeding per rectum and diagnosed as external and internal grade Ill Hemorrhoids. On examination it was found 11 O' clock external Hemorrhoids and 7 O' internal Hemorrhoids grade - Ill. He was advised medications, high fiber diet and Sitz bath accordingly. He was last reviewed by jail visiting SR. Surgery - D.D.U Hospital on 22.10.2024 wherein he was provided appropriate treatment and advised Proctoscopy at D.D.U Hospital. On 05.11.2024, he was again reviewed by Surgeon - D.D.U Hospital in view of persistent pain and bleeding while defecation wherein Surgeon advised for Haemorrhoidectomy (Surgery). Inmate/patient was also referred to department of Anaesthesia (PAC clinic) on 23.11.2024 however, his PAC was not done.

Inmate/patient was reviewed by Jail Dental Surgeon on multiple occasions with complaints of pain and sensitivity of



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teeth with bleeding gums with difficulty in chewing wherein he was diagnosed as chronic periodontitis. He was provided treatment accordingly and also referred to a higher centre - MAIDS for further management. His last visit to MAIDS was on 16.10.2024 wherein he was given treatment accordingly and asked to review after 01 month. Inmate/patient was last reviewed on 22.10.2024 wherein it was noted that he is having dental pain with pain radiating to lower jaw with reduced mouth opening.

Inmate/patient has been reviewed by jail visiting Eye specialist - D.D.U Hospital, Eye department - D.D.U Hospital as well as Guru Nanak Eye Centre (GNEC) for both eyes decreased vision. Patient was diagnosed as both eye cataract by Eye department - D.D.U Hospital but in view of retinal changes patient was referred to higher centre by Head Of department (HOD) -department of EYE, D.D.U Hospital.

Accordingly, patient was reviewed at GNEC as well as AIIMS Hospital. In view of long waiting period at AIIMS, patient was reviewed at GNEC on 04.09.2024 wherein his both retina were examined and diagnosed as both eye high myopia with peripheral retinal degeneration. In view of requirement of urgent intervention, patient was planned for laser therapy on the immediate next day i.e. on 05.09.2024. His both eye laser therapies were done on 05 .09.2024, 26.09.2024 as well as 28.10.2024. On his last visit to GNEC I e. On 28.10.2024, patient was advised for cataract surgery and then continue laser therapy in view of persistent decreased vision.

Inmate/patient has also been reviewed by Jail Psychiatrist on multiple occasions with complaints of Anxiety with decreased sleep with headache. He was advised medications accordingly and patient is compliant to the therapy. He was last reviewed on 21.11.2024.

At present, inmate/patient still complains of severe low backache with numbness in both lower limbs with loss of sensation left lower limb with difficulty in performing daily activities, decreased vision inspite of multiple therapies, on & off acute exacerbation of bronchial asthma (shortness of breath) with deranged blood sugar levels, pain and bleeding



while defecation with anxiety and decreased sleep inspite of full compliance to treatment. court.

*This is submitted for your kind information and onward submission to the Hon'ble Court."*

4. The Division Bench in paragraph 12 of the order dated 05.12.2024 also noted as under:-

*"i) That the Appellant is suffering from Diabetes Mellitus Type-II with Bronchial Asthma with external and internal Hemorrhoids with Low back ache with radiculopathy bilateral lower limbs with Anxiety with decreased sleep with Chronic periodontitis (dental pain);*

*ii) That the Appellant is also having orthopedic issues requiring physiotherapy and orthopedic intervention. The date given by the G.B. Pant Hospital for MRI LS-Spine and the Neuro surgery department is 1st April, 2026 for review in Neuro-surgery OPD and Orthopaedics department with MRI report;*

*iii) The Appellant is also suffering from certain retinal issues. The Appellant is advised urgent intervention for his eyes and is also advised to undergo cataract surgery and continue laser therapy;*

*iv) Insofar as dental issues etc., are concerned, the Jail Dental Surgeon has examined the Appellant. The Appellant has been examined in AIIMS even before, as per the report;*

*v) The Appellant has suffered bleeding per rectum and diagnosed as external and internal grade III Hemorrhoids. As per the report, he has also been advised surgery for Haemorrhoidectomy."*

5. Considering the Medical Status Report, the Division Bench has directed the interim suspension of sentence for the purpose specified therein till the next date of hearing i.e., 20.12.2024 subject to conditions mentioned therein. The petitioner has not been able to avail the benefit of said order so far on account of his incarceration in the present case.

6. Considering the import of the order passed by the Division Bench, the



application is partly allowed and the sentence of the appellant shall remain suspended till 20.12.2024 on his furnishing a personal bond in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the learned trial court and subject to the following further conditions:-

- i) The Appellant/Applicant shall be admitted to AIIMS, New Delhi on the next day of his release for a comprehensive review of his medical condition and the Medical Superintendent, AIIMS, New Delhi shall enable his admission. The medical report which is extracted above shall be handed over to the Medical Superintendent, AIIMS, New Delhi and the Medical Board from various departments shall examine the Appellant and submit a report to this Court on the future course of treatment;
- ii) The Board shall also opine as to whether all his treatments can be administered in AIIMS, New Delhi and if so, within what period.
- iii) Initially, the Appellant shall be admitted in AIIMS, New Delhi for at least a period of 3 to 4 days so that the Medical Board can have a comprehensive evaluation;
- iv) Upon the advice of the treating Doctors, if the Appellant is to be discharged from the hospital, he shall remain in an identified premises and shall not contact the survivor, her family or any other person including lawyers connected with this case in any manner whatsoever;
- v) The Appellant shall remain in touch with the local CBI officer, who is going to be deputed by the CBI pursuant to this



order and his number shall be provided to the survivor as also to the Appellant. The local CBI officer shall be in touch with the Medical Board of AIIMS so as to monitor the treatment of the Appellant on daily basis;

vi) The Appellant shall provide his residential address to the concerned CBI officer where he would be residing;

vii) The Appellant shall not leave Delhi or change his residence without prior permission of this Court;

viii) The Appellant shall provide his mobile number to the CBI official and intimate about any change.”

7. List on 20.12.2024.

8. In the meantime, let a soft copy of the paper book be also supplied to the learned counsel for the appellant.

9. A copy of this order be communicated electronically to the concerned Jail Superintendent for information and necessary compliance.

10. Copy of the order be also uploaded on the website forthwith.

**MANOJ KUMAR OHRI, J**

**DECEMBER 10, 2024**

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