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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.A. 539/2020**

KULDEEP SINGH SENGAR

.....Appellant

Through: Mr. Manish Vashisth, Sr. Advocate
with Mr. A.K. Thakur, Mr. Vedansh
Vashisth, Mr. Aishwarya Sengar and
Ms. Anushruti Tripathi, Advocates

versus

CENTRAL BUREAU OF INVESTIGATIONRespondent

Through: Mr. Ravi Sharma, SPP with Mr.
Swapnil Choudhary, Mr. Ishann
Bhardwaj, Mr. Sagar and Ms.
Madhulika Raj Sharma, Advocates for
CBI
Mr. Mehmood Pracha, Mr. Sanawar
Choudhary, Mr. Jatin Bhatt, Mr.
Kshitij Singh and Mr. Asad Beig,
Advocates for complainant

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

% **22.01.2025**

CRL.M.(BAIL) 2050/2024 (suspension of sentence)

1. The present application has been filed under Section 430 read with Section 528 BNSS read with Section 389(3) of Cr.P.C. for suspension of sentence.
2. Mr. Manish Vashisth, the learned senior counsel appearing on behalf of the appellant submits that for the time being, he is confining his prayer to interim suspension of sentence on the ground that appellant has to undergo cataract surgery at AIIMS on 24.01.2025.
3. He submits that the appellant has also been convicted for the separate offence under Section 376 IPC read with Section 6 of POCSO Act and has



been sentenced to undergo life imprisonment in respect thereof.

4. He further submits that against the said conviction, the present appellant has preferred an appeal being CrI. Appeal No. 53/2020. In the said appeal as well, the present appellant has filed a similar application seeking interim suspension of sentence on the same ground and the Division Bench of this Court *vide* order of even date has suspended the sentence of the appellant with the condition that the appellant will undergo cataract surgery on 24.01.2025. However, in the event such surgery does not take place on the said date, the appellant shall surrender forthwith. In case the surgery of cataract is performed as scheduled, then the appellant shall surrender on 27.01.2025.

5. He submits that since the appellant has been convicted and sentenced in the present case as well, therefore, suspension of sentence in the present case would also be imperative to enable the appellant/applicant to avail the benefit of interim bail granted by the Division Bench on medical ground. He prays for interim suspension of sentence of the appellant in the present case for the same period, on the same terms and conditions as have been imposed by the Division Bench in its order of the even date passed in the CrI. Appeal No. 53/2020.

6. Learned Special PP appearing on behalf of respondent/CBI, as well as, the learned counsel appearing on behalf of the complainant affirm the fact of such an order having been passed by the Division Bench in Criminal Appeal No. 53/2020.

7. In view of the above, the appellant is granted interim suspension of sentence in the present case subject to his furnishing a personal bond in the sum of Rs.50,000/- alongwith one surety of the like amount to the satisfaction



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of the concerned Jail Superintendent and subject to the following conditions:

- i. That on his release and till his admission to AIIMS, the appellant shall stay only at his residence i.e., B-5/123, Safdarjung Enclave, Delhi, which was also a condition stipulated in the order dated 20.12.2024. The appellant shall not move out of his residence except for visiting AIIMS;
- ii. The appellant shall, if required, get himself admitted in AIIMS on 24.01.2025;
- iii. The appellant shall undergo a Cataract surgery on the said date, that is, 24.01.2025;
- iv. If for any reason whatsoever, the surgery cannot be conducted on 24.01.2025, the appellant shall surrender back to the Jail Superintendant by 07:00 PM on 24.01.2025. In such an event, the appellant shall not be precluded from filing a fresh application seeking suspension of sentence, if any fresh date of surgery is given by the Doctors at AIIMS. In case such an application is filed, it shall be considered on its own merits without being influenced by the present order;
- v. If the appellant undergoes cataract surgery on 24.01.2025, on being discharged from the Hospital, he shall surrender back to the Jail Superintendent latest by 12:00 Noon on 27.01.2025;
- vi. The Respondent no. 1 shall depute one Constable of Delhi Police, who shall remain present at the address mentioned hereinabove and later, at the private ward where the appellant is admitted, and shall not permit more than two visitors at a time to meet the appellant;
- vii. A competent CBI officer shall be nominated by the appropriate



Authority in the CBI, who shall be in touch with the appellant on daily basis;

viii. There shall be no further extension of suspension of sentence granted to the appellant on the above medical ground.

8. In the meanwhile, learned counsel for the respondent/complainant shall file their respective replies to the present application. Learned SPP appearing on behalf of CBI is directed to serve a complete set of their reply in the present application, to the complainant's counsel within two days' time.

9. List for hearing on 31.01.2025, amongst the top ten matters.

10. Copy of the order be forwarded to the concerned Jail Superintendent for necessary compliance and information.

11. Order *dasti* under signatures of the Court Master.

12. Order be uploaded on the website of this Court.

CRL.M.A. 1123/2025 (early hearing)

13. The present application has become infructuous and is disposed of as such.

JANUARY 22, 2025/‘rs’

VIKAS MAHAJAN, J