



2025:DHC:338-DB



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

Date of decision: 22.01.2025

+ CRL.A. 53/2020

KULDEEP SINGH SENGARAppellant

Through: Mr. Manish Vashisht, Sr. Adv.
with Mr. Amit Kumar Thakur,
Ms. Aishwarya Sengar, Mr.
Vedansh Vashisht and Ms.
Anushruti Tripathi, Advs.

versus

CENTRAL BUREAU OF INVESTIGATIONRespondent

Through: Mr. Ravi Sharma, SPP, CBI
with Mr. Swapnil Choudhary,
Mr. Ishann Bhardwaj, Mr.
Sagar and Ms. Madhulika Rai
Sharma, Advs. for CBI.
Mr. Mehmood Pracha, Mr. Jatin
Bhatt, Mr. Sanawar, Mr. Kshitij
Singh and Ms. Nujat Naseem,
Advs. for victim.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR

NAVIN CHAWLA, J. (ORAL)

CRL. M.A. 1961/2025

1. Allowed, subject to all just exceptions.



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CRL. M.A. 1531/2025

2. This application seeks preponement of the date of hearing of Criminal M.(Bail) No. 110/2025.

3. As Criminal M. (Bail) No. 110/2025 has been heard today, this application has been rendered infructuous and is disposed of.

CRL. M. (BAIL) No. 110/2025

4. The learned Senior Counsel for the appellant submits that in view of the filing of CrI. M. (Bail) No. 147/2025 and consideration thereof by this Court, the present application has been rendered infructuous.

5. The present application is, accordingly, disposed of.

CRL.M.(BAIL) 147/2025

6. By this application, the appellant prays for an *interim* suspension of his sentence for a period of 30 days on medical grounds.

7. The learned Senior Counsel appearing for the appellant has submitted that the appellant has been advised to undergo a Cataract surgery by the All India Institute of Medical Sciences, New Delhi (“AIIMS”), for which he has to be admitted to the said hospital on 24.01.2025. He has drawn our attention to the Orders dated 05.12.2024 and 20.12.2024 of this Court, by which the appellant had earlier been granted *interim* suspension of sentence on medical grounds by a Co-ordinate Bench.

8. Issue notice.

9. Notice is accepted by Mr. Ravi Sharma, learned Special Public



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Prosecutor on behalf of respondent / Central Bureau of Investigation (“CBI”), and Mr. Mehmood Pracha, learned counsel on behalf of the victim.

10. Mr. Ravi Sharma, learned counsel appearing for CBI submits that the medical documents submitted by the appellant have been verified from AIIMS and they are found to be genuine.

11. Mr. Mehmood Pracha, learned counsel appearing for the victim, submits that in the Order dated 20.12.2024 passed by this Court, it had been categorically stipulated that no further extension of suspension of sentence shall be granted to the appellant. He further submits that the appellant cannot, on his own choosing, determine when he will take treatment for a particular medical condition, thereby, endlessly seeking extension of suspension of sentence. He further submits that the victim and her family in the present case are facing grave threats from the appellant and for this reason, further extension of suspension of sentence should not be granted to the appellant.

12. We have considered the submissions made by the learned counsels for the parties.

13. In the Order dated 20.12.2024 passed by this Court, a reference was also made to the report from AIIMS dated 17.12.2024, which *inter-alia* recorded as under:-

“5. Bilateral cataract with simple myopia, bilateral retinal tears and lattices: (previously lasered as well as Laser therapy was done at AIIMS on 13-12-2024)(to follow with ophthalmologist at local facility after one month).”



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14. The appellant has also produced before us the prescription as also the booking information dated 14.01.2025 for a room in the private ward for 24.01.2025, which, he says, is for undergoing a Cataract operation.

15. Presently, there is no allegation of the appellant having violated any terms and conditions on which the appellant was earlier granted suspension of sentence.

16. Keeping in view the above, we grant *interim* suspension of the sentence of the appellant in the following terms:

(a) The appellant, if not in custody in any other case, shall be released on *interim* bail tomorrow, that is, 23.01.2025, subject to the appellant furnishing a personal bond in the sum of Rs. 50,000/- along with one surety of the like amount to the satisfaction 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;



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- iv. If for any reason whatsoever, the surgery cannot be conducted on 24.01.2025, the appellant shall surrender back to the Jail Superintendent 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.
17. The application is disposed of in the above terms.



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18. A copy of this order be sent to the concerned Jail Superintendent for compliance.

19. A copy of this order be also given *dasti* to the counsels under the signatures of the Court Master.

NAVIN CHAWLA, J

HARISH VAIDYANATHAN SHANKAR, J

JANUARY 22, 2025/ss/VS

Click here to check corrigendum, if any