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

+ CRL.A. 413/2020, CRL.M.(BAIL) 422/2022

GEETA ARORA @ SONU PUNJABAN Appellant

Through: Mr. Adit S. Pujari, Ms. Aparajita
Sinha, Mr. Zeeshan Thomas, Advs.

versus

THE STATE (NCT) OF DELHI Respondent

Through: Mr. Ajay Vikram Singh, APP for
State with SI Pankaj Negi, PS Crime
Branch

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

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23.02.2023

CRL.M.(BAIL) 205/2023

1. This is an application seeking interim suspension of sentence for a period of 2 months on the ground that her only son is 19 years old and requires guidance in life.
2. Mr. Pujari, learned counsel for the applicant further states that grounds available for parole can be urged for grounds for interim suspension of sentence.
3. He states that the appellant's family consists of an aged mother and a young son who needs maternal support and direction.
4. He states that she has been in custody for almost 1 and a half years since her last release.
5. In addition, the appellant has also cited various medical reasons which



are in need of urgent medical intervention.

6. Mr. Singh, learned APP has taken me through the medical status report, wherein the appellant has refused to take medical treatment from one of the hospitals attached to the jail.

7. I have heard learned counsel for the parties.

8. Admittedly, it is not for the appellant to state that she does not want the medical treatment at the hospital which is attached to the jail. It is the duty of the respondent i.e. State to provide medical facility to the convict and that is her fundamental right. Since the appellant has refused medical treatment offered by the respondent, State, the medical ground is not available to the appellant.

9. The other ground urged in the application, admittedly, is for the purpose of maintaining social ties.

10. The appellant has been in continuous custody for last, more than 1 and a half years. She has a 19 year old son who, at present, needs direction regarding future studies and employment which the appellant can assist in providing. She also has an aged mother.

11. In the past, the sentence of the appellant was suspended on 1 occasion and on 3 occasions she was granted interim bail. On all the occasions, she surrendered in accordance with the conditions of bail.

12. Even during the period of bail, there is nothing illegal attributed to her.

13. A Division Bench of this Court in '*Rajesh Kumar vs. Govt. (NCT of Delhi)*' in W.P.(C) 5128/2011 decided on 19.12.2011 has held as under:

"We are however of the opinion that even when application for interim suspension of sentence or ball is filed by a convict in a



pending appeal, it is always open to the convict to seek suspension/bail from this Court on the grounds as provided for regular parole and the High Court can always take those grounds in consideration while entertaining applications for suspension and/or interim suspension of the sentence. There is nothing in Section 389 or otherwise in law, barring the appellate Court from granting interim bail or suspending the sentence on considerations as for parole. Clause 10 very clearly stipulates that the "convict can seek appropriate orders from the High Court" which means that the convict can seek the order on parity of grounds for regular parole. Thus, the premise on which the petitioners impugn Clause 10, i.e. of grounds as for regular parole being not available while seeking "appropriate orders from the High Court" is erroneous and thus the challenge to the vires of Clause 10 has no merit. On the contrary, we are rather of the view that the Govt /Jail Authorities cannot be permitted to exercise the powers to grant parole when this Court is seized of the matter in statutory appeal and the same if permitted would be in derogation of the Appellate Powers of this Court and may lead to a conflict."

14. In this view, I am of the view that the sentence of the appellant needs to be suspended for the reasons that she needs to guide her 19 year old son, look after her aged mother and maintain social ties with the society.

15. In the meantime, if the appellant so desires, she can also obtain medical treatment.

16. The sentence of the appellant is suspended for a period of 4 weeks on the following terms and conditions:

- i. The appellant shall furnish a personal bond with one local surety in the sum of Rs. 20,000/- each, to the satisfaction of the Jail Superintendent;
- ii. The appellant shall provide her mobile number to the Investigating Officer (IO) concerned, which shall be kept in working condition



- at all times. The appellant shall not switch off, or change the same without prior intimation to the IO concerned, during the period of suspension of sentence;
- iii. The appellant will furnish her permanent address to the IO and in case she changes her address, she will inform the IO concerned and this Court also;
 - iv. The appellant shall appear before the Court as and when the appeal is taken up for hearing;
 - v. The appellant shall not leave the country and if the appellant has a passport, she shall surrender the same to the Jail Superintendent;
 - vi. The appellant shall not be in the vicinity of the prosecutrix or any of her family members;
 - vii. The appellant shall not indulge in any act or omission that is unlawful or that would prejudice the proceedings in pending cases, if any.
17. The application is allowed and disposed of in the aforesaid terms.

JASMEET SINGH, J

FEBRUARY 23, 2023/dm

Click here to check corrigendum, if any