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

+ **CRL.A. 413/2020**

GEETA ARORA @ SONU PUNJABAN Appellant

Through: Mr. Adit S. Pujari and Ms. Mantika
Vohra, Advocates.

versus

THE STATE (NCT) OF DELHI Respondent

Through: Mr. Mukesh Kumar, APP for the
State with SI Satwant Singh, PS:
Crime Branch.

CORAM:
HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER
31.07.2023

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CRL.M.A. 18740/2023

1. The present application has been filed by the applicant/appellant seeking extension of the interim suspension of sentence granted by this Court vide order dated 10.07.2023 in CRL. M. (Bail) No.875/2023 and to suspend the sentence on the applicant for a period of 2 months on medical and humanitarian grounds.
2. The applicant was convicted vide judgement dated 16.07.2020 in FIR No.104/2014 under Sections 328/342/366A/372/373/120-B IPC and Sections 4, 5 & 6 of the Immoral Traffic (Prevention) Act, 1956, PS. Najafgarh, Delhi. Vide order on sentence dated 22.07.2020, the applicant was to remain in custody for a total period of 24 years as substantive sentence and to pay a fine of Rs. 64,000/-.



3. Learned counsel for the applicant submits that the present application has been filed on the ground that the applicant intends to undergo IVF treatment to exercise her fundamental right to conceive a child. It is stated that on 17.07.2023, the applicant consulted a Gynecologist and Senior IVF Specialist to start her fertility treatment, wherein she was given medications and was asked to visit again after 15 days.

4. Learned counsel for the applicant submits that the applicant had earlier tried to conceive a child through IVF and had also conceived but due to various complications, she suffered a miscarriage and now suffers from various ailments and medical complications, which make it necessary for her to be released on interim bail so as to enable her to remain in a clean and hygienic environment preventing catching of any infections that may hamper the procedure and to get regular medical attention. He also relies upon the judgement of the Hon'ble Supreme Court in ***Kashmira Singh vs. The State of Punjab*** (1977) 4 SCC 291 to submit that pending the appeal, which is likely to take time, suspension should be granted to the convict.

5. Vide order dated 10.07.2023 in CRL. M. (Bail) No. 875/2023, the applicant was granted interim suspension of sentence for a period of 7 days so as to help and guide her son while he was sitting for his examinations. It is to be noted that the said application was also filed on the same medical grounds as have been mentioned in the present application, however, the said ground was not pressed at that stage.

6. Notice was issued and Status Report was called for.

7. The Status Report has been filed verifying the medical documents issued by Dr. Rita Bakshi, Sr. IVF Specialist and Gynecologist of "RISAA IVF" situated at H-6, Green Park Main, Delhi. Further details of the



applicant's treatment were sought from the Doctor wherein she stated that the applicant requires IVF treatment for which she will require 8-10 visits to the Doctor.

8. Learned APP for the State opposes the application for grant of interim suspension of sentence, submitting that besides the present FIR in which the applicant stands convicted, there are 6 other cases pending against the appellant, out of which she has been acquitted in 3, but 3 other matters remain pending. It is further stated that out of the total substantive sentence of 24 years, the applicant has only undergone approximately 5 years in custody, wherein also she has been regularly seeking interim suspension of sentence over different medical ailments. It is submitted by the learned APP that the applicant regularly files such applications and has almost filed 30 applications so far on the same medical grounds and that there is no urgency shown by the applicant.

9. No doubt, since the applicant is trying her level best yet facing problems, considering the factual matrix involved, though this Court is not inclined to grant interim suspension of sentence, however, solely on humanitarian grounds, considering that the applicant is trying for procreation for which she has to undergo IVF treatment which is requiring one visit per week and 8-10 visits to her Doctor Dr. Rita Bakshi, Sr. IVF Specialist and Gynecologist of "RISAA IVF" situated at H-6, Green Park Main, Delhi, this Court considers it fit to grant custody-parole to the applicant for all such 10 date(s) of her appointment with her Doctor, commencing from 07.08.2023 from 11:00 AM to 5:00 P.M. for the week ending on 16.10.2023.

10. The applicant shall give the proper chart obtained from the said



Doctor showing the details, exact time and date, of her pre-fixed date(s) per week for the consecutive maximum 10 weeks to the Jail Superintendent at the earliest, preferably within a period of 3 days from the passing of this order and the Jail Superintendent in turn, shall verify the details furnished by the applicant and shall make appropriate arrangements to enable the applicant to visit the Doctor on the date of the visit.

11. It is clarified that the applicant shall bear the costs of each such visit.

12. The application stands disposed of in the above terms.

CRL.M.A. 8111/2023

13. In view of the orders passed hereinabove, the present application is dismissed as infructuous.

14. The application stands disposed of.

CRL.M.(BAIL) 422/2022

15. Issue fresh notice to the victim/prosecutrix for the next date of hearing, through the IO.

16. It is made clear that she has the option of appearing herself or through her lawyer on the next date of hearing.

17. Renotify on 08.09.2023.

SAURABH BANERJEE, J

JULY 31, 2023/So