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

+ **CRL.A. 394/2023**

BAJRANG PAL

.....Appellant

Through: Mr. Shubham, Ms. Shweta Kaushik
and Ms. Ambika, Advocates

versus

THE STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Laksh Khanna, APP for State
along with SI Pravesh, PS: Munkda,
Delhi

+ **W.P.(CRL) 4085/2024**

BAJRANG PAL

.....Petitioner

Through: Mr. Shubham, Ms. Shweta Kaushik
and Ms. Ambika, Advocates

versus

STATE (G.N.C.T. OF DELHI)

.....Respondent

Through: Mr. Sanjay Lao, SC for State along
with SI Pravesh, PS: Munkda, Delhi

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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10.01.2025

W.P.(CRL) 4085/2024

1. This petition has been filed seeking interim suspension of sentence for a period of four weeks to complete the last rituals and funeral ceremonies of the wife of the Petitioner, who unfortunately passed away on 26.12.2024 due to terminal illness.



2. The Status Report dated 07.01.2025 prepared by SHO, PS Mundka Delhi has been handed over. It records that an enquiry was conducted at Petitioner's home in his native village located in Gorakhpur, Uttar Pradesh ('UP') qua the averments made in this writ petition with respect to the death of the convict's wife and have been found to be correct.
3. It is stated that the wife of the Petitioner expired on 26.12.2024; cremated on 27.12.2024 and her teharvi is on 10.01.2025. It is stated that the Petitioner has a nine years old minor son.
4. The mother of the prosecutrix is present in Court in pursuance to the intimation served on her as per order dated 08.01.2025.
 - 4.1. She states that she has an apprehension that upon his release on interim suspension, Petitioner should not contact the prosecutrix, her family members or come in the vicinity of the neighbourhood of Village Mundka, where the prosecutrix currently resides.
 - 4.2. She further states that the Petitioner's appeal [CRL.A. 394/2023] should only be heard after he has surrendered to the Jail Authorities.
5. Learned counsel for the Petitioner states that Petitioner undertakes that he will not remain in Delhi and upon being released from the Jail, he will immediately travel to his Village in District Gorakhpur, UP and remain there for the entire period of suspension. He states that Petitioner will return back to Delhi only for surrendering to the Jail Authorities. He states that the Petitioner will return to the Jail directly from UP to Delhi. He states in any event Petitioner will not go anywhere near the neighbourhood of village Mundka.
6. This Court has considered the submissions of the parties and weighed the concern expressed by the mother of the prosecutrix.



7. Keeping in view the fact that the Petitioner's wife has passed away and the Petitioner has to participate in the last rituals of his wife, which are to commence on 10.01.2025, this Court is of the opinion that interim suspension of sentence should be granted subject to conditions, which also protects the interest of the prosecutrix/Complainant and her family.

8. Accordingly, the sentence of the Petitioner/convict is suspended for a period of four weeks from the date of release on furnishing a personal bond subject to the Petitioner furnishing a personal bond in the sum of Rs. 10,000/- with one surety bond of the like amount, subject to the satisfaction of the Jail Superintendent and the following terms and conditions:-

- i. The Petitioner shall not remain in Delhi. It is directed that the Petitioner shall from the jail upon release straightway catch a bus or train to Distt. Gorakhpur, UP. Similarly, the Petitioner for his return after four (4) weeks shall take a bus/train directly from Distt. Gorakhpur, UP to come to Delhi and proceed to the Jail for surrender.
- ii. The Petitioner shall under no circumstances remain in Delhi for any purpose during the period of four (4) weeks and more specifically, in the neighbourhood of Village Mundka, Delhi.
- iii. The Petitioner shall remain at the permanent address recorded in the Status Report i.e., Village Sohgauna, Post Sohgauna, Distt. Gorakhpur, UP and in case there is any change in the address of the Petitioner, he shall intimate the concerned IO at Gorakhpur, the concerned IO attached with PS Mundka Delhi and the Jail Superintendent by way of an affidavit.
- iv. Petitioner shall provide all mobile numbers to the Jail



Superintendent and IO(s) concerned, which shall be kept in working condition at all times and shall not switch off or change the mobile number without prior intimation to the Jail Superintendent and IO(s) concerned.

- v. The Petitioner shall not indulge in any criminal activity and shall not communicate with or come in contact with the complainant/victim or any member of the complainant and victims' family.
 - vi. The Petitioner shall report before the concerned I.O. of Distt. Gorakhpur, UP once in a week i.e., on every Friday at 04:00 PM and the concerned Officer is directed to release him by 04:30 PM after recording his presence and completion of all the necessary formalities.
 - vii. The Petitioner shall not seek any extension of the interim suspension of sentence and will surrender within four (4) weeks from his release.
 - viii. The Petitioner shall appear before this Court in case as and when directed during the interim suspension of sentence.
 - ix. The Petitioner will not leave the country without prior permission of the Court.
9. In view of the apprehension expressed by the mother of the prosecutrix, the concerned SHO of Village Mundka is directed to provide his number, the concerned IO(s) number as well as the number of the Beat Constable, who can be contacted by the prosecutrix's mother or the prosecutrix in case of any apprehension or threat.
10. It is made clear that nothing stated herein be construed as an expression or observation on the merits of the appeal pending before this



case.

11. Copy of the order be sent to the Jail Superintendent for information and necessary compliance.

12. In view of the above, the W.P.(CRL) 4085/2024 stands disposed of.

CRL.A. 394/2023

13. This appeal shall be taken up for consideration after the Petitioner has surrendered to the jail authorities.

14. List on **27.02.2025**.

MANMEET PRITAM SINGH ARORA, J
JANUARY 10, 2025/rhc/ms