

# Pushpak Rana @ Bunty vs State Nct Of Delhi on 13 April, 2021

**Author: Siddharth Mridul**

**Bench: Siddharth Mridul, Anup Jairam Bhambhani**

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\* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CRL.A. 433/2020

PUSHPAK RANA @ BUNTY ..... Appellant  
Through: Mr. Mohit Mathur, Senior Advocate  
with Mr. Kanhaiya Singhal,  
Advocate  
versus

STATE NCT OF DELHI ..... Respondent  
Through: Ms. Aashaa Tiwari, APP for th  
State.

CORAM:  
HON'BLE MR. JUSTICE SIDDHARTH MRIDUL  
HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI  
ORDER

% 13.04.2021 The present matter has been taken-up for hearing by way of Video Conferencing on account of COVID-19 pandemic.

CRL.M.(BAIL) 379/2021 The applicant/appellant, who is a convict serving life sentence in case FIR No.246/2014 dated 14.03.2014 registered at P.S.: Alipur under sections 302/34 IPC and sections 25/27 Arms Act, having been convicted vidé judgment dated 27.08.2020 and sentenced vidé sentencing order dated 28.08.2020, seeks interim suspension of sentence for 30 days on the ground that his minor son, Master Divit Rana, needs to undergo surgery for 'nasal septum deviation' at the Metro Plus Hospital, Najafgarh, New Delhi.

Mr. Mohit Mathur, learned senior counsel appearing on behalf of the applicant/appellant submits that the applicant/appellant has already undergone incarceration for more than 06 years; that his jail conduct has been 'satisfactory' throughout; and that, as is evident from the medical records and prescription issued by the Metro Plus Hospital, his son, aged about 10 years, is suffering from 'nasal septum deviation', which requires to be resolved by surgery; for which he was advised pre-surgery investigation and admission on 15.04.2021. The surgery is now stated to be scheduled on 17.04.2021.

Notice in this application was issued on 08.04.2021; consequent whereupon the State has filed status report dated 10.04.2021, which verifies and confirms the documents and prescription issued from Metro Plus Hospital, Najafgarh; and inter alia records the attending doctor as saying that the

applicant/appellant's son is a diagnosed case of 'deviated nasal septum with enlarged adenoids' and requires surgical intervention for the removal of adenoids, failing which he will keep suffering repeated throat infections and may also develop change in voice. The status report further records the doctor as saying that the surgery is considered 'major' and the child may take 03-04 weeks to recover for surgery.

Ms. Aashaa Tiwari, learned APP appearing on behalf of the State submits that appropriate orders may be passed in view of status report dated 10.04.2021, which has confirmed the veracity of the ground on which interim suspension of sentence has been sought by the applicant/appellant. Ms. Tiwari however points-out that there are other male members in the family who could look after the medical needs of the applicant/appellant's son.

On an overall conspectus of the facts and circumstances; considering that the State has verified the correctness of the grounds for interim suspension of sentence; and that the surgery is stated to be 'major', in the interests of justice it is considered appropriate to grant to the applicant/appellant interim suspension of sentence and release on interim bail for a period of 03 weeks from the date of his release, upon the following conditions:

- (a) The applicant/appellant shall furnish a personal bond in the sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with 01 surety in the like amount from a family member, to the satisfaction of the Jail Superintendent;
- (b) The applicant/appellant shall not leave the NCT of Delhi without permission of this court and shall ordinarily reside at the address as per prison records;
- (c) The applicant/appellant shall present himself before the concerned S.H.O. every Monday between 10 am and 11 am to mark his presence. However, he will not be kept waiting longer than an hour for this purpose;
- (d) The applicant/appellant shall furnish to the concerned S.H.O. a cellphone number on which the applicant may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;
- (e) In the event the surgery of the applicant/appellant's son is not conducted on 17.04.2021, or sometime thereabout, the applicant/appellant shall surrender back to custody, without demur.
- (f) Upon expiry of the period of interim suspension of sentence, the applicant/appellant shall surrender before the Jail Superintendent.

Absent exceptional circumstances, it is made clear that no extension of interim suspension of sentence shall be granted to the applicant/appellant on the ground on which suspension is being hereby granted.

The application is disposed of accordingly.

A copy of this order be provided to learned counsel appearing on behalf of the parties electronically; and be also sent to the concerned Superintendent, Central Jail, Tihar for necessary information and compliance.

SIDDHARTH MRIDUL, J ANUP JAIRAM BHAMBHANI, J APRIL 13, 2021/dn [Click here to check corrigendum, if any](#)