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

+ **CRL.A. 1157/2016**

IRSHAD ALI

..... Appellant

Through: Mr Maninder Singh and Ms Aekta
Vats, Advocates.

versus

THE STATE

..... Respondent

Through: Ms Kusum Dhalla, APP for State.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **17.07.2020**

[Hearing held through videoconferencing]

CRL.M.A. 9395/2020

1. Exemption is allowed, subject to all just exceptions.
2. The application stands disposed of.

CRL.M. (BAIL) 7668/2020

3. The appellant has filed the present application seeking extension of suspension of sentence granted on an interim basis by an order dated 29.06.2020.
4. The petitioner was directed to be released and his sentence was suspended on interim basis for a period of three weeks from the date of his release on the ground that the petitioner desired to attend the wedding of his niece, which was fixed in the first week of July. He also wanted to connect with his family members and make arrangements for his minor children. The appellant has now filed this application stating that within the aforesaid period of three weeks, one week has been spent by him for attending the said

wedding and he has been unable to make arrangements for his minor children who were dependent on his father, since deceased. He also states that in view of the prevalent pandemic, he fears that he would be at risk in contacting the said ailment if he is brought back into custody.

5. Mr Singh, further contends that irrespective of the reasons for which the sentence was suspended on an interim basis, the same is required to be extended on the basis of the decision of the Full Bench of this Court rendered on 13.07.2020.

6. This Court is unable to accept the said contention as well. The said decision clarified that the interim orders and interim bails that were granted pursuant to the earlier orders would stand extended. The High Powered Committee had set out a specific criteria for grant of interim bail and all prisoners to whom such bail was granted would be covered by the general orders unless otherwise directed. By the said decision dated 13.07.2020, the Full Bench of this Court had also clarified that the said order would also be applicable in respect of those interim orders/interim bails that were granted prior to 16.03.2020. However, in the view of this Court, the said orders would only be applicable to cases, which are covered by the decision of the High Powered Committee, that is cases, that qualify for interim bail/parole on the criteria as set out by the High Powered Committee from time to time irrespective of whether the said orders were issued prior to 16.03.2020 or thereafter. The said order would not be applicable to other cases not covered by the said general orders and the decisions of the High Powered Committee, where specific orders were passed in the specific facts of each case.

7. This Court does not consider it apposite to allow the present application. The sentence awarded to the appellant was suspended on an interim basis for specific reasons and for a limited period. The reasons for which the sentence was suspended was also to provide an opportunity to the petitioner to make arrangements to his minor children and connect with his family. And, the suspension of sentence cannot be extended on an interim basis indefinitely.

8. The application is, accordingly, dismissed.

JULY 17, 2020
RK

VIBHU BAKHRU, J