

State Vs. Sanjeet Kumar Yadav & Ors. (through applicant Mohd. Shahid)

FIR No.88/2011

PS: I.P. Estate

22.08.2020

Matter heard through VCC over Cisco Webex.

Case is taken up in view of directions of Hon'ble High Court vide Office order /DHC/2020 Dated 15.08.2020.

Present: Sh. Vakil Ahmed Ld. APP for State

Sh. Rishi Ld. Counsel for applicant/accused

Arguments heard. Record perused.

This order shall dispose off the application for cancellation of superdari of vehicle no. HR-38Q-4686, moved on behalf of ***applicant Mohd. Shahid.***

It is averred that applicant is the registered owner of the vehicle in question and same was released to him on superdari vide orders dated 23.08.2011. It is further submitted that the main case proceedings have also been disposed off vide orders dated 11.10.2018. It is further averred that the applicant wishes to sell the vehicle in question. With these averments prayer is made for cancellation of superdari of the vehicle.

In reply filed by the prosecution, it is stated accused persons namely Chander Shekhar and Krishan Kumar have already been convicted in present case, on 11.10.2018 and accused Sanjeet Kumar is a proclaimed offender in the case. The prosecution has however not opposed the present application.

As per the record, the vehicle in question has already been released in favour of applicant Mohd. Shahid on superdari vide orders dated 23.08.2011. Further, vide order dated

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22/08/2020.

22.02.2016, accused persons namely Chander Shekhar and Krishan Kumar already stands convicted for offences u/s 3/181 M.V Act and S. 5/180 & S. 146/196 M.V. Act, respectively, upon plea of their guilt. Further, the case file has already been ordered to be consigned to records pursuant to orders dated 11.10.2018. For the purposes of identity, applicant Mohd. Shahid has sent scanned copy of RC of vehicle and scanned copy of his Aadhar card. Perusal of same would reveal that applicant is the registered owner of vehicle in question.

In view of the above discussion, as applicant is the registered owner of the vehicle in question which has already been released to him on superdari and the case file has been ordered to be consigned to records, therefore in view of directions of **Hon'ble Supreme Court in case titled as Sunderbhai Ambalal Desai Vs. State of Gujrat (2002) 10 SCC 283 and of Hon'ble High Court of Delhi** in matter of "**Manjit Singh Vs. State**" in CrI. M.C. No.4485/2013 dated 10.09.2014 , the prayer of applicant is accepted. Accordingly, the superdari on vehicle no. HR-38Q-4686, stands cancelled.

SHO concerned is directed to take photographs of vehicle in question from four different angles. SHO concerned is also directed to take photographs of Engine number and Chassis number of the vehicle and thereafter said photographs be submitted in the court. Intimation of cancellation of the superdari be also sent to concerned RTO, forthwith.

The application is accordingly disposed of.

Scanned copy of this order be sent to the Ld. Counsel for applicant through email. Scanned copy of the order be also sent to Computer Branch for uploading on Delhi District Court Website.



(RISHABH KAPOOR)
MM-03 (Central), THC, Delhi
22.08.2020

State Vs. Azruddin

FIR No.142/2020

PS: I.P Estate

ऋषभ कपूर
RISHABH KAPOOR
महानगर दण्डाधिकारी-03
Metropolitan Magistrate-03
केन्द्रीय जिला कमरा नं. 150
Central District, Room No. 150
तीस हजारी न्यायालय, दिल्ली
Tis Hazari Courts, Delhi

22.08.2020

Matter heard through VCC over Cisco Webex.

Case is taken up in view of directions of Hon'ble High Court vide Office order /DHC/2020 Dated 15.08.2020.

Present: Sh. Vakil Ahmed Ld. APP for State

Sh. Sunil Tomar for applicant/accused

The present urgent application was filed on behalf of the applicant on email id of this court.

Scanned copy of reply of under the signatures of IO Noor Hassan P.S I.P Estate, is received through email id of the court. Copy of same is already supplied to counsel of applicant/accused, through email.

As per the reply, accused Azruddin has been released in present case for the want of any incriminating evidence against him vide orders dated 13.08.2020. Copy of order dated 13.08.2020 passed by Ld. Jail Duty MM, is also perused.

In view of above noted circumstances, as the accused Azruddin already stands released in present case FIR vide orders dated 13.08.2020, accordingly, the present application for grant of bail u/s 437 Cr.PC., is dismissed as infructuous.

The application is accordingly disposed of.

Scanned copy of this order be sent to the Ld. Counsel for applicant through email.
Scanned copy of the order be also sent to Computer Branch for uploading on Delhi District Court Website.


(RISHABH KAPOOR)
MM-03 (Central), THC, Delhi
22.08.2020

State Vs. Lalit @ Aniket

e-FIR No.012296/2020

PS: Rajender Nagar

ऋषभ कपूर
RISHABH KAPOOR
महानगर दण्डाधिकारी-03
Metropolitan Magistrate-03
केन्द्रीय जिला कमरा नं. 150
Central District, Room No. 150
तीस हजारी न्यायालय, दिल्ली
Tis Hazari Courts, Delhi

22.08.2020

Matter heard through VCC over Cisco Webex.

Case is taken up in view of directions of Hon'ble High Court vide Office order /DHC/2020 Dated 15.08.2020.

Present: Sh. Vakil Ahmed Ld. APP for State

Sh. Pramod Kumar Ld. Counsel for applicant/accused

IO/SI HC Ravinder Singh in person

Arguments heard. Record perused.

This order shall dispose of the application for grant of regular bail u/s 437 Cr.PC., moved on behalf of **applicant/accused Lalit @ Aniket**.

It is averred on behalf of applicant/accused that he has been falsely implicated in the present case. It is further averred that no recovery has been effected from the applicant/accused. It is further averred that the accused has no involvement in the present case. With these averments, prayer is made for grant of bail to accused.

Ld. APP for the State submits that the accused shall not be released on bail as he is a habitual offender, having previous involvements.

On perusal of the scanned copy of previous conviction/involvement report received along with reply of IO (through email), it emerges that the accused is having previous involvements in certain other cases, involving serious offences. More particularly, the accused has been shown to have complicity in respect of case FIR No. 036965/2019 u/s 379/411 PS Dwarka North, case FIR No. 05964/2020 u/s 379 IPC PS Binda Pur, case FIR No. 006157/2020 u/s 379/411/34 IPC PS Dabri, e-FIR

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22/08/2020.

No. 035315/19 u/s 379/411/34 IPC and e-FIR No. 18598/2020 u/s 379 IPC. If that be so, the apprehension of prosecution that if enlarged on bail, he will commit the offences of like nature or will dissuade the material prosecution witnesses, appears to be well justified.

In such circumstances, this court is of the firm view that no ground for grant of bail is made out to the **accused/applicant Lalit @ Aniket**. Accordingly, the present application deserves dismissal and same is hereby **dismissed**.

The application is accordingly disposed of.

Scanned copy of this order be sent to the Ld. Counsel for applicant through email. Scanned copy of the order be also sent to Computer Branch for uploading on Delhi District Court Website.


(RISHABH KAPOOR)
MM-03 (Central), THC, Delhi
22.08.2020

State Vs. Sunny Kumar

e-FIR No.039832/2020

PS: I.P. Estate

ऋषभ कपूर
RISHABH KAPOOR
महानगर दण्डाधिकारी-03
Metropolitan Magistrate-03
केन्द्रीय जिला कमरा नं. 150
Central District, Room No. 150
तीस हजारी न्यायालय, दिल्ली
Tis Hazari Courts, Delhi

22.08.2020

Matter heard through VCC over Cisco Webex.

Case is taken up in view of directions of Hon'ble High Court vide Office order /DHC/2020 Dated 15.08.2020.

Present: Sh. Vakil Ahmed Ld. APP for State

Sh. Kumar Satyanand Ld. Counsel for applicant/accused

IO/HC Sushil Kumar person

The present urgent application was filed on behalf of the applicant on email id of this court.

Scanned copy of reply of under the signatures of IO/HC Sushil Kumar, is received through email id of the court. Copy of same is already supplied to counsel of applicant/accused, through email.

This order shall dispose off the application for grant of bail u/s 437 Cr.PC, moved on behalf of **applicant/accused Sunny Kumar**.

It is stated that the applicant is innocent and has been falsely implicated in the present case. It is further averred that the custodial interrogation of the applicant/accused is no more required, nor any recovery is left to be effected from him. It is further averred that the applicant is the sole bread earner of his family and his family is on the verge of starvation. With these averments prayer is made for enlarging applicant on bail.

Rishabh Kapoor
22/08/2020.

Ld. Counsel for applicant submits that applicant/accused is languishing in judicial custody since 17.02.2020 and till date, the charge sheet has also not been filed in present case, therefore the accused is also entitled for the benefit of default bail. It is also submitted that the accused has been falsely implicated in a case FIR pertaining to PS Samaypur Badli and another case FIR pertaining to PS Adarsh Nagar along with present case and as such he has been already released in connection with aforesaid case FIRs at PS Samaypur Badli and PS Adarsh Nagar, for want of any incriminating evidence against him.

Ld. APP for State has opposed the present application citing seriousness of allegations and made a prayer for dismissal of the present application.

IO/HC Sushil Kumar concedes that the charge sheet has not been filed in present case till date and he would be filing the same during course of the day.

In the present case, the applicant was arrested for the offences u/s 379/411/482/34 IPC and is admittedly undergoing judicial custody since 17.02.2020. As per reply filed by IO/HC Sushil Kumar, the recovery of alleged motorcycle has already been effected in the present case. It is also not disputed that the applicant is already released in connection with aforesaid case FIRs at PS Samaypur Badli and PS Adarsh Nagar, for want of any incriminating evidence against him. The recovery of the case property has already been effected in present case, and there does not exist any apprehension that if enlarged on bail, he will commit offences of like nature or will dissuade the prosecution witnesses. Further, the trial of the case would take a long time and till then the liberty of the accused cannot be curtailed, when his custody is as such not required for the investigation purposes. Even otherwise also, the presence of the accused during the course of remaining investigation, if any, as well as during trial can be ensured by taking sufficient sureties undertaking to ensure his presence. Besides, the charge sheet has also not been filed by IO despite lapse of statutory period, without any plausible explanation. If so, in the circumstances, I am of the view that there exists no ground in further curtailing the liberty of the applicant/accused.


22/08/2020.

At this juncture, it is also pertinent to cite the observations made by the Hon'ble apex court *In Sanjay Chandra versus CBI (2012) 1SCC 40*, wherein it was observed that the courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earliest times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some un-convicted persons should be held in custody pending trial to secure their attendance at trial but in such cases, necessity is the operative test. The Hon'ble Apex court further observed that in this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances. Apart from the question of prevention being the object of a refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and that it would be improper for any court to refuse bail as a mark of this approval of former conduct whether the accused has been convicted for it or not or to refuse bail to an un-convicted person for purpose of giving him a taste of imprisonment as a lesson.

In the light of the discussion made above, I am of the view that the contentions of the prosecution appears to be untenable and as such, there exists no reasonable justification, in not enlarging the applicant/accused, on bail. Accordingly, the accused/applicant **Sunny Kumar** is hereby ordered to be enlarged on bail, subject to following conditions;

1. That the applicant shall furnish personal and surety bonds in the sum of **sum of Rs.15,000/- each**, to the satisfaction of **Ld. Duty MM (on court duty)**.
2. That the applicant shall make himself available as and when required to do so by the investigating agency or the police;
3. That the applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing any facts to the court or the police;
4. That the applicant shall not tamper with the prosecution evidence nor he will try to win over the prosecution witnesses or terrorize them in any manner; and
5. That the applicant shall not deliberately and intentionally act in a manner which may tend to delay the investigation and trial of the case.
6. That the applicant shall not leave the territories of India during the pendency of present case proceedings except with the permission of the court.

Sunny Kumar
22/08/2020.

Meanwhile, the concerned SHO is directed to file a detailed report explaining circumstances which led to the delayed investigation of the case within 10 days from today and same be separately put up for further directions. Concerned Ahlmad to do needful.

The application is accordingly disposed of.

Scanned copy of this order be sent to the Ld. Counsel for applicant through email. One copy be also sent to concerned Jail Superintendent through all permissible modes including email at daksection.tihar@gov.in , for necessary information and compliance.

Scanned copy of the order be also sent to Computer Branch for uploading on Delhi District Court Website.


(RISHABH KAPOOR)
MM-03 (Central), THC, Delhi
22.08.2020

State Vs. Ritik

e-FIR No.012296/2020

PS: Rajender Nagar

ऋषभ कपूर
RISHABH KAPOOR
महानगर दण्डाधिकारी-03
Metropolitan Magistrate-03
केन्द्रीय जिला कमरा नं. 150
Central District, Room No. 150
तीस हजारी न्यायालय, दिल्ली
Tis Hazari Courts, Delhi

22.08.2020

Matter heard through VCC over Cisco Webex.

Case is taken up in view of directions of Hon'ble High Court vide Office order /DHC/2020 Dated 15.08.2020.

Present: Sh. Vakil Ahmed Ld. APP for State

Sh. Pranay Abhishek Ld. Counsel for applicant/accused

IO/SI HC Ravinder Singh in person

Arguments heard. Record perused.

This order shall dispose of the application for grant of regular bail u/s 437 Cr.PC., moved on behalf of **applicant/accused Ritik**.

It is averred on behalf of applicant/accused that he has been falsely implicated in the present case. It is further averred that the recovery of alleged vehicle has already been effected from the applicant/accused. It is further averred that the accused has no involvement in the present case. With these averments, prayer is made for grant of bail to accused.

Ld. APP for the State submits that the accused shall not be released on bail as he is a habitual offender, having previous involvements.

On perusal of the scanned copy of previous conviction/involvement report received along with reply of IO (through email), it emerges that the accused is having previous involvements in certain other cases, involving serious offences. More particularly, the accused has been shown to have complicity in respect of case FIR No. 005658/2020 u/s 379/411 PS Hari Nagar and case FIR No. 322/2019 u/s 33


22/08/2020.

Delhi Excise Act PS Binda Pur. If that be so, the apprehension of prosecution that if enlarged on bail, he will commit the offences of like nature or will dissuade the material prosecution witnesses, appears to be well justified.

In such circumstances, this court is of the firm view that no ground for grant of bail is made out to the **accused/applicant Ritik**. Accordingly, the present application deserves dismissal and same is hereby **dismissed**.

The application is accordingly disposed of.

Scanned copy of this order be sent to the Ld. Counsel for applicant through email. Scanned copy of the order be also sent to Computer Branch for uploading on Delhi District Court Website.



(RISHABH KAPOOR)
MM-03 (Central), THC, Delhi
22.08.2020

Bhupender Singh Chauhan Vs. State

FIR No.84/2019

PS: I.P. Estate

ऋषभ कपूर
RISHABH KAPOOR
महानगर दण्डाधिकारी-03
Metropolitan Magistrate-03
केन्द्रीय जिला कमरा नं. 150
Central District, Room No. 150
तीस हजारी न्यायालय, दिल्ली
Tis Hazari Courts, Delhi

22.08.2020

Matter heard through VCC over Cisco Webex.

Case is taken up in view of directions of Hon'ble High Court vide Office order /DHC/2020 Dated 15.08.2020.

Present: Sh. Vakil Ahmed Ld. APP for State

Sh. Puneet Jain Ld. Counsel for Complainant

Sh. Rajeev Tehlan and Sh. Rishab Kapoor Ld. Counsel for applicant/accused

IO/Inspector Ashok Kumar in person

The present application was filed on behalf of the applicant on email id of this court.

Scanned copy of reply of under the signatures of IO/Inspector Ashok Kumar, P.S I.P Estate, is received through email id of the court. Copy of same is already supplied to counsel of applicant/accused, through email.

This order shall dispose off the application for grant of **interim bail** U/S. 437 Cr.PC. moved on behalf of applicant/accused **Bhupinder Singh Chauhan**.

It is averred on behalf of applicant that he has been falsely implicated in the present case. It is stated that the daughter of applicant has attained the marriageable age i.e. 27 years and a suitable match was found by the family of the accused for his daughter, therefore, to finalize the marriage prospects and performance of the marriage rituals, the interim bail is sought on behalf of the applicant. It is also averred that the applicant seeks interim bail for proper treatment of his ailment on account of his spinal cord injury.

In reply filed by the IO/Inspector Ashok Kumar, the present application is opposed citing seriousness of the offences. IO has also stated that the accused is a habitual offender having been previously involved in three other criminal cases. It is also stated that the bail

Rishab Kapoor
22/08/2020.

application of applicant has already been dismissed by court of Ld. ASJ , Tis Hazari on 08.06.2020. Further, the application for grant of interim bail moved by applicant on the ground of illness of his wife has also been dismissed by the Hon'ble High Court and the application for grant regular bail moved on behalf of applicant is pending before Hon'ble High Court on 28.09.2020. With these submissions, prayer is made for dismissal of present application.

At the very outset, it is pertinent to be mentioned that the averments in the present application have been confined to prayer qua grant of interim bail to applicant. Further, the Ld. Counsel for applicant has not pressed for the grant of interim bail to applicant on ground of alleged ailment in the nature of spinal cord injury being suffered by the applicant and has only pressed for grant of interim bail to applicant, on the ground of finalizing the marriage prospects for his daughter.

Admittedly, the applicant is charge sheeted for offences u/s 420/467/468/471/201/34120B IPC. Offence u/s 467 IPC entails punishment extending up to life imprisonment. It is a settled law that severity of punishment serves as an important criterion in adjudication of a bail plea. Further, it is not the case of applicant that he is having no other family members for finalizing the marriage prospects of his daughter or to look after the necessary arrangements in the event the marriage prospects are finalized. The earlier regular bail application moved on behalf of the applicant has already been dismissed by court of Ld. ASJ, Tis Hazari Court on 08.06.2020. Besides, the application for grant of interim bail to applicant has also been dismissed by Hon'ble High Court and his regular bail application is also pending adjudication before Hon'ble High Court. Taking into account the above mentioned circumstances, this court is of the firm view that the applicant cannot be enlarged on interim bail at this stage. Accordingly, the present application deserves dismissal and same is hereby **dismissed**.

The application is accordingly disposed of.

Scanned copy of this order be sent to the Ld. Counsel for applicant through email. Scanned copy of the order be also sent to Computer Branch for uploading on Delhi District Court Website.



(RISHABH KAPOOR)

MM-03 (Central), THC, Delhi

22.08.2020

State Vs. Ravi Mishra

FIR No.189/2020

PS: Rajender Nagar

ऋषभ कपूर
RISHABH KAPOOR
महानगर दण्डाधिकारी-03
Metropolitan Magistrate-03
केन्द्रीय जिला कमरा नं. 150
Central District, Room No. 150
तीस हजारी न्यायालय, दिल्ली
Tis Hazari Courts, Delhi

22.08.2020

Matter heard through VCC over Cisco Webex.

Case is taken up in view of directions of Hon'ble High Court vide Office order /DHC/2020 Dated 15.08.2020.

Present: Sh. Vakil Ahmed Ld. APP for State

Sh. Atul Guglani Ld. Counsel for applicant/accused

IO/ASI Daryao Singh in person

The present urgent application was filed on behalf of the applicant on email id of this court.

Scanned copy of reply of under the signatures of IO/ASI Daryao Singh, is received through email id of the court. Copy of same is already supplied to counsel of applicant/accused, through email.

This order shall dispose off the application for grant of bail u/s 437 Cr.PC, moved on behalf of ***applicant/accused Ravi Mishra.***

It is stated that the applicant is innocent and has been falsely implicated in the present case. It is a further averred that the custodial interrogation of the applicant/accused is no more required, nor any recovery is left to be effected from him. With these averments prayer is made for enlarging applicant on bail.

Ld. APP for State has opposed the present application citing seriousness of allegations and made a prayer for dismissal of the present application.

In the present case, the applicant was arrested for the offences u/s 356/379/411 IPC. As per reply filed by IO/ASI Daryao Singh, the recovery of alleged mobile phone has already been effected in the present case. Perusal of Previous conviction/involvement report of accused would reveal that applicant/accused is

Atul Guglani
22/08/2020.

the first time offender having no previous criminal antecedents. As the recovery of the case property has already been effected in present case, coupled with the fact that the accused has never been involved in any of the offences, and as such is having clean previous antecedents, therefore, there does not exist any apprehension that if enlarged on bail, he will commit offences of like nature or will dissuade the prosecution witnesses. Further, the trial of the case would take a long time and till then the liberty of the accused cannot be curtailed, when his custody is as such not required for the investigation purposes. Even otherwise also, the presence of the accused during the course of remaining investigation, if any, as well as during trial can be ensured by taking sufficient sureties undertaking to ensure his presence. If so, in the circumstances, I am of the view that there exists no ground in further curtailing the liberty of the applicant/accused.

At this juncture, it is also pertinent to cite the observations made by the Hon'ble apex court *In Sanjay Chandra versus CBI (2012) 1SCC 40*, wherein it was observed that the courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earliest times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some un-convicted persons should be held in custody pending trial to secure their attendance at trial but in such cases, necessity is the operative test. The Hon'ble Apex court further observed that in this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances. Apart from the question of prevention being the object of a refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and that it would be improper for any court to refuse bail as a mark of this approval of former conduct whether the accused has been convicted for it or not or to refuse bail to an un-convicted person for purpose of giving him a taste of imprisonment as a lesson.

In the light of the discussion made above, I am of the view that the contentions of the prosecution appears to be untenable and as such, there exists no reasonable justification, in not enlarging the applicant/accused, on bail. Accordingly, the accused/applicant **Ravi Mishra** is hereby ordered to be enlarged on bail, subject to following conditions;

1. That the applicant shall furnish personal and surety bonds in the sum of **sum of Rs.15,000/- each**, to the satisfaction of **Ld. Duty MM (on court duty)**.


22/08/2020.

2. That the applicant shall make himself available as and when required to do so by the investigating agency or the police;
3. That the applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing any facts to the court or the police;
4. That the applicant shall not tamper with the prosecution evidence nor he will try to win over the prosecution witnesses or terrorize them in any manner; and
5. That the applicant shall not deliberately and intentionally act in a manner which may tend to delay the investigation and trial of the case.
6. That the applicant shall not leave the territories of India during the pendency of present case proceedings except with the permission of the court.

The application is accordingly disposed of.

Scanned copy of this order be sent to the Ld. Counsel for applicant through email. One copy be also sent to concerned Jail Superintendent through all permissible modes including email at daksection.tihar@gov.in , for necessary information and compliance.

Scanned copy of the order be also sent to Computer Branch for uploading on Delhi District Court Website.


(RISHABH KAPOOR)
MM-03 (Central), THC, Delhi
22.08.2020