

State vs. Rohit & Ors.
FIR No. 970/20
u/s 323/341/34 IPC
PS Punjabi Bagh

19.12.2020

Today, I am looking after the work of Ld. Link MM Sh. Aakash Sharma.

Present: Ld. APP for the State.

Sh. M. S. Bammi, Ld. Counsel for applicant.

IO in person.

An application u/s 91 Cr.P.C. seeking seizure of CCTV footage was filed by the applicant.

Reply has been filed by the IO wherein it has been stated that the notice u/s 91 Cr.P.C. had already been served for providing CCTV footage.

IO is directed to report as to whom the notice has been served on next date of hearing.

To come up on 21.12.2020.

(Manish Jain)
MM-01(West)/THC:Delhi
19.12.2020

FIR No.67/2020
u/s 379/411 IPC
PS Punjabi Bagh
State vs. Mohd. Irfan Saifi

19.12.2020

Today, I am looking after the work of Ld. Link MM Sh. Aakash Sharma.

Present: Ld. APP for the State.

Ld. Counsel for accused / applicant Mohd. Irfan Saifi.

Ld. Counsel for accused/applicant moved an application for grant of bail on behalf accused Mohd. Irfan Saifi.

Arguments heard on bail application.

It is submitted by Ld. Counsel for the applicant that accused has nothing to do with the present case and has been falsely implicated. It is further submitted that accused was arrested on the basis of disclosure statement. It is further submitted that the alleged recovery has been effected and accused is no more required for custodial interrogation. It is further submitted that the applicant is a sole bread earner in his family and ready to abide by the terms of the bail.

Reply of IO has also been perused.

Bail application is opposed by the Ld. APP for the state stating that the recovery was effected from the accused itself. It is also submitted that accused is a habitual offender and previously involved in various cases, therefore, accused may not be granted bail.

Considering the above said submissions and the previous involvement of accused / applicant, I am of the considered opinion, at this stage, the accused shall not be granted bail. Accordingly, the bail application of accused Mohd. Irfan Saifi is hereby disposed of as dismissed.

Copy of order be given dasti to the Ld. Counsel for accused.

(Manish Jain)
MM-01(West)/THC:Delhi
19.12.2020

FIR No.182/2020
u/s 379/411 IPC
PS Punjabi Bagh
State vs. Mohd. Irfan Saifi

19.12.2020

Today, I am looking after the work of Ld. Link MM Sh. Aakash Sharma.

Present: Ld. APP for the State.

Ld. Counsel for accused / applicant Mohd. Irfan Saifi.

Ld. Counsel for accused/applicant moved an application for grant of bail on behalf accused Mohd. Irfan Saifi.

Arguments heard on bail application.

It is submitted by Ld. Counsel for the applicant that accused has nothing to do with the present case and has been falsely implicated. It is further submitted that accused was arrested on the basis of disclosure statement. It is further submitted that the alleged recovery has been effected and accused is no more required for custodial interrogation. It is further submitted that the applicant is a sole bread earner in his family and ready to abide by the terms of the bail.

Reply of IO has also been perused.

Bail application is opposed by the Ld. APP for the state stating that the recovery was effected from the accused itself. It is also submitted that accused is a habitual offender and previously involved in various cases, therefore, accused may not be granted bail.

Considering the above said submissions and the previous involvement of accused / applicant, I am of the considered opinion, at this stage, the accused shall not be granted bail. Accordingly, the bail application of accused Mohd. Irfan Saifi is hereby disposed of as dismissed.

Copy of order be given dasti to the Ld. Counsel for accused.

(Manish Jain)
MM-01(West)/THC:Delhi
19.12.2020

FIR No.30253/20
u/s 379/411/34 IPC
PS Punjabi Bagh
S/v Abdul Wahid

19.12.2020

**Today, I am looking after the work of Ld. Link MM Sh. Aakash
Sharma.**

Present: Ld. APP for the State.
Ld. Counsel for applicant.

Heard. Perused.

At this stage, ld. Counsel submits he does not press the present
application and wishes to withdraw the same.

In view of the submissions made, the present application stands
dismissed as withdrawn.

(Manish Jain)
MM-01(West)/THC:Delhi
19.12.2020

FIR No.874/20
u/s 380/411/34 IPC
PS Punjabi Bagh
S/v Ankit Kumar

19.12.2020

**Today, I am looking after the work of Ld. Link MM Sh. Aakash
Sharma.**

Present: Ld. APP for the State.
None for applicant despite calls.
In the interest of justice, put up on 21.12.2020.

(Manish Jain)
MM-01(West)/THC:Delhi
19.12.2020

FIR No.648/2020
u/s 379 / 411 IPC
PS Punjabi Bagh
S/v Amit Kumar

19.12.2020

Today, I am looking after the work of Ld. Link MM Sh. Aakash Sharma.

Present: Ld. APP for the State.
Sh. B. S. Gautam, Ld. Counsel for accused / applicant Amit Kumar.

An application for grant of bail is moved on behalf of accused Amit Kumar.

Arguments heard on bail application.

It is submitted by ld. counsel for the accused / applicant that accused has nothing to do with the present case and has been falsely implicated. It is further submitted that accused is in JC since 02.12.2020 in the present case. It is stated that alleged recovery has already been effected and accused / applicant is no more required for any custodial interrogation. It is further submitted that the applicant is ready to abide by the terms of the bail.

Reply of IO has been perused.

Bail application is opposed by Ld. APP for the State stating that accused may abscond or tamper with the evidence if released on bail.

Considering the abovesaid submissions and the fact that recovery has been effected, accused / applicant Amit Kumar is no more required for any custodial interrogation. Hence, accused is admitted to bail on furnishing bail bonds in the sum of Rs.10,000/- with one surety of like amount subject to following conditions:-

1. That he shall not tamper or intimidate the witnesses.
 2. That he shall appear on each and every date of hearing if he be summoned as an accused.
 3. That he shall furnish his address as and when he changes the same.
- Application is accordingly disposed off.

(Manish Jain)

MM-01(West)/THC:Delhi:19.12.2020

FIR No.024305/2020
U/s.379 IPC
PS Punjabi Bagh

19.12.2020

This is an application for releasing vehicle bearing registration No. DL6S AQ 8128 on superdari moved by the applicant Ramesh Pal Singh.

Present:- Ld. APP for the State.

Applicant in person.

Perused. It is submitted by applicant that he is the registered owner of the aforesaid vehicle.

Perused the reply of IO. It is submitted by IO in his report that the applicant has not produced the original document of the vehicle. However, the original RC and the Aadhar card has been produced by the applicant in the court and the same has been seen and returned. Accordingly, instead of releasing the vehicle on superdari, I am of the considered view that the vehicle has to be released as per directions of Hon'ble Supreme Court in case titled as "**Sunder Bhai Ambalal Desai Vs. State of Gujarat**", **AIR 2003 SC 638**, wherein it has been held,

"68. Vehicles involved in an offence may be released to the rightful owner after preparing detailed panchnama; taking photographs of the vehicle, valuation report, and a security bond.

69. The photographs of the vehicle should be attested countersigned by the complainant, accused as well as by the person to whom the custody is handed over.

70. The production of the vehicle should not be insisted upon during the trial. The panchnama and photographs along with the valuation report should suffice for the purposes of evidence.

71. Return of vehicles and permission for sale thereof should be the general norm rather than the exception.

72. If the vehicle is insured, the court shall issue notice to the owner and the insurance company for disposal of the vehicle. If there is no response or the owner declines to take the vehicle or informs that it has claimed insurance/released its right in the vehicle to the insurance company and the insurance company fails to take possession of the vehicle, the vehicle may be ordered to be sold in auction.

73. If a vehicle is not claimed by the accused, owner, or the insurance company or by a third person, it may be ordered to be sold by auction."

The view of the Hon'ble Supreme Court has been reiterated by Hon'ble Delhi High Court in case titled as "**Manjit Singh Vs. State**" in **Crl. M.C. No. 4485/2013 dated 10.09.2014**. Considering the facts and circumstances as laid down in the above said case laws, let the vehicle in question bearing registration number **No. DL6S AQ 8128** be released to the applicant on furnishing **security bond as per valuation report of the vehicle**. IO is directed to get the valuation done of the vehicle prior to releasing the same to the applicant / registered owner as per directions of Hon'ble Supreme Court. IO is also directed to verify the ownership of vehicle. **Photographs of the vehicle be taken by the SHO /IO concerned as mentioned above and shall file the same along with negatives/CD along with challan in the court. Cost of the photographs shall be borne by the applicant / registered owner. The panchnama be also prepared (as mentioned above) before releasing the vehicle.** Copy of this order be given *dasti* to the applicant. Panchnama, security bond and photographs shall be filed in the court along with charge sheet.

(Manish Jain)

MM/West/THC/Delhi:19.12.2020

DD No.6A/2020
u/s 53/116 DP Act
PS Punjabi Bagh
S/v Akash s/o Ramji Lal

18.12.2020

Present: Ld. APP for the State.
Sh. Rahul Madan, Ld. LAC for accused / applicant Akash.
An application u/s 437 Cr.P.C. for grant of bail moved on behalf
of accused / applicant Akash.

Heard. Perused.

It is observed that the present offence is a bailable offence and
accordingly the present application shall be considered within the section 436
Cr.P.C.

The offence being bailable in nature, accused is admitted to bail
on furnishing personal bond of Rs.10,000/- with one surety of like amount.

Application disposed of accordingly.

Copy of order be sent to Id. Remand Advocate through
electronic mode.

(Manish Jain)
MM-01(West)/THC:Delhi
18.12.2020

FIR No.14733/2019
PS Punjabi Bagh

19.12.2020

Today, I am looking after the work of Ld. Link MM Sh. Aakash Sharma.

Present: Ld. APP for the State.

Ms. Nishtha Ahuja, Ld. Counsel for applicant.

An application for release and sale permission of vehicle no.UP24 AE 0438 was filed by the applicant.

Despite repeated directions, report has not been filed by the IO from the last 3 dates. Accordingly, IO is directed to file the report positively before next date of hearing through SHO concerned.

To come up on 24.12.2020.

(Manish Jain)

MM-01(West)/THC:Delhi

19.12.2020