

FIR No. 54/2017
PS: Crime Branch
State Vs. Om Pal @ Rinku

29.06.2020

Fresh application received. Be registered.

Present: Sh. K.P.Singh, Ld. Addl. PP for State.

Sh. Yogesh Kumar, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application for grant of regular bail on behalf of accused Om Pal @ Rinku in case FIR No. 54/2017.

Reply is filed.

Ld. Counsel for the accused submits that accused is falsely implicated in this case and is in JC since 13.04.2017. That it is alleged that 100 grams of heroin is recovered from the possession of the accused which is intermediate quantity not commercial quantity therefore rigors of Section 37 NDPS of the Act are not attracted. That accused-applicant is a young boy and a cricket player and has lost his father. That the widowed old aged mother and younger brother of the accused-applicant have no support and source of income. Ld. Counsel for the accused-applicant has relied upon following judicial pronouncements:-

1. **Nepal Chnad @ Doctor v. The State** 130 (2006) DLT 506
2. **Amit Sikka v. State** B. A. No. 1075/2020 decided by the Hon,ble High Court on 01.06.2020.

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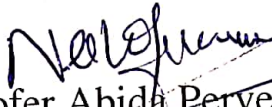
Ld. Addl. PP, on the other hand, submits that merely for the reason that contraband recovered falls in the intermediate quantity prescribed, accused does not become entitle to bail as the offence is of serious nature having wide repercussions for the society at large. That FSL result has also confirmed that the substance recovered from the possession of the accused was heroin. It is however not disputed that accused applicant has clean antecedents.

Heard.

Taking into consideration that contraband recovered falls in the intermediate quantity and accused-applicant is in custody since 13.04.2017 and as the trial though in progress is likely to take some time to conclude and also that accused-applicant has clean antecedents, the application of the accused-applicant Om Pal @ Rinku in case FIR No. 54/2017 for grant of regular bail is allowed and accused James Kumar is admitted to regular bail in case FIR No. 54/2017 upon furnishing personal bond in the sum of Rs.50,000/- with two sureties in the like amount and subject to the condition that prior to his release, he shall give the mobile phone number of self and of at least one other responsible family member besides that of the sureties to the IO and the Court and shall deposit his passport, if he holds one with the IO, that he shall scrupulously appear on each and every date of hearing before the court so as not to cause any obstruction or delay to its progress and he shall not interfere with the proceedings in any manner, that he shall not engage in any criminal activity, that he shall not directly or indirectly make any inducement, threat

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or promise to any person acquainted with the facts of the case so as to dissuade him/her/them from disclosing such facts to the Court or to any police officer or tamper with the evidence, he shall not change his mobile phone number and address without prior intimation to the IO and the sureties shall also intimate the IO in the event of change of address. Accused-applicant shall keep switched on his mobile phone at all times with location activated and shared with the IO concerned and with the further direction that the accused-applicant shall not leave the territorial limits of NCR Region without prior intimation to the IO concerned. It is further directed that accused-applicant shall confirm his location telephonically with the IO on a weekly basis on the Saturday of every week.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
29.06.2020

FIR No. 43/2018

PS: Sadar Bazar

State Vs. Shahrukh

29.06.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State.

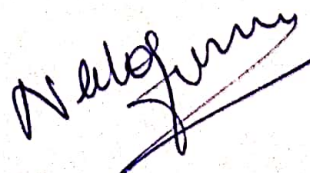
Sh. Hemant Chaudhary, Counsel for accused-applicant
(through video conferencing)

Hearing conducted through Video Conferencing.

This is an application for grant of interim bail for 45 days on behalf of accused Shahrukh in case FIR No. 43/2018 in accordance with guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020.

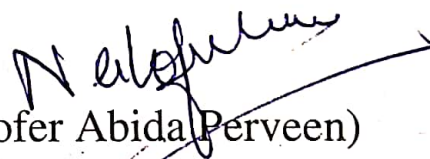
Ld. Counsel submits that the accused-applicant fulfills all the criteria under the guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020 as accused-applicant is in custody since 22.02.2018.

Case pertains to offence under Section 302 IPC. Accused-applicant is in custody since 22.02.2018. As per report of the IO accused-applicant has clean antecedents. Custody certificate is also received from the Jail. The conduct report, however, of the accused-applicant during custody as received from the Jail superintendent is not satisfactory as accused in custody has been awarded punishment as per jail Rules for commission of jail offence. This being the case, accused-applicant falls short of the criteria of good conduct during custody as



mandated under the guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020 for release of UTPs on interim bail of 45 days. Accused-applicant is therefore, not entitled for interim bail as per guidelines dated 18.05.2020 of the High Powered Committee of Hon'ble High Court of Delhi.

In the course of arguments today another ground was raised for grant of interim bail i.e. illness of father of the accused-applicant. Medical record in respect of the father of the accused-applicant is also found annexed alongwith the application with pertains to the year 2012, 2014 and 2018. There is no such medical record filed exhibiting immediate pressing urgency of a nature warranting the release of accused-applicant on interim bail. No ground is therefore made out to grant interim bail to accused Shahrukh in case FIR NO.43/2018. **Application is accordingly dismissed.**


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
29.06.2020

FIR No. 385/2017
PS: Pahar Ganj
State Vs. Akash
U/s 307/34 IPC

29.06.2020

Fresh application received. Be registered.

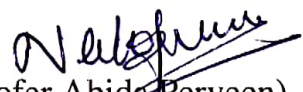
Present: Sh. K.P.Singh, Ld. Addl. PP for State.

Sh. Sompal Singh Bhati, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application for extension of interim bail on behalf of accused Akash in case FIR No. 385/2017.

As per request, for consideration, put up **30.06.2020**.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
29.06.2020

FIR No. 224/2018
PS: Crime Branch
State Vs. Babloo Kumar Nagar
U/s22/29 NDPS Act

29.06.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State.

Sh. J. K. Tripathi, Counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

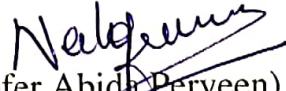
This is an application for grant of interim bail for 45 days on behalf of accused Sri Chand in case FIR No. 605/2017 invoking guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi issued from time to time.

When it is put to the Ld. Counsel as to on what grounds interim bail is sought, Id. Counsel submits that interim bail is being sought on the ground of outbreak of covid-19 pandemic and the guidelines issued by the the High Powered Committee of Hon'ble High Court of Delhi from time to time for release of UTPs on 45 days interim bail in order to decongest the prisons in the wake of the outbreak of covid-19.

The applicant is an accused in a case involving commission of offence under the NDPS Act arising from a recovery of commercial quantity of Tramadol drug. Due to the out break of covid-19 a High Powered Committee of Hon'ble the High Court of Delhi constituted in pursuance to the directions of Hon'ble the Supreme Court of India passed in writ petition no. 01/2020, has deliberated upon measures to be taken in

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the wake of the outbreak of covid-19 in respect of prevention screening, identification and treatment of prisoners ^{and} ^{no} in order to address the issue of over crowding in jails so that social distancing protocol is enabled effectively towards effectual implementation, has issued guidelines from time to time for release of undertrial prisoners on 45 days interim bail in order to decongest the prisons in Delhi. However, under each single of the guidelines issued from time to time, undertrial prisoners involved in commission of offences under the NDPS Act pertaining to intermediary / commercial quantities of the contraband have been specifically excluded. As no other ground except the out break of covid-19 has been raised, no ground is made out to grant interim bail to the accused-applicant who is involved in the commission of offences under the NDPS Act pertaining to commercial quantity of the contraband. **Application of accused Sri Chand for grant of interim bail in case FIR No.224/2018 is accordingly dismissed.**


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
29.06.2020

FIR No. 491/2017

PS: Timarpur

State Vs. Vineet @ Tinku

U/s 3025/323/341/304/34 IPC

29.06.2020

Fresh application received. Be registered.

Present: Sh. K.P.Singh, Ld. Addl. PP for State.

Sh. Ajay M. Lal, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

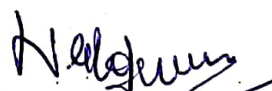
This is an application for grant of interim bail on behalf of accused Vineet @ Tinku in case FIR No. 491/17 invoking guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020.

Ld. Counsel submits that the accused-applicant fulfills all the criteria under the guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020 as accused-applicant is in custody since 15.12.2017.

Reply of the IO is filed. It is reported that there is no previous involvement and conviction found against accused Vineet @ Tinku other than the present case.

Let custody certificate alongwith conducted ^{Report} be called from the Jail Superintendent, ~~01.07.2020~~ ⁰².

For report and consideration, put up on **01.07.2020**.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
29.06.2020

FIR No. 149/2018
PS: Crime Branch
State Vs. Asif Ali
U/s 21/25/29 NDPS Act

29.06.2020

Fresh application received. Be registered.

Present: Sh. K.P.Singh, Ld. Addl. PP for State.

Sh. Vasu Kukreja, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application for grant of regular bail on behalf of accused Asif Ali in case FIR No.149/2018.


Ld. Counsel for the accused submits that the sample is sent to FSL for examination after an unexplained delay of three days. Moreover there is considerable delay in the registration of the FIR as the accused-applicant is stated to have been apprehended in the morning and post mid-night the FIR has come to be registered. That the accused-applicant is the sole bread earner for the family and that the minor daughter of the accused is running high fever and there is no one else to provide for the treatment of the minor daughter.

Ld. Addl. PP submits that the case pertains to recovery of commercial quantity of the contraband and therefore rigors of Section 37 of the Act are to be satisfied and besides heavy recovery effected from the possession ^{ae} of the accused-applicant in this case, accused-applicant does not have clean antecedents ^{ae} and as accused-applicant is a previous convict ^{ae} and who stands convicted in two cases also under the NDPS Act.

It is the case of the prosecution that 270 grams of heroin is recovered from the possession of the accused-applicant i.e. commercial quantity

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prescribed for the contraband. Accused-applicant does not have clean antecedents and there are two previous convictions standing against him. In such facts and circumstances, mandate of Section 37 of the Act is not satisfied, there is no material for the Court to arrive at a satisfaction that the accused-applicant has not committed the offence or is not likely to commit similar offence if released on bail. It is not a fit case for grant of regular bail. **Application of accused-applicant Asif Ali for grant of regular bail in case FIR No. 149/2018 is dismissed.**


(Neelofer Abida Herveen)
ASJ (Central)THC/Delhi
29.06.2020

FIR No. 32/2019

PS: Crime Branch

State Vs. Rahul Batra @ Vicky

U/s 399/34 IPC

29.06.2020

Fresh application received. Be registered.

Present: Sh. K.P.Singh, Ld. Addl. PP for State.

Sh. Mahesh Patel, Counsel for accused-applicant (through video conferencing)

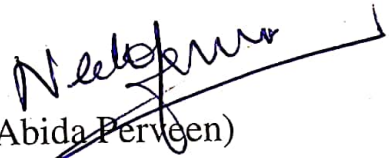
Hearing conducted through Video Conferencing.

This is an application for extension of interim bail for a further period of 45 days on behalf of accused Rahul Batra @ Vicky in case FIR No. 32/2019.

This is an application for extension of interim bail granted to the accused-applicant namely Rahul Batra @ Vicky in case FIR No. 32/2019 granted interim bail of 45 days vide order dated 12.05.2020 in accordance with the guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 07.04.2020. Ld. Counsel for the accused has relied upon resolution passed by the High Powered Committee of Hon'ble the High Court of Delhi dated 20.06.2020. It emerges that the High Powered Committee in its meeting dated 20.06.2020 had recommended for extension of interim bails further by 45 days of the undertrial prisoners who had been granted interim bail in the first place on the basis of guidelines issued by the High Powered Committee.



The prayer for extension, however, is rendered infructuous in the wake of the directions issued by the Hon'ble the High Court of Delhi in WP (C) No. 3080/2020 titled as Court on its own motion v. Govt. of NCT Delhi & Anr. Dated 22.06.2020 vide which accepting the recommendation of High Powered Committee dated 20.06.2020, the interim bail for a period of 45 days granted to 2961 UTPs as per High Powered Committee criteria has been ~~not~~^{na} ordered to have been extended by another period of 45 days from the date of the respective expiry on the same terms and conditions. Case of the accused-applicant is covered under the blanket order of Hon'ble High Court dated 22.06.2020 of extension of interim bails. There arises no necessity by this Court to pass individual extension orders separately in every such case covered under the blanket order extending interim bails granted as per Covid-19 criteria by further period of 45 days. Application is disposed of as infructuous in terms of order dated 22.06.2020 passed by the Hon'ble the High Court of Delhi in WP (C) No. 3080/2020 titled as Court on its own motion v. Govt. of NCT Delhi & Anr.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
29.06.2020