

IN THE COURT OF SH. NAVEEN KUMAR KASHYAP
ADDITIONAL SESSIONS JUDGE-04: CENTRAL:
TIS HAZARI COURTS: DELHI

Bail Application No.: 1908/2020

State v. Afsar
FIR No. 187/2020
PS: Hauz Qazi
U/S: 308 IPC

19.11.2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Sh. SunilDutt Dixit, Ld. Counsel for applicant through VC.

Vide this order, second regular bail application dated 17.11.2020 praying regular bail of the accused and in the alternative interim bail for two months is disposed of.

The personal liberty is a priceless treasure for a human being. It is founded on the bed rock of constitutional right and accentuated further on human rights principle. The sanctity of liberty is the fulcrum of any civilized society. Deprivation of liberty of a person has enormous impact on his mind as well as body. Further article 21 Of the Constitution mandates that no person shall be deprived of his life or personal liberty except according to procedure established by law. Further India is a signatory to the International Covenant On Civil And Political Rights, 1966 and, therefore, Article 21 of the Constitution has to be understood in the light of the International Covenant On Civil And Political Rights, 1966. *Further* Presumption of innocence is a human right. Article 21 in view of its expansive meaning not only protects life and liberty ,but also envisages a fair procedure. Liberty of a person should not ordinarily be interfered with unless there exist cogent grounds therefor. The fundamental principle of our system of justice is that a person should not be deprived of his liberty except for a distinct breach of law. If there is no

substantial risk of the accused fleeing the course of justice, there is no reason why he should be imprisoned during the period of his trial. The basic rule is to release him on bail unless there are circumstances suggesting the possibility of his fleeing from justice or thwarting the course of justice. When bail is refused, it is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution.

Further it has been laid down from the earliest time that the object of Bail is to secure the appearance of the accused person at his trial by reasonable amount of Bail. The object of Bail is neither punitive nor preventive. Deprivation of liberty must be considered a punishment unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after convictions, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earlier 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 unconvicted persons should be held in custody pending trial to secure their attendance at the trial ,but in such case 'necessity' is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the constitution that any persons 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 under Article 21 of the Constitution 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 it would be improper for any court to refuse bail as mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an unconvicted person for the purpose of giving him a taste of imprisonment as a lesson. While considering an application for bail either under Section 437 or 439 CrPC, the court should keep in view the

principle that grant of bail is the rule and committal to jail an exception. Refusal of bail is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution. Seriousness of the offence not to be treated as the only consideration in refusing bail : Seriousness of the offence should not to be treated as the only ground for refusal of bail. (Judgment of **Sanjay Chandra Vs. Central Bureau of Investigation, AIR 2012 SC 830** relied).

But, the liberty of an individual is not absolute. The Society by its collective wisdom through process of law can withdraw the liberty that it has sanctioned to an individual when an individual becomes a danger to the societal order. A society expects responsibility and accountability from the member, and it desires that the citizens should obey the law, respecting it as a cherished social norm. Therefore, when an individual behaves in a disharmonious manner ushering in disorderly thing which the society disapproves, the legal consequences are bound to follow.

Further discretionary jurisdiction of courts u/s 437 and 439 CrPC should be exercised carefully and cautiously by balancing the rights of the accused and interests of the society. Court must indicate brief reasons for granting or refusing bail. Bail order passed by the court must be reasoned one but detailed reasons touching merits of the case, detailed examination of evidence and elaborate documentation of merits of case should not be done.

At this stage , it can also be fruitful to note that requirements for bail u/s 437 & 439 are different. Section 437 Cr.P.C. severally curtails the power of the Magistrate to grant bail in context of the commission of non-bailable offences punishable with death or imprisonment for life, the two higher Courts have only the procedural requirement of giving notice of the Bail application to the Public Prosecutor, which requirement is also ignorable if circumstances so demand. The regimes regulating the powers of the Magistrate on the one hand and the two superior Courts are decidedly and intentionally not

identical, but vitally and drastically dissimilar. (**Sundeep Kumar Bafna Vs. State of Maharashtra, AIR 2014 SC 1745**).

Further at this stage it can be noted that interpreting the provisions of bail contained u/s 437 & 439 Cr.P.C., the Hon'ble Supreme Court in its various judgments has laid down various considerations for grant or refusal of bail to an accused in a non-bailable offence like, (i) Whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) Nature of accusation and evidence therefor, (iii) Gravity of the offence and punishment which the conviction will entail, (iv) Reasonable possibility of securing presence of the accused at trial and danger of his absconding or fleeing if released on bail, (v) Character and behavior of the accused, (vi) Means, position and standing of the accused in the Society, (vii) Likelihood of the offence being repeated, (viii) Reasonable apprehension of the witnesses being tampered with, (ix) Danger, of course, of justice being thwarted by grant of bail, (x) Balance between the rights of the accused and the larger interest of the Society/State, (xi) Any other factor relevant and peculiar to the accused. (xii) While a vague allegation that the accused may tamper with the evidence or witnesses may not be a ground to refuse bail, but if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. Furthermore, in the landmark judgment of **Gurucharan Singh and others v. State** (AIR 1978 SC 179), it was held that there is no hard and fast rule and no inflexible principle governing the exercise of such discretion by the courts. It was further held that there cannot be any inexorable formula in the matter of granting bail. It was further held that facts and circumstances of each case will govern the exercise of judicial discretion in granting or refusing bail. It was further held that such question depends upon a variety of circumstances, cumulative effect of which must enter into the judicial verdict. Such judgment itself mentioned the nature and seriousness of nature, and circumstances in which offences

are committed apart from character of evidence as some of the relevant factors in deciding whether to grant bail or not.

Further it may also be noted that it is also settled law that while disposing of bail applications u/s 437/439 Cr.P.C., courts should assign reasons while allowing or refusing an application for bail. But detailed reasons touching the merit of the matter should not be given which may prejudice the accused. What is necessary is that the order should not suffer from non-application of mind. At this stage a detailed examination of evidence and elaborate documentation of the merit of the case is not required to be undertaken. Though the court can make some reference to materials but it cannot make a detailed and in-depth analysis of the materials and record findings on their acceptability or otherwise which is essentially a matter of trial. Court is not required to undertake meticulous examination of evidence while granting or refusing bail u/s 439 of the CrPC.

In the present case, it is submitted on behalf of the accused that accused is victim of circumstances. That complainant using his clout over the local police, being the President of the local market falsely implicated the present accused. That in fact the accused suffered injuries to his person as well as to his property/auto. That the complainant side was the aggressor. That despite observation by this court, during disposal of first bail application, the SHO concerned still did not register any FIR against the complainant side on the complaint of present accused. That there is old aged mother of 75 years old and one school going male child of 15 years and a handicapped daughter aged about 9 years in his family. That he is the only bread earner of the family. That no explanation is given by the police about the injuries suffered by the present accused. As such, he be granted regular bail or in the alternative interim bail. Further, learned counsel for applicant relied upon certain case laws in support of his arguments.

On the other hand, it is stated in the reply filed by ASI Devender Singh, as also argued by the learned Addl.PP for the state, that

all such grounds are already taken in the previous bail application and by a reasoned order dated 07.11.2020, same is dismissed. That there is no material change in the circumstances at all since dismissal of such earlier bail application dated 07.11.2020. It is further stated that no ground is made out for regular bail or interim bail. It is further argued by learned Addl. PP for the state that grievance of the present accused about non-registration of his FIR is a separate matter to be dealt as per law. As such, present bail application is strongly opposed.

I have heard both the sides and gone through the record. It is rightly pointed out by the learned Addl. PP for the State that there is no material change in the circumstances since the dismissal of his earlier bail application on 07.11.2020. As such, this court is not inclined to grant regular bail to accused at this stage. **With these observations present bail application for regular bail is disposed of as dismissed.**

But, this is also one of the cardinal principle of criminal jurisprudence that accused must get fair opportunity to defend himself and present the material in his favour. Further, the factum of family condition it is not denied in the reply filed by IO including condition of old aged mother who is suffering from some medical problem as well as handicapped daughter. Thus, in order to make some arrangement for his family member, including the financial arrangements and other related issues during present pandemic conditions, **present accused is granted interim bail for a period of three weeks from the date furnishing and acceptance of the bail bond in the sum of Rs. 20,000/- with two sureties of like amount to the satisfaction of the Ld. MM concerned, subject to further following conditions:**

- (a) After completion of the interim bail period applicant shall surrender before concerned Jail Superintendent. Necessary intimation be sent to concerned Jail Superintendent accordingly;
- (b) Applicant shall not flee from the justice;
- (c) Applicant shall not tamper with the evidence;

: 7 :

- (d) Applicant shall not threaten or contact in any manner to the prosecution witnesses;
- (e) Applicant shall not leave country without permission;
- (f) Applicant shall convey any change of address immediately to the IO and the court;
- (g) Applicant shall also provide his mobile number to the IO;
- (h) Applicant shall further make a call, preferably by audio plus video mode to concerned IO, and if he is not available then to concerned SHO, once a week, preferably on Monday between 10 a.m. To 5 p.m.

The observations made in the present bail application order are for the purpose of deciding of present application and do not affect the factual matrix of the investigation of the present case which is separate issue as per law.

Learned counsel for the applicant / accused is at liberty to collect the order through electronic mode. Further a copy of this order be sent to SHO/IO concerned through electronic mode. Copy of this order be sent to Jail Superintendent concerned through electronic mode.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR KASHYAP
Date: 2020.11.19 18:59:26
+05'30'

**(Naveen Kumar Kashyap)
Additional Sessions Judge-04
Central/THC/Delhi
19.11.2020**

**IN THE COURT OF SH. NAVEEN KUMAR KASHYAP
ADDITIONAL SESSIONS JUDGE-04: CENTRAL:
TIS HAZARI COURTS: DELHI**

Bail Application No. 1595/2020

**State v. Radhey Shyam
E-FIR No.: 016024/2020
PS: Darya Ganj
U/s: 379 IPC**

19.11.2020

**Present: Mr. Pawan Kumar, Learned Addl. PP for State through
VC.
Sh. Surender Kaliraman, Ld. Counsel for applicant
through VC.
IO HC Shri Ram Meena is also present through VC.**

Vide this order, the bail application under section 439 Cr.P.C. on behalf of accused dated 21.10.2020 filed through counsel is disposed of.

I have heard both the sides and have gone through the record.

The personal liberty is a priceless treasure for a human being. It is founded on the bed rock of constitutional right and accentuated further on human rights principle. The sanctity of liberty is the fulcrum of any civilized society. Deprivation of liberty of a person has enormous impact on his mind as well as body. Further article 21 Of the Constitution mandates that no person shall be deprived of his life or personal liberty except according to procedure established by law. Further India is a signatory to the International Covenant On Civil And Political Rights, 1966 and, therefore, Article 21 of the Constitution has to be understood in the light of the International Covenant On Civil And Political Rights, 1966. *Further* Presumption of innocence is a human right. Article 21 in view of its expansive meaning not only protects life and liberty ,but also envisages a fair procedure. Liberty of a person should

not ordinarily be interfered with unless there exist cogent grounds therefor. The fundamental principle of our system of justice is that a person should not be deprived of his liberty except for a distinct breach of law. If there is no substantial risk of the accused fleeing the course of justice, there is no reason why he should be imprisoned during the period of his trial. The basic rule is to release him on bail unless there are circumstances suggesting the possibility of his fleeing from justice or thwarting the course of justice. When bail is refused, it is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution.

Further it has been laid down from the earliest time that the object of Bail is to secure the appearance of the accused person at his trial by reasonable amount of Bail. The object of Bail is neither punitive nor preventive. Deprivation of liberty must be considered a punishment unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after convictions, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earlier 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 unconvicted persons should be held in custody pending trial to secure their attendance at the trial ,but in such case 'necessity' is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the constitution that any persons 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 under Article 21 of the Constitution 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 it would be improper for any court to refuse bail as mark of disapproval of former conduct whether the accused has been convicted for it or not or to

refuse bail to an unconvicted person for the purpose of giving him a taste of imprisonment as a lesson. While considering an application for bail either under Section 437 or 439 CrPC, the court should keep in view the principle that grant of bail is the rule and committal to jail an exception. Refusal of bail is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution. Seriousness of the offence not to be treated as the only consideration in refusing bail : Seriousness of the offence should not to be treated as the only ground for refusal of bail. (Judgment of **Sanjay Chandra Vs. Central Bureau of Investigation, AIR 2012 SC 830** relied).

But, the liberty of an individual is not absolute. The Society by its collective wisdom through process of law can withdraw the liberty that it has sanctioned to an individual when an individual becomes a danger to the societal order. A society expects responsibility and accountability from the member, and it desires that the citizens should obey the law, respecting it as a cherished social norm. Therefore, when an individual behaves in a disharmonious manner ushering in disorderly thing which the society disapproves, the legal consequences are bound to follow.

Further discretionary jurisdiction of courts u/s 437 and 439 CrPC should be exercised carefully and cautiously by balancing the rights of the accused and interests of the society. Court must indicate brief reasons for granting or refusing bail. Bail order passed by the court must be reasoned one but detailed reasons touching merits of the case, detailed examination of evidence and elaborate documentation of merits of case should not be done.

At this stage , it can also be fruitful to note that requirements for bail u/s 437 & 439 are different. Section 437 Cr.P.C. severally curtails the power of the Magistrate to grant bail in context of the commission of non-bailable offences punishable with death or imprisonment for life, the two higher Courts have only the procedural requirement of giving notice of the Bail application to the Public Prosecutor, which requirement is also ignorable if circumstances so

demand. The regimes regulating the powers of the Magistrate on the one hand and the two superior Courts are decidedly and intentionally not identical, but vitally and drastically dissimilar. (**Sundeeep Kumar Bafna Vs. State of Maharashtra, AIR 2014 SC 1745**).

Further at this stage it can be noted that interpreting the provisions of bail contained u/s 437 & 439 Cr.P.C., the Hon'ble Supreme Court in its various judgments has laid down various considerations for grant or refusal of bail to an accused in a non-bailable offence like, (i) Whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) Nature of accusation and evidence therefor, (iii) Gravity of the offence and punishment which the conviction will entail, (iv) Reasonable possibility of securing presence of the accused at trial and danger of his absconding or fleeing if released on bail, (v) Character and behavior of the accused, (vi) Means, position and standing of the accused in the Society, (vii) Likelihood of the offence being repeated, (viii) Reasonable apprehension of the witnesses being tampered with, (ix) Danger, of course, of justice being thwarted by grant of bail, (x) Balance between the rights of the accused and the larger interest of the Society/State, (xi) Any other factor relevant and peculiar to the accused. (xii) While a vague allegation that the accused may tamper with the evidence or witnesses may not be a ground to refuse bail, but if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. Furthermore, in the landmark judgment of **Gurucharan Singh and others v. State** (AIR 1978 SC 179), it was held that there is no hard and fast rule and no inflexible principle governing the exercise of such discretion by the courts. It was further held that there cannot be any inexorable formula in the matter of granting bail. It was further held that facts and circumstances of each case will govern the exercise of judicial discretion in granting or refusing bail. It was further held that such question depends upon a variety of circumstances, cumulative effect of which must enter into the judicial verdict. Such judgment itself mentioned

the nature and seriousness of nature, and circumstances in which offences are committed apart from character of evidence as some of the relevant factors in deciding whether to grant bail or not.

Further it may also be noted that it is also settled law that while disposing of bail applications u/s 437/439 Cr.P.C., courts should assign reasons while allowing or refusing an application for bail. But detailed reasons touching the merit of the matter should not be given which may prejudice the accused. What is necessary is that the order should not suffer from non-application of mind. At this stage a detailed examination of evidence and elaborate documentation of the merit of the case is not required to be undertaken. Though the court can make some reference to materials but it cannot make a detailed and in-depth analysis of the materials and record findings on their acceptability or otherwise which is essentially a matter of trial. Court is not required to undertake meticulous examination of evidence while granting or refusing bail u/s 439 of the CrPC.

In the present case, it is argued that there is a spread of corona virus including inside the jail and there are certain directions by Hon'ble High Court and Hon'ble Supreme Court in this regard. That he is falsely implicated in the present case. It is further argued that the chargesheet is already filed. That he is on bail in two other cases. That there is no previous conviction of the present accused and he is not a habitual offender. That the alleged recovery is planted by the IO. That he is permanent resident of Delhi. That he no more required for the purpose of investigation. As such, it is prayed that he be granted regular bail.

On the other hand, in reply filed by IO as also argued by learned Addl. PP for the state that stolen car in question is recovered from the present accused. That he is involved in numbers of other cases, details of which is annexed in the present reply. It is further pointed out by learned Addl. PP for the state that in fact he is even convicted in two of similar nature cases. It is further argued that many of other cases are compounded by the complainant side and did not proceed further. It is further pointed out that he has involvement in 28 other criminal matters of

similar nature. As such, it is submitted that he is habitual offender and a previous convict.

I find force in the arguments of learned Addl.PP for the state. Such accused is likely to commit similar offence if granted bail. Further, his presence may not be secured for trial if he released on bail. Therefore, having regard to the nature of offence and the allegations against him and his previous conduct, this court is not inclined to grant bail at this stage. **With these observations present bail application is disposed of as dismissed.**

The observations made in the present bail application order are for the purpose of deciding of present application and do not affect the factual matrix of the investigation of the present case which is separate issue as per law.

Learned counsel for the applicant / accused is at liberty to collect the order through electronic mode. Copy of this order be also sent to Jail Superintendent concerned through electronic mode.

**(Naveen Kumar Kashyap)
Additional Sessions Judge-04
Central/THC/Delhi
19.11.2020**

**IN THE COURT OF SH. NAVEEN KUMAR KASHYAP
ADDITIONAL SESSIONS JUDGE-04: CENTRAL:
TIS HAZARI COURTS: DELHI**

Bail Application No. 1595/2020

**State v. Radhey Shyam
E-FIR No.: 016024/2020
PS: Darya Ganj
U/s: 379 IPC**

19.11.2020

**Present: Mr. Pawan Kumar, Learned Addl. PP for State through
VC.
Sh. Surender Kaliraman, Ld. Counsel for applicant
through VC.
IO HC Shri Ram Meena is also present through VC.**

Vide this order, the bail application under section 439 Cr.P.C. on behalf of accused dated 21.10.2020 filed through counsel is disposed of.

I have heard both the sides and have gone through the record.

The personal liberty is a priceless treasure for a human being. It is founded on the bed rock of constitutional right and accentuated further on human rights principle. The sanctity of liberty is the fulcrum of any civilized society. Deprivation of liberty of a person has enormous impact on his mind as well as body. Further article 21 Of the Constitution mandates that no person shall be deprived of his life or personal liberty except according to procedure established by law. Further India is a signatory to the International Covenant On Civil And Political Rights, 1966 and, therefore, Article 21 of the Constitution has to be understood in the light of the International Covenant On Civil And Political Rights, 1966. *Further* Presumption of innocence is a human right. Article 21 in view of its expansive meaning not only protects life and liberty ,but also envisages a fair procedure. Liberty of a person should

not ordinarily be interfered with unless there exist cogent grounds therefor. The fundamental principle of our system of justice is that a person should not be deprived of his liberty except for a distinct breach of law. If there is no substantial risk of the accused fleeing the course of justice, there is no reason why he should be imprisoned during the period of his trial. The basic rule is to release him on bail unless there are circumstances suggesting the possibility of his fleeing from justice or thwarting the course of justice. When bail is refused, it is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution.

Further it has been laid down from the earliest time that the object of Bail is to secure the appearance of the accused person at his trial by reasonable amount of Bail. The object of Bail is neither punitive nor preventive. Deprivation of liberty must be considered a punishment unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after convictions, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earlier 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 unconvicted persons should be held in custody pending trial to secure their attendance at the trial ,but in such case 'necessity' is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the constitution that any persons 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 under Article 21 of the Constitution 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 it would be improper for any court to refuse bail as mark of disapproval of former conduct whether the accused has been convicted for it or not or to

refuse bail to an unconvicted person for the purpose of giving him a taste of imprisonment as a lesson. While considering an application for bail either under Section 437 or 439 CrPC, the court should keep in view the principle that grant of bail is the rule and committal to jail an exception. Refusal of bail is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution. Seriousness of the offence not to be treated as the only consideration in refusing bail : Seriousness of the offence should not to be treated as the only ground for refusal of bail. (Judgment of **Sanjay Chandra Vs. Central Bureau of Investigation, AIR 2012 SC 830** relied).

But, the liberty of an individual is not absolute. The Society by its collective wisdom through process of law can withdraw the liberty that it has sanctioned to an individual when an individual becomes a danger to the societal order. A society expects responsibility and accountability from the member, and it desires that the citizens should obey the law, respecting it as a cherished social norm. Therefore, when an individual behaves in a disharmonious manner ushering in disorderly thing which the society disapproves, the legal consequences are bound to follow.

Further discretionary jurisdiction of courts u/s 437 and 439 CrPC should be exercised carefully and cautiously by balancing the rights of the accused and interests of the society. Court must indicate brief reasons for granting or refusing bail. Bail order passed by the court must be reasoned one but detailed reasons touching merits of the case, detailed examination of evidence and elaborate documentation of merits of case should not be done.

At this stage , it can also be fruitful to note that requirements for bail u/s 437 & 439 are different. Section 437 Cr.P.C. severally curtails the power of the Magistrate to grant bail in context of the commission of non-bailable offences punishable with death or imprisonment for life, the two higher Courts have only the procedural requirement of giving notice of the Bail application to the Public Prosecutor, which requirement is also ignorable if circumstances so

demand. The regimes regulating the powers of the Magistrate on the one hand and the two superior Courts are decidedly and intentionally not identical, but vitally and drastically dissimilar. (**Sundeeep Kumar Bafna Vs. State of Maharashtra, AIR 2014 SC 1745**).

Further at this stage it can be noted that interpreting the provisions of bail contained u/s 437 & 439 Cr.P.C., the Hon'ble Supreme Court in its various judgments has laid down various considerations for grant or refusal of bail to an accused in a non-bailable offence like, (i) Whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) Nature of accusation and evidence therefor, (iii) Gravity of the offence and punishment which the conviction will entail, (iv) Reasonable possibility of securing presence of the accused at trial and danger of his absconding or fleeing if released on bail, (v) Character and behavior of the accused, (vi) Means, position and standing of the accused in the Society, (vii) Likelihood of the offence being repeated, (viii) Reasonable apprehension of the witnesses being tampered with, (ix) Danger, of course, of justice being thwarted by grant of bail, (x) Balance between the rights of the accused and the larger interest of the Society/State, (xi) Any other factor relevant and peculiar to the accused. (xii) While a vague allegation that the accused may tamper with the evidence or witnesses may not be a ground to refuse bail, but if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. Furthermore, in the landmark judgment of **Gurucharan Singh and others v. State** (AIR 1978 SC 179), it was held that there is no hard and fast rule and no inflexible principle governing the exercise of such discretion by the courts. It was further held that there cannot be any inexorable formula in the matter of granting bail. It was further held that facts and circumstances of each case will govern the exercise of judicial discretion in granting or refusing bail. It was further held that such question depends upon a variety of circumstances, cumulative effect of which must enter into the judicial verdict. Such judgment itself mentioned

the nature and seriousness of nature, and circumstances in which offences are committed apart from character of evidence as some of the relevant factors in deciding whether to grant bail or not.

Further it may also be noted that it is also settled law that while disposing of bail applications u/s 437/439 Cr.P.C., courts should assign reasons while allowing or refusing an application for bail. But detailed reasons touching the merit of the matter should not be given which may prejudice the accused. What is necessary is that the order should not suffer from non-application of mind. At this stage a detailed examination of evidence and elaborate documentation of the merit of the case is not required to be undertaken. Though the court can make some reference to materials but it cannot make a detailed and in-depth analysis of the materials and record findings on their acceptability or otherwise which is essentially a matter of trial. Court is not required to undertake meticulous examination of evidence while granting or refusing bail u/s 439 of the CrPC.

In the present case, it is argued that there is a spread of corona virus including inside the jail and there are certain directions by Hon'ble High Court and Hon'ble Supreme Court in this regard. That he is falsely implicated in the present case. It is further argued that the chargesheet is already filed. That he is on bail in two other cases. That there is no previous conviction of the present accused and he is not a habitual offender. That the alleged recovery is planted by the IO. That he is permanent resident of Delhi. That he no more required for the purpose of investigation. As such, it is prayed that he be granted regular bail.

On the other hand, in reply filed by IO as also argued by learned Addl. PP for the state that stolen car in question is recovered from the present accused. That he is involved in numbers of other cases, details of which is annexed in the present reply. It is further pointed out by learned Addl. PP for the state that in fact he is even convicted in two of similar nature cases. It is further argued that many of other cases are compounded by the complainant side and did not proceed further. It is further pointed out that he has involvement in 28 other criminal matters of

similar nature. As such, it is submitted that he is habitual offender and a previous convict.

I find force in the arguments of learned Addl.PP for the state. Such accused is likely to commit similar offence if granted bail. Further, his presence may not be secured for trial if he released on bail. Therefore, having regard to the nature of offence and the allegations against him and his previous conduct, this court is not inclined to grant bail at this stage. **With these observations present bail application is disposed of as dismissed.**

The observations made in the present bail application order are for the purpose of deciding of present application and do not affect the factual matrix of the investigation of the present case which is separate issue as per law.

Learned counsel for the applicant / accused is at liberty to collect the order through electronic mode. Copy of this order be also sent to Jail Superintendent concerned through electronic mode.

NAVEEN KUMAR KASHYAP
Digitally signed by NAVEEN KUMAR KASHYAP
Date: 2020.11.19 19:00:10 +05'30'

**(Naveen Kumar Kashyap)
Additional Sessions Judge-04
Central/THC/Delhi
19.11.2020**

: 1 :

IN THE COURT OF SH. NAVEEN KUMAR KASHYAP
ADDITIONAL SESSIONS JUDGE-04: CENTRAL:
TIS HAZARI COURTS: DELHI

BAIL APPLICATION NO.: 1697/2020

State v. Amit @ Pola
FIR No. : 252/2020
P. S. : Prasad Nagar
U/s: 392, 411 IPC

19.11.2020.

Present: Mr. Pawan Kumar, Learned Addl. PP for State through VC.
Sh. Vineet Jain, Ld. Counsel for accused/applicant through
VC.
IO HC Sudesh Kumar also present through VC.

Vide this order, regular bail application u/s 439 Cr.PC dated 04.11.2020 filed by applicant through counsel is disposed of.

It is stated in the application that he has been falsely implicated in the present case. There is no legally tenable evidence against the present accused. That there is delay in registration of FIR. Investigation is already complete. That he is no more required for purpose of custodial interrogation. That he has roots in the society. That he in JC for more than two months. That no TIP was conducted. That even the previous involvement alleged against the present accused are doubtful and confusing in nature.

On the other hand, it is argued by Ld. Addl. PP for the state as also stated by IO in his reply that he is involved in other five criminal cases of similar nature. He alongwith two accused looted mobile of one of the complainant. That he was arrested later on at the identification of the complainant. That there are specific allegations against the present accused. That he is a habitual offender. That his family do not have control over him. As such, present bail application is strongly opposed.

I have heard both the sides and gone through the record.

The personal liberty is a priceless treasure for a human being.

It is founded on the bed rock of constitutional right and accentuated further on human rights principle. The sanctity of liberty is the fulcrum of any civilized society. Deprivation of liberty of a person has enormous impact on his mind as well as body. Further article 21 Of the Constitution mandates that no person shall be deprived of his life or personal liberty except according to procedure established by law. Further India is a signatory to the International Covenant On Civil And Political Rights, 1966 and, therefore, Article 21 of the Constitution has to be understood in the light of the International Covenant On Civil And Political Rights, 1966. *Further* Presumption of innocence is a human right. Article 21 in view of its expansive meaning not only protects life and liberty, but also envisages a fair procedure. Liberty of a person should not ordinarily be interfered with unless there exist cogent grounds therefor. The fundamental principle of our system of justice is that a person should not be deprived of his liberty except for a distinct breach of law. If there is no substantial risk of the accused fleeing the course of justice, there is no reason why he should be imprisoned during the period of his trial. The basic rule is to release him on bail unless there are circumstances suggesting the possibility of his fleeing from justice or thwarting the course of justice. When bail is refused, it is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution.

Further it has been laid down from the earliest time that the object of Bail is to secure the appearance of the accused person at his trial by reasonable amount of Bail. The object of Bail is neither punitive nor preventive. Deprivation of liberty must be considered a punishment unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after convictions, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earlier 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 unconvicted persons should be held in custody pending trial to secure their attendance at the trial ,but in such

case 'necessity' is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the constitution that any persons 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 under Article 21 of the Constitution 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 it would be improper for any court to refuse bail as mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an unconvicted person for the purpose of giving him a taste of imprisonment as a lesson. While considering an application for bail either under Section 437 or 439 CrPC, the court should keep in view the principle that grant of bail is the rule and committal to jail an exception. Refusal of bail is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution. Seriousness of the offence not to be treated as the only consideration in refusing bail : Seriousness of the offence should not to be treated as the only ground for refusal of bail. (Judgment of **Sanjay Chandra Vs. Central Bureau of Investigation, AIR 2012 SC 830** relied).

But, the liberty of an individual is not absolute. The Society by its collective wisdom through process of law can withdraw the liberty that it has sanctioned to an individual when an individual becomes a danger to the societal order. A society expects responsibility and accountability from the member, and it desires that the citizens should obey the law, respecting it as a cherished social norm. Therefore, when an individual behaves in a disharmonious manner ushering in disorderly thing which the society disapproves, the legal consequences are bound to follow.

Further discretionary jurisdiction of courts u/s 437 and 439 CrPC should be exercised carefully and cautiously by balancing the rights of the accused and interests of the society. Court must indicate brief reasons for granting or refusing bail. Bail order passed by the court must

be reasoned one but detailed reasons touching merits of the case, detailed examination of evidence and elaborate documentation of merits of case should not be done.

At this stage , it can also be fruitful to note that requirements for bail u/s 437 & 439 are different. Section 437 Cr.P.C. severally curtails the power of the Magistrate to grant bail in context of the commission of non-bailable offences punishable with death or imprisonment for life, the two higher Courts have only the procedural requirement of giving notice of the Bail application to the Public Prosecutor, which requirement is also ignorable if circumstances so demand. The regimes regulating the powers of the Magistrate on the one hand and the two superior Courts are decidedly and intentionally not identical, but vitally and drastically dissimilar. (**Sundeep Kumar Bafna Vs. State of Maharashtra, AIR 2014 SC 1745**).

Further at this stage it can be noted that interpreting the provisions of bail contained u/s 437 & 439 Cr.P.C., the Hon'ble Supreme Court in its various judgments has laid down various considerations for grant or refusal of bail to an accused in a non-bailable offence like, (i) Whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) Nature of accusation and evidence therefor, (iii) Gravity of the offence and punishment which the conviction will entail, (iv) Reasonable possibility of securing presence of the accused at trial and danger of his absconding or fleeing if released on bail, (v) Character and behavior of the accused, (vi) Means, position and standing of the accused in the Society, (vii) Likelihood of the offence being repeated, (viii) Reasonable apprehension of the witnesses being tampered with, (ix) Danger, of course, of justice being thwarted by grant of bail, (x) Balance between the rights of the accused and the larger interest of the Society/State, (xi) Any other factor relevant and peculiar to the accused. (xii) While a vague allegation that the accused may tamper with the evidence or witnesses may not be a ground to refuse bail, but if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his

liberty to subvert justice or tamper with the evidence, then bail will be refused. Furthermore, in the landmark judgment of **Gurucharan Singh and others v. State** (AIR 1978 SC 179), it was held that there is no hard and fast rule and no inflexible principle governing the exercise of such discretion by the courts. It was further held that there cannot be any inexorable formula in the matter of granting bail. It was further held that facts and circumstances of each case will govern the exercise of judicial discretion in granting or refusing bail. It was further held that such question depends upon a variety of circumstances, cumulative effect of which must enter into the judicial verdict. Such judgment itself mentioned the nature and seriousness of nature, and circumstances in which offences are committed apart from character of evidence as some of the relevant factors in deciding whether to grant bail or not.

Further it may also be noted that it is also settled law that while disposing of bail applications u/s 437/439 Cr.P.C., courts should assign reasons while allowing or refusing an application for bail. But detailed reasons touching the merit of the matter should not be given which may prejudice the accused. What is necessary is that the order should not suffer from non-application of mind. At this stage a detailed examination of evidence and elaborate documentation of the merit of the case is not required to be undertaken. Though the court can make some reference to materials but it cannot make a detailed and in-depth analysis of the materials and record findings on their acceptability or otherwise which is essentially a matter of trial. Court is not required to undertake meticulous examination of evidence while granting or refusing bail u/s 439 of the CrPC.

In the present case, it is a matter of record that accused is in JC since 20.09.2020. In fact, the period for seeking police remand is already over. The case property is already recovered allegedly from the present accused. As such, no purpose would be served by keeping such accused in JC. Further, it may be noted that there is fundamental presumption of innocence in any criminal case in India i.e. an accused is presumed innocent unless proved guilty. In present case, no previous

conviction record is placed on record by the IO and at best there are cases alleging involvement of present accused in other similar cases.

In above facts and circumstances, present accused is granted bail subject to furnishing of personal bond in the sum of **Rs. 20,000/- with two sound sureties of like amount**, subject to the satisfaction of the learned Trial court and the following additional conditions:

- i) Applicant shall not flee from the justice;*
- ii) Applicant shall not tamper with the evidence;*
- iii) Applicant shall not threaten or contact in any manner to the prosecution witnesses ,*
- iv) Applicant shall not leave country without permission;*
- v) Applicant shall convey any change of address immediately to the IO and the court;*
- vi) Applicant shall also provide his mobile number to the IO;*
- vii) Applicant shall mark his attendance before concerned IO (and if IO is not available then to concerned SHO) every alternative /second day through mobile by sharing his/her location with the SHO concerned till the chargesheet is filed;*
- viii) Applicant shall further make a call, preferably by audio plus video mode to concerned IO, (and if IO is not available then to concerned SHO) once a week, preferably on Monday between 10 a.m. to 5 p.m. till the chargesheet is filed.*
- ix) Applicant shall keep their such mobile number 'Switched On' at all the time, particularly between 8 am to 8 pm everyday till the chargesheet is filed*
- x) That applicant will cooperate with the investigation / IO / SHO concerned and will appear before IO / Trial Court as and when called as per law.*
- xi) Applicant will not indulge in any kind of activities*

: 7 :

which are alleged against him in the present case.

It is clarified that in case if the applicants/ accused is found to be violating any of the above conditions, the same shall be a ground for cancellation of bail and the State shall be at liberty to move an application for cancellation of bail.

I may observe that certain guidelines had been laid down by the Hon'ble Delhi High Court in the case of "***Ajay Verma Vs. Government of NCT of Delhi***" WP (C) 10689/2017 dated 08.03.2018 wherein it was observed and I quote as under:

"..... The trial courts should not only be sensitive but extremely vigilant in cases where they are recording orders of bail to ascertain the compliance thereof.....When bail is granted, an endorsement shall be made on the custody warrant of the prisoner, indicating that bail has been granted, along with the date of the order of bail.

- a) In case of inability of a prisoner to seek release despite an order of bail, it is the judicial duty of the trial courts to undertake a review for the reasons thereof.*
- b) Every bail order shall be marked on the file.*
- c) It shall be the responsibility of every judge issuing an order of bail to monitor its execution and enforcement.*
- d) In case a judge stands transferred before the execution, it shall be the responsibility of the successor judge to ensure execution....."*

I note that in the present case the bail bonds have been directed to be furnished before the Ld. Trial Court/ Ld. MM and hence in terms of the above observations, the Ld. MM is impressed upon to inform this court about the following:

- a) The date on which conditions imposed by this court are satisfied;*
- b) The date of release of prisoner from jail;*

: 8 :

c) *Date of ultimate release of prisoner in case the prisoner is in jail in some other case.*

The copy of this order be sent to **Ld. MM** and also to the **Superintendent Jail** who shall also inform this court about all the three aspects as contained in the para herein above. The Superintendent Jail is also directed to inform this court if the prisoner is willingly not furnishing the personal bond or in case if he is unable to furnish the surety or any other reason given by the prisoner for not filing the bonds. One copy of this order be also sent to the **SHO Concerned** to ensure compliance.

The observations made in the present bail application order are for the purpose of deciding of present application and do not affect the factual matrix of the investigation of the present case which is separate issue as per law.

The bail application is accordingly disposed off. Learned counsel for applicant is at liberty to obtain order through electronic mode. Copy of order be also sent to Jail Superintendent concerned through electronic mode.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.11.19 19:00:54
+05'30'

(NAVEEN KUMAR KASHYAP)
ASJ-04(Central/Delhi)
19.11.2020

IN THE COURT OF SH. NAVEEN KUMAR KASHYAP
ADDITIONAL SESSIONS JUDGE-04: CENTRAL:
TIS HAZARI COURTS: DELHI

Bail Application No.: 1897/2020

State v. Rohit

FIR No. : 492/2020

P. S: Karol Bagh

U/s:356,379,411 r/w 34 IPC

19.11.2020.

Present: Mr. Pawan Kumar, Learned Addl. PP for State through VC.

Mr. Manoj Kumar, Ld. for accused/applicant through VC.

Vide this order, regular bail application u/s 439 Cr.PC dated 12.11.2020 filed through counsel is disposed of.

It is stated in such application that he has been falsely implicated in the present case; that he is in JC since 08.11.2020. That he is no more required for further investigation. That nothing is recovered from him except the planted recovery. That there is a spread of corona virus including inside the jail. That bail is a rule and jail is exception. That there is no previous criminal record of the present accused. As such, it is prayed that he be granted regular bail.

On the other hand, in reply filed by the IO, as also argued by learned Addl.PP for the State that present accused alongwith co-accused snatched purse of the complainant which contained Rs. 10,900/- and some cards and run away with the same. That during investigation the instance and identification of the complainant co-accused Love Chaudhary arrested and at the instance of such co-accused and identification of the complainant, present accused was arrested later on. Part of money/case property was recovered from all of such three accused persons. As such, present bail application is strongly opposed.

I have heard both the sides and have gone through the record.

The personal liberty is a priceless treasure for a human being. It is founded on the bed rock of constitutional right and accentuated further on human rights principle. The sanctity of liberty is the fulcrum of any civilized society. Deprivation of liberty of a person has enormous

impact on his mind as well as body. Further article 21 Of the Constitution mandates that no person shall be deprived of his life or personal liberty except according to procedure established by law. Further India is a signatory to the International Covenant On Civil And Political Rights, 1966 and, therefore, Article 21 of the Constitution has to be understood in the light of the International Covenant On Civil And Political Rights, 1966. *Further* Presumption of innocence is a human right. Article 21 in view of its expansive meaning not only protects life and liberty, but also envisages a fair procedure. Liberty of a person should not ordinarily be interfered with unless there exist cogent grounds therefor. The fundamental principle of our system of justice is that a person should not be deprived of his liberty except for a distinct breach of law. If there is no substantial risk of the accused fleeing the course of justice, there is no reason why he should be imprisoned during the period of his trial. The basic rule is to release him on bail unless there are circumstances suggesting the possibility of his fleeing from justice or thwarting the course of justice. When bail is refused, it is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution.

Further it has been laid down from the earliest time that the object of Bail is to secure the appearance of the accused person at his trial by reasonable amount of Bail. The object of Bail is neither punitive nor preventive. Deprivation of liberty must be considered a punishment unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after convictions, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earlier 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 unconvicted persons should be held in custody pending trial to secure their attendance at the trial ,but in such case 'necessity' is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the constitution that any persons 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 under Article 21 of the Constitution 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 it would be improper for any court to refuse bail as mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an unconvicted person for the purpose of giving him a taste of imprisonment as a lesson. While considering an application for bail either under Section 437 or 439 CrPC, the court should keep in view the principle that grant of bail is the rule and committal to jail an exception. Refusal of bail is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution. Seriousness of the offence not to be treated as the only consideration in refusing bail : Seriousness of the offence should not to be treated as the only ground for refusal of bail. (Judgment of **Sanjay Chandra Vs. Central Bureau of Investigation, AIR 2012 SC 830** relied).

But, the liberty of an individual is not absolute. The Society by its collective wisdom through process of law can withdraw the liberty that it has sanctioned to an individual when an individual becomes a danger to the societal order. A society expects responsibility and accountability from the member, and it desires that the citizens should obey the law, respecting it as a cherished social norm. Therefore, when an individual behaves in a disharmonious manner ushering in disorderly thing which the society disapproves, the legal consequences are bound to follow.

Further discretionary jurisdiction of courts u/s 437 and 439 CrPC should be exercised carefully and cautiously by balancing the rights of the accused and interests of the society. Court must indicate brief reasons for granting or refusing bail. Bail order passed by the court must be reasoned one but detailed reasons touching merits of the case, detailed examination of evidence and elaborate documentation of merits of case should not be done.

At this stage , it can also be fruitful to note that requirements for bail u/s 437 & 439 are different. Section 437 Cr.P.C. severally curtails the power of the Magistrate to grant bail in context of the commission of non-bailable offences punishable with death or imprisonment for life, the two higher Courts have only the procedural requirement of giving notice of the Bail application to the Public Prosecutor, which requirement is also ignorable if circumstances so demand. The regimes regulating the powers of the Magistrate on the one hand and the two superior Courts are decidedly and intentionally not identical, but vitally and drastically dissimilar. (**Sundeep Kumar Bafna Vs. State of Maharashtra, AIR 2014 SC 1745**).

Further at this stage it can be noted that interpreting the provisions of bail contained u/s 437 & 439 Cr.P.C., the Hon'ble Supreme Court in its various judgments has laid down various considerations for grant or refusal of bail to an accused in a non-bailable offence like, (i) Whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) Nature of accusation and evidence therefor, (iii) Gravity of the offence and punishment which the conviction will entail, (iv) Reasonable possibility of securing presence of the accused at trial and danger of his absconding or fleeing if released on bail, (v) Character and behavior of the accused, (vi) Means, position and standing of the accused in the Society, (vii) Likelihood of the offence being repeated, (viii) Reasonable apprehension of the witnesses being tampered with, (ix) Danger, of course, of justice being thwarted by grant of bail, (x) Balance between the rights of the accused and the larger interest of the Society/State, (xi) Any other factor relevant and peculiar to the accused. (xii) While a vague allegation that the accused may tamper with the evidence or witnesses may not be a ground to refuse bail, but if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. Furthermore, in the landmark judgment of **Gurucharan Singh and others v. State** (AIR 1978 SC 179), it was held that there is no hard

and fast rule and no inflexible principle governing the exercise of such discretion by the courts. It was further held that there cannot be any inexorable formula in the matter of granting bail. It was further held that facts and circumstances of each case will govern the exercise of judicial discretion in granting or refusing bail. It was further held that such question depends upon a variety of circumstances, cumulative effect of which must enter into the judicial verdict. Such judgment itself mentioned the nature and seriousness of nature, and circumstances in which offences are committed apart from character of evidence as some of the relevant factors in deciding whether to grant bail or not.

Further it may also be noted that it is also settled law that while disposing of bail applications u/s 437/439 Cr.P.C., courts should assign reasons while allowing or refusing an application for bail. But detailed reasons touching the merit of the matter should not be given which may prejudice the accused. What is necessary is that the order should not suffer from non-application of mind. At this stage a detailed examination of evidence and elaborate documentation of the merit of the case is not required to be undertaken. Though the court can make some reference to materials but it cannot make a detailed and in-depth analysis of the materials and record findings on their acceptability or otherwise which is essentially a matter of trial. Court is not required to undertake meticulous examination of evidence while granting or refusing bail u/s 439 of the CrPC.

Coming back to present case in this background, Certain clarifications are required from accused as well as IO including regarding date of arrest of the present accused and other connected matter, as such, put up for further arguments/clarifications/order on 27.11.2020.

Issue notice to IO to appear with case file on next date of hearing.

NAVEEN KUMAR
KASHYAP
(NAVEEN KUMAR KASHYAP)
ASJ-04(Central/Delhi)
19.11.2020

Digitally signed by NAVEEN KUMAR KASHYAP
Date: 2020.11.19 19:01:32
+05'30'

IN THE COURT OF SH. NAVEEN KUMAR KASHYAP
ADDITIONAL SESSIONS JUDGE-04: CENTRAL:
TIS HAZARI COURTS: DELHI

Application No.: 1694/2020
State Vs Shanker @ Pardeep
FIR No. 31/2020
P. S. NDRS
U/s: 186, 353, 332 IPC & Sec.3 of PDPP Act

19/11/2020

Present: Mr. Pawan Kumar, Learned Addl. PP for State through VC.
Ms. Nisha Satyarthi, learned counsel for accused through VC.

Vide this order, bail application u/s 439 Cr.PC dated 02/11/2020 filed by applicant through counsel is disposed off.

It is stated in the application that he is in JC since 19/10/2020; that he has been falsely implicated in this case; that he has roots in society; that investigation is complete and he is no more required for the purpose of investigation; that no purpose would be served by keeping him in JC. As such, it is prayed that he be granted regular bail.

On the other hand, in reply dated 05/11/2020 filed by the IO, as also argued by learned Addl.PP for the State it is stated that present accused attacked the police officials on duty; he further damaged the public property inside the police station; it is further submitted that there is cctv footage of the same also; that even in the year 2007 a similar case was registered against him; it is further submitted that he is residing outside Delhi and his address is not verified; that his presence may not be secured for trial if he is released on bail. Further details of his previous criminal cases is also given.

I have heard both the sides and have gone through the record.

The personal liberty is a priceless treasure for a human being.

Application No.: 1694/2020
State Vs Shanker @ Pardeep
FIR No. 31/2020
P. S. NDRS
U/s: 186, 353, 332 IPC & Sec.3 of PDPP Act

It is founded on the bed rock of constitutional right and accentuated further on human rights principle. The sanctity of liberty is the fulcrum of any civilized society. Deprivation of liberty of a person has enormous impact on his mind as well as body. Further article 21 Of the Constitution mandates that no person shall be deprived of his life or personal liberty except according to procedure established by law. Further India is a signatory to the International Covenant On Civil And Political Rights, 1966 and, therefore, Article 21 of the Constitution has to be understood in the light of the International Covenant On Civil And Political Rights, 1966. *Further* Presumption of innocence is a human right. Article 21 in view of its expansive meaning not only protects life and liberty, but also envisages a fair procedure. Liberty of a person should not ordinarily be interfered with unless there exist cogent grounds therefor. The fundamental principle of our system of justice is that a person should not be deprived of his liberty except for a distinct breach of law. If there is no substantial risk of the accused fleeing the course of justice, there is no reason why he should be imprisoned during the period of his trial. The basic rule is to release him on bail unless there are circumstances suggesting the possibility of his fleeing from justice or thwarting the course of justice. When bail is refused, it is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution.

Further it has been laid down from the earliest time that the object of Bail is to secure the appearance of the accused person at his trial by reasonable amount of Bail. The object of Bail is neither punitive nor preventive. Deprivation of liberty must be considered a punishment unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after convictions, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earlier 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 unconvicted persons should be held in custody pending trial to secure their attendance at the trial ,but in such case 'necessity' is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the constitution that any persons 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 under Article 21 of the Constitution 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 it would be improper for any court to refuse bail as mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an unconvicted person for the purpose of giving him a taste of imprisonment as a lesson. While considering an application for bail either under Section 437 or 439 CrPC, the court should keep in view the principle that grant of bail is the rule and committal to jail an exception. Refusal of bail is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution. Seriousness of the offence not to be treated as the only consideration in refusing bail : Seriousness of the offence should not to be treated as the only ground for refusal of bail. (Judgment of **Sanjay Chandra Vs. Central Bureau of Investigation, AIR 2012 SC 830** relied).

But, the liberty of an individual is not absolute. The Society by its collective wisdom through process of law can withdraw the liberty that it has sanctioned to an individual when an individual becomes a danger to the societal order. A society expects responsibility and accountability from the member, and it desires that the citizens should obey the law, respecting it as a cherished social norm. Therefore, when an individual behaves in a

disharmonious manner ushering in disorderly thing which the society disapproves, the legal consequences are bound to follow.

Further discretionary jurisdiction of courts u/s 437 and 439 CrPC should be exercised carefully and cautiously by balancing the rights of the accused and interests of the society. Court must indicate brief reasons for granting or refusing bail. Bail order passed by the court must be reasoned one but detailed reasons touching merits of the case, detailed examination of evidence and elaborate documentation of merits of case should not be done.

At this stage , it can also be fruitful to note that requirements for bail u/s 437 & 439 are different. Section 437 Cr.P.C. severally curtails the power of the Magistrate to grant bail in context of the commission of non-bailable offences punishable with death or imprisonment for life, the two higher Courts have only the procedural requirement of giving notice of the Bail application to the Public Prosecutor, which requirement is also ignorable if circumstances so demand. The regimes regulating the powers of the Magistrate on the one hand and the two superior Courts are decidedly and intentionally not identical, but vitally and drastically dissimilar. (**Sundeep Kumar Bafna Vs. State of Maharashtra, AIR 2014 SC 1745**).

Further at this stage it can be noted that interpreting the provisions of bail contained u/s 437 & 439 Cr.P.C., the Hon'ble Supreme Court in its various judgments has laid down various considerations for grant or refusal of bail to an accused in a non-bailable offence like, (i) Whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) Nature of accusation and evidence therefor, (iii) Gravity of the offence and punishment which the conviction will entail, (iv) Reasonable possibility of securing presence of the accused at trial and danger of his absconding or fleeing if released on bail, (v) Character and behavior of the accused, (vi) Means, position and standing

of the accused in the Society, (vii) Likelihood of the offence being repeated, (viii) Reasonable apprehension of the witnesses being tampered with, (ix) Danger, of course, of justice being thwarted by grant of bail, (x) Balance between the rights of the accused and the larger interest of the Society/State, (xi) Any other factor relevant and peculiar to the accused. (xii) While a vague allegation that the accused may tamper with the evidence or witnesses may not be a ground to refuse bail, but if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. Furthermore, in the landmark judgment of **Gurucharan Singh and others v. State** (AIR 1978 SC 179), it was held that there is no hard and fast rule and no inflexible principle governing the exercise of such discretion by the courts. It was further held that there cannot be any inexorable formula in the matter of granting bail. It was further held that facts and circumstances of each case will govern the exercise of judicial discretion in granting or refusing bail. It was further held that such question depends upon a variety of circumstances, cumulative effect of which must enter into the judicial verdict. Such judgment itself mentioned the nature and seriousness of nature, and circumstances in which offences are committed apart from character of evidence as some of the relevant factors in deciding whether to grant bail or not.

Further it may also be noted that it is also settled law that while disposing of bail applications u/s 437/439 Cr.P.C., courts should assign reasons while allowing or refusing an application for bail. But detailed reasons touching the merit of the matter should not be given which may prejudice the accused. What is necessary is that the order should not suffer from non-application of mind. At this stage a detailed examination of evidence and elaborate documentation of the merit of the case is not required to be undertaken. Though the court can make some

reference to materials but it cannot make a detailed and in-depth analysis of the materials and record findings on their acceptability or otherwise which is essentially a matter of trial. Court is not required to undertake meticulous examination of evidence while granting or refusing bail u/s 439 of the CrPC.

In the present case, the maximum punishment of the offences alleged against the present accused is 5 years. It is a matter of record that accused is in JC for about one month. Further, as far as present accused is concerned, nothing remains to be recovered at his instance. In fact, the period for seeking police remand is already over. As such, no purpose would be served by keeping such accused in JC. Trial is likely to take time. Further, it may be noted that there is fundamental presumption of innocence in any criminal case of present nature.

In above facts and circumstances, such accused is granted bail subject to furnishing of **personal bond in the sum of Rs. 20,000/- with two sound sureties of like amount**, subject to the satisfaction of the learned Trial court and the following additional conditions:

- i) That he will appear before IO / Trial Court as and when called as per law.*
- ii) He will not indulge in any kind of activities which are alleged against him in the present case.*
- iii) That he will not leave Delhi without prior permission of the Trial Court concerned.*
- iv) He will not threaten the witness or tampering with evidence.*
- v) He shall convey any change of address immediately to the IO and the court;*
- vi) He shall also provide his mobile number to the IO and further share his location through mobile phone once in everyweek till filing of chargesheet*

***and thereafter as may be directed by the learned
Trial Court.***

It is clarified that in case if the applicant/ accused is found to be violating any of the above conditions, the same shall be a ground for cancellation of bail and the State shall be at liberty to move an application for cancellation of bail.

I may observe that certain guidelines had been laid down by the Hon'ble Delhi High Court in the case of "***Ajay Verma Vs. Government of NCT of Delhi***" WP (C) 10689/2017 dated 08.03.2018 wherein it was observed and I quote as under:

"..... The trial courts should not only be sensitive but extremely vigilant in cases where they are recording orders of bail to ascertain the compliance thereof.....When bail is granted, an endorsement shall be made on the custody warrant of the prisoner, indicating that bail has been granted, along with the date of the order of bail.

- a) *In case of inability of a prisoner to seek release despite an order of bail, it is the judicial duty of the trial courts to undertake a review for the reasons thereof.*
- b) *Every bail order shall be marked on the file.*
- c) *It shall be the responsibility of every judge issuing an order of bail to monitor its execution and enforcement.*
- d) *In case a judge stands transferred before the execution, it shall be the responsibility of the successor judge to ensure execution....."*

I note that in the present case the bail bonds have been directed to be furnished before the Ld. Trial Court/ Ld. MM and hence in terms of the above observations, the Ld. MM is impressed upon to inform this court about the following:

- a) *The date on which conditions imposed by this court are*

Application No.: 1694/2020
State Vs Shanker @ Pardeep
FIR No. 31/2020
P. S. NDRS

U/s: 186, 353, 332 IPC & Sec.3 of PDPP Act

satisfied;

- b) *The date of release of prisoner from jail;*
- c) *Date of ultimate release of prisoner in case the prisoner is in jail in some other case.*

The copy of this order be sent to **Ld. MM** and also to the **Superintendent Jail** who shall also inform this court about all the three aspects as contained in the para herein above. The Superintendent Jail is also directed to inform this court if the prisoner is willingly not furnishing the personal bond or in case if he is unable to furnish the surety or any other reason given by the prisoner for not filing the bonds. One copy of this order be also sent to the **SHO Concerned** to ensure compliance.

The bail application is accordingly disposed off. Learned counsel for applicant is at liberty to obtain through electronic mode. Copy of this order be sent to concerned Jail Superintendent. Copy of this order be sent to IO / SHO concerned.

The observations made in the present bail application order are for the purpose of deciding of present application and do not affect the factual matrix of the investigation of the present case which is separate issue as per law.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.11.19
19:02:07 +05'30'

(NAVEEN KUMAR KASHYAP)
ASJ-04(Central/Delhi)
19.11.2020

: 1 :

Bail Application

**Bail Matters No.: 1670/2020
State Vs Mehtab @ Telli
FIR No. : 265/2020
PS: Sarai Rohilla
U/S: 307, 341, 34 IPC**

19/11/2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. M. Yusuf, learned counsel for accused through VC.

Arguments already heard and today the case is fixed for orders.

Vide this order, the second regular bail application dated 03/11/2020 under section 439 Cr.P.C. on behalf of accused filed through counsel is disposed off.

I have heard both the sides and have gone through the record.

The personal liberty is a priceless treasure for a human being. It is founded on the bed rock of constitutional right and accentuated further on human rights principle. The sanctity of liberty is the fulcrum of any civilized society. Deprivation of liberty of a person has enormous impact on his mind as well as body. Further article 21 Of the Constitution mandates that no person shall be deprived of his life or personal liberty except according to procedure established by law. Further India is a signatory to the International Covenant On Civil And Political Rights, 1966 and, therefore, Article 21 of the Constitution has to be understood in the light of the International Covenant On Civil And Political Rights, 1966. *Further* Presumption of innocence is a human right. Article 21 in view of its expansive meaning not only protects life and liberty ,but also envisages a fair procedure. Liberty of a person should not ordinarily be interfered with unless there exist cogent grounds therefor. The fundamental principle of our system of justice is that a person should not be deprived of his liberty except for a distinct breach of law. If there is no substantial risk of the accused fleeing the course of justice,

**Bail Matters No.: 1670/2020
State Vs Mehtab @ Telli
FIR No. : 265/2020
PS: Sarai Rohilla
U/S: 307, 341, 34 IPC**

: 2 :

there is no reason why he should be imprisoned during the period of his trial. The basic rule is to release him on bail unless there are circumstances suggesting the possibility of his fleeing from justice or thwarting the course of justice. When bail is refused, it is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution.

Further it has been laid down from the earliest time that the object of Bail is to secure the appearance of the accused person at his trial by reasonable amount of Bail. The object of Bail is neither punitive nor preventive. Deprivation of liberty must be considered a punishment unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after convictions, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earlier 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 unconvicted persons should be held in custody pending trial to secure their attendance at the trial ,but in such case 'necessity' is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the constitution that any persons 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 under Article 21 of the Constitution 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 it would be improper for any court to refuse bail as mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an unconvicted person for the purpose of giving him a taste of imprisonment as a lesson. While considering an application for bail either under Section 437 or 439 CrPC, the court should keep in view the principle that grant of bail is the rule and committal to jail an exception.

Refusal of bail is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution. Seriousness of the offence not to be treated as the only consideration in refusing bail : Seriousness of the offence should not to be treated as the only ground for refusal of bail. (Judgment of **Sanjay Chandra Vs. Central Bureau of Investigation, AIR 2012 SC 830** relied).

But, the liberty of an individual is not absolute. The Society by its collective wisdom through process of law can withdraw the liberty that it has sanctioned to an individual when an individual becomes a danger to the societal order. A society expects responsibility and accountability from the member, and it desires that the citizens should obey the law, respecting it as a cherished social norm. Therefore, when an individual behaves in a disharmonious manner ushering in disorderly thing which the society disapproves, the legal consequences are bound to follow.

Further discretionary jurisdiction of courts u/s 437 and 439 CrPC should be exercised carefully and cautiously by balancing the rights of the accused and interests of the society. Court must indicate brief reasons for granting or refusing bail. Bail order passed by the court must be reasoned one but detailed reasons touching merits of the case, detailed examination of evidence and elaborate documentation of merits of case should not be done.

At this stage , it can also be fruitful to note that requirements for bail u/s 437 & 439 are different. Section 437 Cr.P.C. severally curtails the power of the Magistrate to grant bail in context of the commission of non-bailable offences punishable with death or imprisonment for life, the two higher Courts have only the procedural requirement of giving notice of the Bail application to the Public Prosecutor, which requirement is also ignorable if circumstances so demand. The regimes regulating the powers of the Magistrate on the one hand and the two superior Courts are decidedly and intentionally not identical, but vitally and drastically dissimilar. (**Sundeep Kumar Bafna Vs. State of Maharashtra, AIR 2014 SC 1745**).

Further at this stage it can be noted that interpreting the provisions of bail contained u/s 437 & 439 Cr.P.C., the Hon'ble Supreme

: 4 :

Court in its various judgments has laid down various considerations for grant or refusal of bail to an accused in a non-bailable offence like, (i) Whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) Nature of accusation and evidence therefor, (iii) Gravity of the offence and punishment which the conviction will entail, (iv) Reasonable possibility of securing presence of the accused at trial and danger of his absconding or fleeing if released on bail, (v) Character and behavior of the accused, (vi) Means, position and standing of the accused in the Society, (vii) Likelihood of the offence being repeated, (viii) Reasonable apprehension of the witnesses being tampered with, (ix) Danger, of course, of justice being thwarted by grant of bail, (x) Balance between the rights of the accused and the larger interest of the Society/State, (xi) Any other factor relevant and peculiar to the accused. (xii) While a vague allegation that the accused may tamper with the evidence or witnesses may not be a ground to refuse bail, but if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. Furthermore, in the landmark judgment of **Gurucharan Singh and others v. State** (AIR 1978 SC 179), it was held that there is no hard and fast rule and no inflexible principle governing the exercise of such discretion by the courts. It was further held that there cannot be any inexorable formula in the matter of granting bail. It was further held that facts and circumstances of each case will govern the exercise of judicial discretion in granting or refusing bail. It was further held that such question depends upon a variety of circumstances, cumulative effect of which must enter into the judicial verdict. Such judgment itself mentioned the nature and seriousness of nature, and circumstances in which offences are committed apart from character of evidence as some of the relevant factors in deciding whether to grant bail or not.

Further it may also be noted that it is also settled law that while disposing of bail applications u/s 437/439 Cr.P.C., courts should assign

Bail Matters No.: 1670/2020
State Vs Mehtab @ Telli
FIR No. : 265/2020
PS: Sarai Rohilla
U/S: 307, 341, 34 IPC

: 5 :

reasons while allowing or refusing an application for bail. But detailed reasons touching the merit of the matter should not be given which may prejudice the accused. What is necessary is that the order should not suffer from non-application of mind. At this stage a detailed examination of evidence and elaborate documentation of the merit of the case is not required to be undertaken. Though the court can make some reference to materials but it cannot make a detailed and in-depth analysis of the materials and record findings on their acceptability or otherwise which is essentially a matter of trial. Court is not required to undertake meticulous examination of evidence while granting or refusing bail u/s 439 of the CrPC.

In the present case, it is submitted on behalf of the accused that he is falsely implicated in the present case due to old enmity with the complainant; that no incident as claimed by the complainant ever took place; that no call is made to PCR by the complainant side or even by the shopkeeper. Further, no cctv footage is collected by the police officials intentionally and no public witness is joined including from the shop where the alleged incident took place or from the Acharya Bhikshu hospital. That co-accused Kabran who has similar role is already released on bail. Further the case of the complainant is not believable; that investigation is already complete. That accused is a young boy of about 21 years old and a permanent resident of Delhi. That chargesheet is already filed. As such, it is prayed that he be granted regular bail.

On the other hand, in reply filed by the IO as also argued by the learned Addl.PP for the state, it is stated that present applicant was actively participating in the present crime and put the knife at the stomach of injured Mustakeen. It is further stated that as per the final opinion given by the doctor injury is grievous in nature. As such chargesheet is filed and there are specific allegations the present accused and the offence is serious in nature.

I have heard both the sides and gone through the record.

There are serious and specific allegations against the accused.

**Bail Matters No.: 1670/2020
State Vs Mehtab @ Telli
FIR No. : 265/2020
PS: Sarai Rohilla
U/S: 307, 341, 34 IPC**

: 6 :

Not only that as per the investigation carried out, there are specific material against the present accused. Further injury caused is grievous in nature. Further, there is likelihood that accused may influence or pressurize the victim side if he is released on bail. As such, this court is not inclined to grant bail to the accused at this stage.

With these observations present bail application is disposed of as dismissed. Further, both the sides are at liberty to collect the order through electronic mode. Copy of order be uploaded on the website. Further a copy of this order be sent to SHO / IO concerned. Further, copy of this order be also sent to concerned Jail Superintendent.

The observations made in the present bail application order are for the purpose of deciding of present application and do not affect the factual matrix of the investigation of the present case which is separate issue as per law.

NAVEEN
KUMAR
KASHYAP

Digitally signed
by NAVEEN
KUMAR KASHYAP
Date: 2020.11.19
19:02:45 +05'30'

**(Naveen Kumar Kashyap)
Additional Sessions Judge-04
Central/THC/Delhi
19/11/2020**

**Bail Matters No.: 1670/2020
State Vs Mehtab @ Telli
FIR No. : 265/2020
PS: Sarai Rohilla
U/S: 307, 341, 34 IPC**

Bail Application

**Bail Application No.: 1907/2020
State Vs. Rajesh Kumar Meena
FIR No. :210/2019
PS: Kamla Market
U/S: 328, 379, 34 IPC**

19.11.2020

Present: Mr. Pawan Kumar, Learned Addl. PP for the State through VC
Mr. Shamsul Haque, Learned counsel for accused through VC.

Vide this order, the regular bail application under section 439 Cr.P.C. on behalf of accused dated 02/11/2020 filed through counsel is disposed off.

I have heard both the sides and have gone through the Trial Court record.

The personal liberty is a priceless treasure for a human being. It is founded on the bed rock of constitutional right and accentuated further on human rights principle. The sanctity of liberty is the fulcrum of any civilized society. Deprivation of liberty of a person has enormous impact on his mind as well as body. Further article 21 Of the Constitution mandates that no person shall be deprived of his life or personal liberty except according to procedure established by law. Further India is a signatory to the International Covenant On Civil And Political Rights, 1966 and, therefore, Article 21 of the Constitution has to be understood in the light of the International Covenant On Civil And Political Rights, 1966. *Further* Presumption of innocence is a human right. Article 21 in view of its expansive meaning not only protects life and liberty ,but also envisages a fair procedure. Liberty of a person should not ordinarily be interfered with unless there exist cogent grounds therefore. The fundamental principle of our system of justice is that a person should not be deprived of his liberty except for a distinct breach of law. If there is no substantial risk of the accused fleeing the course of justice,

**Bail Application No.: 1907/2020
State Vs. Rajesh Kumar Meena
FIR No. :210/2019
PS: Kamla Market
U/S: 328, 379, 34 IPC**

: 2 :

there is no reason why he should be imprisoned during the period of his trial. The basic rule is to release him on bail unless there are circumstances suggesting the possibility of his fleeing from justice or thwarting the course of justice. When bail is refused, it is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution.

Further it has been laid down from the earliest time that the object of Bail is to secure the appearance of the accused person at his trial by reasonable amount of Bail. The object of Bail is neither punitive nor preventive. Deprivation of liberty must be considered a punishment unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after convictions, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earlier 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 unconvicted persons should be held in custody pending trial to secure their attendance at the trial ,but in such case 'necessity' is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the constitution that any persons 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 under Article 21 of the Constitution 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 it would be improper for any court to refuse bail as mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an unconvicted person for the purpose of giving him a taste of imprisonment as a lesson. While considering an application for bail either under Section 437 or 439 CrPC, the court should keep in view the principle that grant of bail is the rule and committal to jail an exception.

: 3 :

Refusal of bail is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution. Seriousness of the offence not to be treated as the only consideration in refusing bail : Seriousness of the offence should not to be treated as the only ground for refusal of bail. (Judgment of **Sanjay Chandra Vs. Central Bureau of Investigation, AIR 2012 SC 830** relied).

But, the liberty of an individual is not absolute. The Society by its collective wisdom through process of law can withdraw the liberty that it has sanctioned to an individual when an individual becomes a danger to the societal order. A society expects responsibility and accountability from the member, and it desires that the citizens should obey the law, respecting it as a cherished social norm. Therefore, when an individual behaves in a disharmonious manner ushering in disorderly thing which the society disapproves, the legal consequences are bound to follow.

Further discretionary jurisdiction of courts u/s 437 and 439 CrPC should be exercised carefully and cautiously by balancing the rights of the accused and interests of the society. Court must indicate brief reasons for granting or refusing bail. Bail order passed by the court must be reasoned one but detailed reasons touching merits of the case, detailed examination of evidence and elaborate documentation of merits of case should not be done.

At this stage , it can also be fruitful to note that requirements for bail u/s 437 & 439 are different. Section 437 Cr.P.C. severally curtails the power of the Magistrate to grant bail in context of the commission of non-bailable offences punishable with death or imprisonment for life, the two higher Courts have only the procedural requirement of giving notice of the Bail application to the Public Prosecutor, which requirement is also ignorable if circumstances so demand. The regimes regulating the powers of the Magistrate on the one hand and the two superior Courts are decidedly and intentionally not identical, but vitally and drastically dissimilar. (**Sundeep Kumar Bafna Vs. State of Maharashtra, AIR 2014 SC 1745**).

Further at this stage it can be noted that interpreting the provisions of bail contained u/s 437 & 439 Cr.P.C., the Hon'ble Supreme

: 4 :

Court in its various judgments has laid down various considerations for grant or refusal of bail to an accused in a non-bailable offence like, (i) Whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) Nature of accusation and evidence therefor, (iii) Gravity of the offence and punishment which the conviction will entail, (iv) Reasonable possibility of securing presence of the accused at trial and danger of his absconding or fleeing if released on bail, (v) Character and behavior of the accused, (vi) Means, position and standing of the accused in the Society, (vii) Likelihood of the offence being repeated, (viii) Reasonable apprehension of the witnesses being tampered with, (ix) Danger, of course, of justice being thwarted by grant of bail, (x) Balance between the rights of the accused and the larger interest of the Society/State, (xi) Any other factor relevant and peculiar to the accused. (xii) While a vague allegation that the accused may tamper with the evidence or witnesses may not be a ground to refuse bail, but if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. Furthermore, in the landmark judgment of **Gurucharan Singh and others v. State** (AIR 1978 SC 179), it was held that there is no hard and fast rule and no inflexible principle governing the exercise of such discretion by the courts. It was further held that there cannot be any inexorable formula in the matter of granting bail. It was further held that facts and circumstances of each case will govern the exercise of judicial discretion in granting or refusing bail. It was further held that such question depends upon a variety of circumstances, cumulative effect of which must enter into the judicial verdict. Such judgment itself mentioned the nature and seriousness of nature, and circumstances in which offences are committed apart from character of evidence as some of the relevant factors in deciding whether to grant bail or not.

Further it may also be noted that it is also settled law that while disposing of bail applications u/s 437/439 Cr.P.C., courts should assign

: 5 :

reasons while allowing or refusing an application for bail. But detailed reasons touching the merit of the matter should not be given which may prejudice the accused. What is necessary is that the order should not suffer from non-application of mind. At this stage a detailed examination of evidence and elaborate documentation of the merit of the case is not required to be undertaken. Though the court can make some reference to materials but it cannot make a detailed and in-depth analysis of the materials and record findings on their acceptability or otherwise which is essentially a matter of trial. Court is not required to undertake meticulous examination of evidence while granting or refusing bail u/s 439 of the CrPC.

In the present case, it is argued that he is in JC since 07/10/2020; that there is delay of registration of present FIR; further present accused is arrested after about one year of such alleged incident; it is further argued that accused is just an auto driver by profession; that he is arrested based on disclosure statement of co-accused Kapil. It is further argued that there is no previous criminal case pending against the present accused; that he belongs to a poor family; that he is sole bread earner of the family. It is further argued that during his five days PC remand complainant was also present and thereafter there is no requirement of the present accused in the present case. Ingredients of section 328 IPC are not satisfied at all. It is further argued that no purpose would be served by keeping the accused in JC. As such, it is prayed that he be granted interim bail.

On the other hand, it is argued by the learned Addl.PP for State that present accused is part and parcel of a gang who is targeting innocent people after intoxicating them and thereafter using their ATM cards etc to commit the offence. That a sum of Rs. 5.25 lacs was illegally taken from the account of the complainant. That present accused is auto driver who was present at the scene of crime and actively participated in the same. That auto rickshaw used in the crime is recovered at his instance. Further, there is cctv footage of the present accused installed at Noida ATM where such accused is withdrawing money using the ATM card of the complainant. That

: 6 :

he refused to undergo TIP proceedings. As such, present bail application is strongly opposed.

I find force in the arguments of learned Addl.PP for the state. The offence is serious in nature and is nuisance to public at large. There are specific and serious allegations against the accused. The investigation is still going on. Further there is incriminating evidence against the present accused. As such, this court is not inclined to grant the relief as sought in the present application. Hence, the same is dismissed. Trial Court record be sent back.

With these observations present bail application is disposed of as dismissed. Further, both the sides are at liberty to collect the order through electronic mode. Copy of order be uploaded on the website. Further a copy of this order be sent to SHO / IO concerned. Further, copy of this order be also sent to concerned Jail Superintendent.

The observations made in the present bail application order are for the purpose of deciding of present application and do not affect the factual matrix of the investigation of the present case which is separate issue as per law.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.11.19
19:03:25 +05'30'

**(Naveen Kumar Kashyap)
Additional Sessions Judge-04
Central/THC/Delhi
19/11/2020**

**Bail Application No.: 1907/2020
State Vs. Rajesh Kumar Meena
FIR No. :210/2019
PS: Kamla Market
U/S: 328, 379, 34 IPC**

: 1 :

Bail Application

Bail Application No.: 1769/2020

State Vs Tarif

FIR No.246/2020

PS.: Karol Bagh

U/s: 457, 380, 411, 34 IPC

19.11.2020

Present: Mr. Pawan Kumar, Learned Addl. PP for State through VC.

Mr. Suresh Prasad, learned counsel for the applicant / accused through VC.

Vide this order, the bail application under section 439 Cr.P.C. on behalf of accused dated 26/10/2020 filed through counsel is disposed of.

I have heard both the sides and have gone through the record.

The personal liberty is a priceless treasure for a human being. It is founded on the bed rock of constitutional right and accentuated further on human rights principle. The sanctity of liberty is the fulcrum of any civilized society. Deprivation of liberty of a person has enormous impact on his mind as well as body. Further article 21 Of the Constitution mandates that no person shall be deprived of his life or personal liberty except according to procedure established by law. Further India is a signatory to the International Covenant On Civil And Political Rights, 1966 and, therefore, Article 21 of the Constitution has to be understood in the light of the International Covenant On Civil And Political Rights, 1966. *Further* Presumption of innocence is a human right. Article 21 in view of its expansive meaning not only protects life and liberty ,but also envisages a fair procedure. Liberty of a person should not ordinarily be interfered with unless there exist cogent grounds therefor. The fundamental principle of our system of justice is that a person should not be deprived of his liberty except for a distinct breach of law. If there is no substantial risk of the accused fleeing the course of justice, there is no reason why he should be imprisoned during the period of his trial.

**Bail Application No.: 1769/2020
State Vs Tarif
FIR No.246/2020
PS.: Karol Bagh
U/s: 457, 380, 411, 34 IPC**

: 2 :

The basic rule is to release him on bail unless there are circumstances suggesting the possibility of his fleeing from justice or thwarting the course of justice. When bail is refused, it is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution.

Further it has been laid down from the earliest time that the object of Bail is to secure the appearance of the accused person at his trial by reasonable amount of Bail. The object of Bail is neither punitive nor preventive. Deprivation of liberty must be considered a punishment unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after convictions, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earlier 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 unconvicted persons should be held in custody pending trial to secure their attendance at the trial ,but in such case 'necessity' is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the constitution that any persons 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 under Article 21 of the Constitution 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 it would be improper for any court to refuse bail as mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an unconvicted person for the purpose of giving him a taste of imprisonment as a lesson. While considering an application for bail either under Section 437 or 439 CrPC, the court should keep in view the principle that grant of bail is the rule and committal to jail an exception. Refusal of bail is a restriction on personal liberty of the individual guaranteed

: 3 :

by Article 21 of the Constitution. Seriousness of the offence not to be treated as the only consideration in refusing bail : Seriousness of the offence should not to be treated as the only ground for refusal of bail. (Judgment of **Sanjay Chandra Vs. Central Bureau of Investigation, AIR 2012 SC 830** relied).

But, the liberty of an individual is not absolute. The Society by its collective wisdom through process of law can withdraw the liberty that it has sanctioned to an individual when an individual becomes a danger to the societal order. A society expects responsibility and accountability from the member, and it desires that the citizens should obey the law, respecting it as a cherished social norm. Therefore, when an individual behaves in a disharmonious manner ushering in disorderly thing which the society disapproves, the legal consequences are bound to follow.

Further discretionary jurisdiction of courts u/s 437 and 439 CrPC should be exercised carefully and cautiously by balancing the rights of the accused and interests of the society. Court must indicate brief reasons for granting or refusing bail. Bail order passed by the court must be reasoned one but detailed reasons touching merits of the case, detailed examination of evidence and elaborate documentation of merits of case should not be done.

At this stage , it can also be fruitful to note that requirements for bail u/s 437 & 439 are different. Section 437 Cr.P.C. severally curtails the power of the Magistrate to grant bail in context of the commission of non-bailable offences punishable with death or imprisonment for life, the two higher Courts have only the procedural requirement of giving notice of the Bail application to the Public Prosecutor, which requirement is also ignorable if circumstances so demand. The regimes regulating the powers of the Magistrate on the one hand and the two superior Courts are decidedly and intentionally not identical, but vitally and drastically dissimilar. (**Sundeeep Kumar Bafna Vs. State of Maharashtra, AIR 2014 SC 1745**).

Further at this stage it can be noted that interpreting the provisions of bail contained u/s 437 & 439 Cr.P.C., the Hon'ble Supreme Court in its various judgments has laid down various considerations for grant

: 4 :

or refusal of bail to an accused in a non-bailable offence like, (i) Whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) Nature of accusation and evidence therefor, (iii) Gravity of the offence and punishment which the conviction will entail, (iv) Reasonable possibility of securing presence of the accused at trial and danger of his absconding or fleeing if released on bail, (v) Character and behavior of the accused, (vi) Means, position and standing of the accused in the Society, (vii) Likelihood of the offence being repeated, (viii) Reasonable apprehension of the witnesses being tampered with, (ix) Danger, of course, of justice being thwarted by grant of bail, (x) Balance between the rights of the accused and the larger interest of the Society/State, (xi) Any other factor relevant and peculiar to the accused. (xii) While a vague allegation that the accused may tamper with the evidence or witnesses may not be a ground to refuse bail, but if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. Furthermore, in the landmark judgment of **Gurucharan Singh and others v. State** (AIR 1978 SC 179), it was held that there is no hard and fast rule and no inflexible principle governing the exercise of such discretion by the courts. It was further held that there cannot be any inexorable formula in the matter of granting bail. It was further held that facts and circumstances of each case will govern the exercise of judicial discretion in granting or refusing bail. It was further held that such question depends upon a variety of circumstances, cumulative effect of which must enter into the judicial verdict. Such judgment itself mentioned the nature and seriousness of nature, and circumstances in which offences are committed apart from character of evidence as some of the relevant factors in deciding whether to grant bail or not.

Further it may also be noted that it is also settled law that while disposing of bail applications u/s 437/439 Cr.P.C., courts should assign reasons while allowing or refusing an application for bail. But detailed

: 5 :

reasons touching the merit of the matter should not be given which may prejudice the accused. What is necessary is that the order should not suffer from non-application of mind. At this stage a detailed examination of evidence and elaborate documentation of the merit of the case is not required to be undertaken. Though the court can make some reference to materials but it cannot make a detailed and in-depth analysis of the materials and record findings on their acceptability or otherwise which is essentially a matter of trial. Court is not required to undertake meticulous examination of evidence while granting or refusing bail u/s 439 of the CrPC.

In the present case, it is argued on behalf of accused that he is permanent resident of Mewat Haryana; that he is daily wage labourer by profession; that there is no previous criminal record of present accused; that he is falsely implicated in the present case; that even the FIR was lodged against the unknown person; that nothing except the planted case property recovered from the accused; that no purpose would be served by keeping him in JC; that he has family to support; that investigation is already complete; that he is acquitted in all other criminal cases; that there no cctv footage of the place of alleged offence; that only one mobile phone is shown to be recovered from the present accused. As such, it is prayed that he be granted regular bail.

On the other hand, it is stated by the IO, as also argued by the learned Addl.PP for the state that during the course of the investigation present accused alongwith co-accused was arrested and mobile phone and instruments of house breaking, mobile repairing tools were recovered. Present accused is part of interstate gang of burglar. The offence is committed in a planned manner; that present accused has link with other gang member in Haryana UP and Delhi; that even proceedings u/s 82 Cr.PC were initiated against the present accused; that part of the case property is yet to be recovered. It is further argued that offence u/s 457 IPC punishable upto 14 years.

I find force in the arguments of learned Addl.PP for the state.

: 6 :

Investigation is still pending. Further offence in question is nuisance to public at large. Further having regard to the manner in which offence is committed and the punishment provided for the same read with the incriminating evidence against the accused, this court is not inclined to grant the relief as sought in the present application. Hence, the same is dismissed.

With these observations present bail application is disposed of as dismissed. Learned counsel for the applicant / accused is at liberty to collect the order through electronic mode. Further, a copy of this order be sent to concerned Jail Superintendent, IO / SHO.

The observations made in the present bail application order are for the purpose of deciding of present application and do not affect the factual matrix of the investigation of the present case which is separate issue as per law.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR KASHYAP
Date: 2020.11.19 19:05:10
+05'30'

(Naveen Kumar Kashyap)
ASJ-04(Central)/Delhi/19/11/2020

Bail Application No.: 1767/2020

State v. Arpit Goel
FIR no.: Nil
PS: Kamla Market

19.11.2020

Present: Mr. Pawan Kumar, Learned Addl. PP for State through VC.
Sh. Surender Kumar Sharma, Ld. Counsel for applicant through VC.
Sh. Manish Bhaduria, Ld. Counsel for complainant with complainant through VC.
IO Agyawati is also present with complainant through VC.

It is stated that matter is pending at present in Mediation Center at Tis Hazari. As such, put up for further arguments and appropriate proceedings for **07.12.2020**.

Interim protection to continue till next date of hearing.

NAVEEN
KUMAR
KASHYAP
Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.11.19
19:05:47 +05'30'

(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
19.11.2020

Bail Application No.: 1909/2020

State v. Keshav @ Ashu
FIR no.: 273/2020
PS: Prasad Nagar

19.11.2020

Present: Mr. Pawan Kumar, Learned Addl. PP for State through VC.
Sh. Lokesh Khanna, Ld. Counsel for applicant through VC.

Part arguments in detail heard.

Ld. Counsel for accused inter alia stated that police official of PS Prasad Nagar is implicating present accused time and again because he made certain complaint/allegations against the police official.

Put up for further arguments/appropriate orders for 03.12.2020.

Further, IO is directed to appear with case file on the next date of hearing.

Further, IO to file report regarding conviction if any in criminal matter pending against such accused. **Issue notice to IO accordingly.**

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.11.19
19:06:04 +05'30'

(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
19.11.2020

Bail Application No.: 1910/2020

State v. Virender Kumar @ Kalu
FIR no.: 88/2020
PS: Sarai Rohilla

19.11.2020

Present: Mr. Pawan Kumar, Learned Addl. PP for State through VC.
Sh. Gaurav Kochar, Ld. Counsel for applicant through VC.

This application is for interim bail. Some time sought by the IO to file proper reply. As such, fresh notice to SI Pushpender to file further reply.

Put up on 21.11.2020.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.11.19
19:06:18 +05'30'

(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
19.11.2020

Bail Application No.: 1911/2020

**State v. Karan
FIR no.: 668/2020
PS: Sarai Rohilla**

19.11.2020

Present: Mr. Pawan Kumar, Learned Addl. PP for State through VC.
Proxy Counsel for applicant through VC.

Adjournment sought as main counsel is busy in some other matter.

Put up on 21.11.2020 for further appropriate orders.

NAVEEN
KUMAR
KASHYAP

Digitally signed
by NAVEEN
KUMAR KASHYAP
Date: 2020.11.19
19:06:33 +05'30'

**(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
19.11.2020**

Bail Application No.: 1912/2020

**State v. Gaurav Yadav
FIR no.: 000172/2020
PS: Rajinder Nagar**

19.11.2020

Present: Mr. Pawan Kumar, Learned Addl. PP for State through VC.
None for applicant.
PSI Dharmender from PS concerned.

Put up for appearance of counsel for applicant, arguments and appropriate orders for 07.12.2020.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.11.19
19:06:48 +05'30'

**(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
19.11.2020**

At this stage

Sh. Atul Chaturvedi, Ld. Counsel for accused appeared through VC.

Part arguments in detail heard.

Put up for further arguments and orders on 01.12.2020.

Issue notice to IO to appear with case file to clarify including case property in question related in the present offence having regard to the nature of such case property.

Date earlier fixed i.e. 07.12.2020 stands canceled.

NAVEEN KUMAR
KASHYAP

Digitally signed by NAVEEN
KUMAR KASHYAP
Date: 2020.11.19 19:07:02
+05'30'

**(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
19.11.2020**

Bail Application No.: 1793/2020

**State v. Dinesh Kumar
FIR no.: 391/2020
PS: Kamla Market**

19.11.2020

Present: Mr. Pawan Kumar, Learned Addl. PP for State through VC.
Sh. Pankaj Tomar, Ld. Counsel for applicant through VC.

Part arguments in detail heard.

Accused Dinesh Kumar is directed to join investigation including tomorrow at 2 pm and report to the IO/SHO concerned accordingly ,and he is further directed to join investigation as and when directed by IO. If he so joins investigation, no coercive action be taken against him till next date of hearing only.

Issue notice to the IO to appear with case file through VC. Further, issue notice to complainant Sunil Yadav through IO for next date of hearing to appear through VC.

Put up on 23.11.2020.

A copy of this order be given dasti to the learned counsel for accused through electronic mode. Further, a copy of this order be sent to IO/SHO concerned for his information and record.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.11.19
19:07:16 +05'30'

**(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
19.11.2020**

Bail Application No.: 1767/2020

State v. Arpit Goel
FIR no.: Nil
PS: Kamla Market

19.11.2020

Present: Mr. Pawan Kumar, Learned Addl. PP for State through VC.
Sh. Surender Kumar Sharma, Ld. Counsel for applicant through VC.
Sh. Manish Bhaduria, Ld. Counsel for complainant with complainant through VC.
IO Agyawati is also present with complainant through VC.

It is stated that matter is pending at present in Mediation Center at Tis Hazari. As such, put up for further arguments and appropriate proceedings for **07.12.2020**.

Interim protection to continue till next date of hearing.

NAVEEN
KUMAR
KASHYAP
Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.11.19
19:05:47 +05'30'

(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
19.11.2020

Bail Application No.: 1909/2020

State v. Keshav @ Ashu
FIR no.: 273/2020
PS: Prasad Nagar

19.11.2020

Present: Mr. Pawan Kumar, Learned Addl. PP for State through VC.
Sh. Lokesh Khanna, Ld. Counsel for applicant through VC.

Part arguments in detail heard.

Ld. Counsel for accused inter alia stated that police official of PS Prasad Nagar is implicating present accused time and again because he made certain complaint/allegations against the police official.

Put up for further arguments/appropriate orders for 03.12.2020.

Further, IO is directed to appear with case file on the next date of hearing.

Further, IO to file report regarding conviction if any in criminal matter pending against such accused. **Issue notice to IO accordingly.**

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.11.19
19:06:04 +05'30'

(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
19.11.2020

Bail Application No.: 1910/2020

State v. Virender Kumar @ Kalu
FIR no.: 88/2020
PS: Sarai Rohilla

19.11.2020

Present: Mr. Pawan Kumar, Learned Addl. PP for State through VC.
Sh. Gaurav Kochar, Ld. Counsel for applicant through VC.

This application is for interim bail. Some time sought by the IO to file proper reply. As such, fresh notice to SI Pushpender to file further reply.

Put up on 21.11.2020.

NAVEEN
KUMAR
KASHYAP



Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.11.19
19:06:18 +05'30'

(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
19.11.2020

Bail Application No.: 1911/2020

**State v. Karan
FIR no.: 668/2020
PS: Sarai Rohilla**

19.11.2020

Present: Mr. Pawan Kumar, Learned Addl. PP for State through VC.
Proxy Counsel for applicant through VC.

Adjournment sought as main counsel is busy in some other matter.

Put up on 21.11.2020 for further appropriate orders.

NAVEEN
KUMAR
KASHYAP

Digitally signed
by NAVEEN
KUMAR KASHYAP
Date: 2020.11.19
19:06:33 +05'30'

**(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
19.11.2020**

Bail Application No.: 1912/2020

**State v. Gaurav Yadav
FIR no.: 000172/2020
PS: Rajinder Nagar**

19.11.2020

Present: Mr. Pawan Kumar, Learned Addl. PP for State through VC.
None for applicant.
PSI Dharmender from PS concerned.

Put up for appearance of counsel for applicant, arguments and appropriate orders for 07.12.2020.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.11.19
19:06:48 +05'30'

**(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
19.11.2020**

At this stage

Sh. Atul Chaturvedi, Ld. Counsel for accused appeared through VC.

Part arguments in detail heard.

Put up for further arguments and orders on 01.12.2020.

Issue notice to IO to appear with case file to clarify including case property in question related in the present offence having regard to the nature of such case property.

Date earlier fixed i.e. 07.12.2020 stands canceled.

NAVEEN KUMAR
KASHYAP

Digitally signed by NAVEEN
KUMAR KASHYAP
Date: 2020.11.19 19:07:02
+05'30'

**(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
19.11.2020**

Bail Application No.: 1793/2020

**State v. Dinesh Kumar
FIR no.: 391/2020
PS: Kamla Market**

19.11.2020

Present: Mr. Pawan Kumar, Learned Addl. PP for State through VC.
Sh. Pankaj Tomar, Ld. Counsel for applicant through VC.

Part arguments in detail heard.

Accused Dinesh Kumar is directed to join investigation including tomorrow at 2 pm and report to the IO/SHO concerned accordingly ,and he is further directed to join investigation as and when directed by IO. If he so joins investigation, no coercive action be taken against him till next date of hearing only.

Issue notice to the IO to appear with case file through VC. Further, issue notice to complainant Sunil Yadav through IO for next date of hearing to appear through VC.

Put up on 23.11.2020.

A copy of this order be given dasti to the learned counsel for accused through electronic mode. Further, a copy of this order be sent to IO/SHO concerned for his information and record.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.11.19
19:07:16 +05'30'

**(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
19.11.2020**

Bail Matters No.:1863/2020
State Vs Shakira Begum
FIR No.:NA /2020
PS: Darya Ganj

19/11/2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. Nasir Aziz, learned counsel for applicant / accused Shakira Begum through VC.

Further arguments heard in detail on the aspect of jurisdiction of this court to deal with the present anticipatory bail application.

Further certain case law are also relied by the counsel for the applicant / accused.

Put up for order on the jurisdiction aspect /clarification for tomorrow i.e.

20/11/2020 at 4:00 PM.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.11.19
19:08:07 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/19.11.2020

Bail Matters No.: 1856/2020
State Vs Shivam Kumar
FIR No.: 291/2020
PS: Sarai Rohilla

19/11/2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. Yogesh Rathi, counsel for the applicant through VC.

Part arguments heard in detail.

Issue notice to the IO to file copy of the order on the earlier bail application of such accused filed before filing of chargesheet. Further IO to appear with case file through VC on the next date of hearing.

Put up for **03/12/2020**. Issue notice to IO accordingly within 2 days.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.11.19
19:08:31 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/19.11.2020

Bail Matters No.: 718/2020
State Vs Himanshu Chahal
FIR No.: 193/2020
PS: Prashad Nagar
U/s 307, 34 IPC

19/11/2020

This is an application for modification / clarification of order dated 27/10/2020 by Learned Addl.PP for the State.

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. Kunal Madan, learned counsel for the applicant through VC.

Learned counsel for the accused submits that copy of such application be supplied to him also before proceedings further.

As such, copy be supplied to counsel for the accused through electronic mode during the course of the day.

Put up for further arguments on **26/11/2020**. Further original record of original bail application No. 718/2020 be also summoned from the filing section. Further issue notice to IO of the case as well as official of filing section for next date of hearing.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.11.19
19:08:47 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/19.11.2020

Bail Matters No.:
State Vs Zeeshan Ahmad
FIR No.:182/2018
PS: Hauz Qazi

19/11/2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
None for the applicant.

Put up for appearance of applicant and for further appropriate proceedings for

07/12/2020.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.11.19
19:09:00 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/19.11.2020

Bail Matters No.: 33/2020
State Vs Dhirender Kumar Yadav
FIR No.: 377/2018
PS: Prasad Nagar

19/11/2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. Sanjeev Nasiar, learned counsel for the applicant through VC.

Part arguments heard.

It is stated that such accused is on interim bail at present which is continuing from time to time so far.

Put up for arguments and appropriate orders on the main bail application for **05/12/2020**. In the meanwhile, interim protection / order to continue till the next date of hearing.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.11.19
19:09:14 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/19.11.2020

Bail Matters No.: 1522/2020
State Vs Ramu
FIR No.:217/2020
PS: Rajinder Nagar

19/11/2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. V.V. Arya, learned counsel for accused through VC.

It is stated by the learned Addl.PP for the State that IO has been changed and the present IO is HC Harish PS Rajinder Nagar.

As such, **issue notice to present IO** to appear in person with case file **through VC** and file further status report.

In the meanwhile, accused is directed to join investigation as and when directed by the IO. Interim protection to continue in terms of previous order.

Put up for **07/12/2020**.

NAVEEN
KUMAR
KASHYAP

Digitally signed
by NAVEEN
KUMAR KASHYAP
Date: 2020.11.19
19:09:28 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/19.11.2020

Bail Matters No.: 1623/2020
State Vs Nikita Singhal and others
FIR No.: 26/2020
PS: Rajinder Nagar

19/11/2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. Amish kumar counsel for accused through VC.
IO not present.
Even complainant is not present.

Issue fresh notice to IO as well as to the complainant in terms of previous orders dated 28/10/2020.

Put up for **07/12/2020**. Interim protection to continue till next date of hearing only.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.11.19
19:09:43 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/19.11.2020

Bail Matters No.: 1667/2020
State Vs Ravi Kumar Sony @ Ravi Kumar Soni
FIR No.:85/2020
PS: Karol Bagh

19/11/2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. Jitendra Pancharia, counsel for the original complainant Vipin Pandey through VC.
Applicant Ravi Kumar Soni also present through VC.
Mr. Sunil Kumar Pancharia, counsel for accused / applicant through VC.

Part arguments in detail heard.

It is stated by the accused after some argument that he is ready to make payment of settlement which is arrived in mediation in the main NI Act matter, within one week from today ,provided that bank account number of complainant is provided to him for transfer of such amount.

As such, learned counsel for complainant is directed to provide such bank account to the counsel for the accused at his e-mail ID : Suniladv97@gmail.com. Further mobile number of counsel for accused 9868586609 is also noted.

Further, learned counsel for accused submits that copy of such settlement be also provided to him for his ready reference. Learned counsel for complainant submits that he will supply the same also.

Subject to payment/transfer of such settlement amount arrived in settlement between the parties within one week, his interim protection is extended till next date of hearing.

Put up for compliance / further orders on merit for **27/11/2020**.

NAVEEN KUMAR KASHYAP
Digitally signed by
NAVEEN KUMAR KASHYAP
Date: 2020.11.19 19:10:40
+05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/19.11.2020

Bail Matters No.: 1679/2020
State Vs Sewa Ram
FIR No.:239/2020
PS: Sarai Rohilla

19/11/2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. Gagandeep Gupta, learned counsel for accused through VC.

It is claimed by the counsel for the accused that accused has jointed investigation as directed by this Court in the previous order.

Issue notice to IO to file further status report ,including regarding requirement of present accused in the present investigation. Further, IO to appear with case file.

Put up for **27/11/2020**.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.11.19
19:11:05 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/19.11.2020

Bail Matters No.: 1693/2020
State Vs Harshad @ Happy
FIR No.:226/2020
PS: Prasad Nagar

19/11/2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. Gaurav Arora, counsel for the accused / applicant through VC.
Mr. Bappa Ghosh counsel for complainant side through VC.

Heard.

Copy of reply dated 05/11/2020 be supplied to the counsel for accused as well as to the complainant.

Further copy of original bail application be supplied to the counsel for the complainant.

At request having regard to the nature of present case, e-mail ID of the counsel for the complainant be supplied to the official e-mail ID of this Court during the course of the day so that such order can be complied with.

Put up for arguments and appropriate orders for **28/11/2020**.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.11.19
19:11:26 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/19.11.2020

State Vs Jamshed
FIR No.: 24640/2020
PS: Sarai Rohilla
U/s 379, 411, 34 IPC

19/11/2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. Zia Afroz, learned counsel for the accused through VC.

This is an application for modification / clarification of the regular bail order dated 12/11/2020 passed by this Court vide which present accused was granted regular bail.

It is submitted by learned counsel for accused that inadvertently the FIR number is wrongly mentioned as 24604/2020 instead of **correct FIR No. 24640/2020**. As such, it is prayed that the same be clarified accordingly.

Heard.

Record perused. It is clarified that the FIR in question is 24640/2020 in which the present accused was granted regular bail vide such original bail order dated 12/11/2020. The same is clarified and rectified accordingly. Rest of the order dated 12/11/2020 remains the same. With these observation present application is disposed off. A copy of this order be sent to Jail Superintendent concerned for his ready reference.

Further, counsel for the applicant is at liberty to obtain copy of this order through electronic mode. Further a copy of this order be sent to IO / SHO concerned.

NAVEEN KUMAR KASHYAP
Digitally signed by NAVEEN KUMAR KASHYAP
Date: 2020.11.19 19:11:43 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/19.11.2020

State Vs Fareed Ahmed
(Application of Fareed Ahmed)
FIR No 266/2014
P. S. Chandni Mahal

19.11.2020

This court is also discharging bail roster duty.

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.
Mr. Harsh Hardy, learned counsel for the applicant through VC.

Reply filed.

Arguments already heard on this fifth regular bail application.

Put up for orders / clarification, if any, for **23/11/2020**.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.11.19
19:12:40 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/19.11.2020

State Vs Bhola
(Application of Bhola)
FIR No 79/2018
P. S. Kotwali

19.11.2020

This court is also discharging bail roster duty.

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.
Mr. Vinay Kumar, learned counsel for accused through VC.
Accused is stated to be on in interim bail at present.

Part arguments heard.

Put up for further arguments and appropriate orders for **01/12/2020**.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR KASHYAP
Date: 2020.11.19 19:12:57
+05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/19.11.2020

State Vs Arsalan Ali & others
(Application of Juber)
FIR No. 182/2017
P. S. Kamla Market

19.11.2020

This court is also discharging bail roster duty.

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.
Mr. M.Z. Masih,counsel for applicant through VC.

This is another regular bail application filed on behalf of accused Juber.

Issue notice of the same to IO to file reply by the next date of hearing.

Put up for further arguments and appropriate orders for **02/12/2020**.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.11.19
19:13:11 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/19.11.2020

CR No. : 260/2020
Sh. Karan Arora Vs Sh. Nitin Chawala & Anr

19.11.2020

This court is also discharging bail roster duty.

Fresh revision petition received by way of assignment. It be checked and registered separately.

Present: Mr. Abhey Kumar, learned counsel for the revisionist Karan Arora through VC.

Issue notice of the same to respondent no.1 Nitin Chawala as well as respondent no.2 / State for the next date of hearing. Steps be taken within two working days including filing of PF.

Put up for **02/12/2020**.

NAVEEN
KUMAR
KASHYAP

Digitally signed
by NAVEEN
KUMAR KASHYAP
Date: 2020.11.19
19:13:25 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/19.11.2020

State Vs Rahul Sharma
(Misc Application of applicant Kishan Kumar)
FIR No 339/2016
P. S. Darya Ganj

19.11.2020

This court is also discharging bail roster duty.

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.
Mr. Akhilesh Kamle, learned counsel for the applicant through VC.

Further submissions heard.

Today this court is hearing through VC. The case file is required to pass the order on the present Superdari application.

As such, put up for next date of physical hearing of this Court i.e. **25/11/2020** for orders / clarification.

NAVEEN / Digitally signed
KUMAR by NAVEEN
KASHYAP KUMAR KASHYAP
Date: 2020.11.19
19:13:44 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/19.11.2020

Crl Rev.: 179/2019
Minakshi Chadha & anr. v. State

19.11.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

Undersigned is also discharging work of Bail Roster duty.

Present: Mr. Manish Gusain, Ld. Counsel for Puneet Chaddha through VC.
Sh. Pawan Kumar, Ld. Counsel for respondent/state through VC.

It is stated that some settlement has been arrived in the main case and parties has moved to Hon'ble High Court of Delhi for quashing.

As such, at request, put up for further appropriate orders on this revision petition for 19.12.2020.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.11.19
19:15:00 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/19.11.2020

Crl Rev.: 253/2019
Punit Chadha & anr. v. State

19.11.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

Undersigned is also discharging work of Bail Roster duty.

Present: Mr. Manish Gusain, Ld. Counsel for Puneet Chaddha through VC.
Sh. Pawan Kumar, Ld. Counsel for respondent/state through VC.

It is stated that some settlement has been arrived in the main case and parties has moved to Hon'ble High Court of Delhi for quashing.

As such, at request, put up for further appropriate orders on this revision petition for 19.12.2020.

NAVEEN KUMAR KASHYAP
KASHYAP

Digitally signed by NAVEEN
KUMAR KASHYAP
Date: 2020.11.19 19:15:20
+05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/19.11.2020

SC: 27410/2016
State v. Varun Dev Tyagi @ Sonu Tyagi
FIR No.: 524/2014
PS: Burari

19.11.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

Undersigned is also discharging work of Bail Roster duty.

Present: Sh. Pawan Kumar, Ld. Addl. PP for the state through VC.
Sh. Mukesh Kumar Sharma, Ld. Counsel for accused Vikas Kaushik @ sunny who is stated to be on regular bail present in person through VC.
IO Naresh Kumar is also present through VC.

It is stated that supplementary chargesheet is to be filed.

Put up for further appropriate proceedings/orders for 22.01.2021.

NAVEEN KUMAR
KASHYAP

Digitally signed by NAVEEN
KUMAR KASHYAP
Date: 2020.11.19 19:15:33
+05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/19.11.2020

CA.: 40/2019
Asha Dua v. State

19.11.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

Undersigned is also discharging work of Bail Roster duty.

Present: None for Appellant.

Put up for consideration/appropriate orders for 25.11.2020.

NAVEEN
KUMAR
KASHYAP

Digitally signed
by NAVEEN
KUMAR KASHYAP
Date: 2020.11.19
19:15:48 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/19.11.2020

CA.: 71/2019
Shyam Sunder Gupta v. Jai Mohan

19.11.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

Undersigned is also discharging work of Bail Roster duty.

Present: Sh. Kamal Gupta, Ld. Counsel for Appellant/convict.
Respondent in person.

Next physical hearing day is proposed by the court for purpose fixed but counsel for respondent/original complaint himself requested for a day thereafter. As such, put up for **15.12.2020**

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.11.19
19:16:32 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/19.11.2020

CA.: 72/2019
Shyam Sunder Gupta v. Jai Mohan

19.11.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

Undersigned is also discharging work of Bail Roster duty.

Present: Sh. Kamal Gupta, Ld. Counsel for Appellant/convict.
Respondent in person.

Next physical hearing day is proposed by the court for purpose fixed but counsel for respondent/original complaint himself requested for a day thereafter. As such, put up for **15.12.2020**

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.11.19
19:16:46 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/19.11.2020

Crl. Revision.: 537/2019
Alok Gupta v. State

19.11.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

Undersigned is also discharging work of Bail Roster duty.

Present: Sh. Anurag Jain, Ld. Counsel for revisionist.

It is stated that one of the matter is pending before Hon'ble High Court for tomorrow.

Put up for further appropriate proceedings in terms of previous order for

25.11.2020.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.11.19
19:17:06 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/19.11.2020

Crl. Revision.: 564/2019
Alok Gupta v. State

19.11.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

Undersigned is also discharging work of Bail Roster duty.

Present: Sh. Anurag Jain, Ld. Counsel for revisionist.

It is stated that one of the matter is pending before Hon'ble High Court for tomorrow.

Put up for further appropriate proceedings in terms of previous order for

25.11.2020.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.11.19
19:17:25 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/19.11.2020

CA: 365/2019
Brijesh Goswami v. Amit Gupta

19.11.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

Undersigned is also discharging work of Bail Roster duty.

Present: None for Appellant.
 Sh. Rajiv Kanwar, Ld. Counsel for respondent.

Put up for appearance of Appellant/further appropriate proceedings in terms of previous order for **25.11.2020**.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.11.19
19:17:41 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/19.11.2020

Crl. Revision.: 140/2020, 141/2020,142/2020,143/2020,144/2020
Deepak Talwar v. ITO

19.11.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

Undersigned is also discharging work of Bail Roster duty.

Present: Sh. Tanveer Ahmad Mir, Ld. Counsel for revisionist.
Sh. Anish Dhingra, Ld. Counsel for respondent/ITO.

It is stated by counsel for revisionist that he is not feeling well. At his request, put up the matter for arguments on the issue under consideration on 28.11.2020 at 12.30 pm.

Interim order to continue till next date of hearing.

NAVEEN
KUMAR
KASHYAP

Digitally signed by NAVEEN
KUMAR KASHYAP
Date: 2020.11.19 19:17:59
+05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/19.11.2020