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

BAIL APPLICATION No.:1771/2020

FIR No. :195/2020
PS: Rajinder Nagar
STATE Vs Mohit Singh @ Tuti @ Prince
U/S: 25, 54, 59 Arms Act

06.11.2020

Present: Sh. Pawan Kumar,Ld. Addl. PP for the State through
VC.
Sh. Ravinder Kumar Gupta, Learned counsel for
applicants/accused through VC.

Vide this order, bail application of accused Mohit Singh u/s 439
Cr.PC dated 03/11/2020 filed through counsel is disposed off.

It is stated in the application that he has been falsely implicated
in the present case; he is in custody since 02/09/2020; that his earlier bail
application was dismissed as withdrawn as chargesheet was not filed earlier,
now chargesheet is already filed. It is further stated that he is a permanent
resident of Faridckot Punjab. All the witnesses are police officials only. As
such, it is prayed that he be granted regular bail.

On the other hand, it is argued by the learned Addl.PP for the
State and as also mentioned in reply filed by IO that such accused is wanted
in a murder case in Punjab and as such he was hiding in Delhi with illegal
weapon / Desi Katta with live cartridges. That he was arrested on a secret
information in the present case. His bail applications are rejected twice
earlier. That he do not have any permanent address in Delhi. As such, present
bail application is strongly opposed.

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I have heard both the sides.

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

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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.

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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

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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

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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.

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In the present case, the maximum punishment provided for the offences alleged against the present accused is less than 7 years. It is a matter of record that accused was arrested on 02/09/2020. As such, it can be noted that even the period to seek police custody remand is now over. Further, infact the chargesheet is already filed and the alleged weapon is already recovered from the spot. As such nothing remains to be recovered at his instance. Further all the witnesses are police witnesses, therefore, there is no possibility of threatening the witness also. Further, as far as the case u/s 302 in FIR No. 159/2019 pending at Punjab is concerned, that is separate criminal matter which would be decided as per law. Further, present accused can be put to appropriate terms as far as securing his presence in present case is concerned.

In above facts and circumstances, such present accused person 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) Applicants shall also provide his/her mobile number to the IO;*
- vii) Applicant shall mark his /her attendance before*

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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 his / her such mobile number 'Switched On' at all the time , particularly between 8 am to 8 pm everyday till the chargesheet is filed

x) That he / she will cooperate with the investigation / IO / SHO concerned and will appear before IO / Trial Court as and when called as per law.

xi) He will not indulge in any kind of activities which are alleged against him / her in the present case.

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:

1. *The date on which conditions imposed by this court are satisfied;*
2. *The date of release of prisoner from jail;*
3. *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

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counsel for applicant is at liberty to obtain order through electronic mode. Further, copy of this order be sent to concerned Jail Superintendent. Further, copy of this order be sent to IO / SHO concerned. Copy of order be uploaded on website.

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.

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(NAVEEN KUMAR KASHYAP)
ASJ-04(Central/Delhi/06/11/2020)

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

Application No.: 1625/2020
State Vs Pappu Paswan s/o Mohant Paswan
FIR No.298/2020
P. S. Lahori Gate
U/s: 33 Delhi Excise Act

06/11/2020

Present: Mr. Pawan Kumar, Learned Addl. PP for State is available through VC.
Mr. Upender Singh, learned counsel for accused through VC.

Vide this order, bail application u/s 439 Cr.PC dated 23/10/2020 filed by applicant through counsel is disposed off.

It is stated in the application that he has been falsely implicated in this case and the present FIR has been foisted against him; that he is the only bread earner of his family and he has to look after his wife, three minor children and old aged parents; that nothing incriminating has come on record against the present applicant; that his earlier bail application was dismissed by learned MM vide order dated 14/10/2020; that he has deep roots in the society. As such, it is prayed that he be granted regular bail.

On the other hand, in reply dated 28/10/2020 filed by the IO, as also argued by learned Addl.PP for the State it is stated that he was apprehended with illegal liquor (750 bottles); he is found involved in other criminal cases and has been arrested twice earlier also; that he is habitual of selling illegal liquor; his family members have no control on him and he has no permanent address in Delhi. As such, present bail application is strongly opposed.

Application No.: 1625/2020
State Vs Pappu Paswan s/o Mohant Paswan
FIR No.298/2020
P. S. Lahori Gate
U/s: 33 Delhi Excise Act

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I have heard both the sides.

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

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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

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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 less than 7 years. It is a matter of record that accused is in JC since 14/08/2020. 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 present case, no previous conviction or even involvement in criminal cases is placed on record by the IO.

In above facts and circumstances, such accused is granted bail subject to furnishing of **personal bond in the sum of Rs. 10,000/- with two sound surety 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 satisfied;*
- b) *The date of release of prisoner from jail;*

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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. Copy of order be uploaded on website.

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.

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**(NAVEEN KUMAR KASHYAP)
ASJ-04(Central/Delhi
06/11/2020**

Anticipatory Bail

Bail Matters No.: 1681/2020

State Vs Titari @ Titri Devi

FIR No. : 317/2020

PS: Kashmere Gate

U/S: 186, 353, 332, 34 IPC

06/11/2020

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

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

Vide this order, anticipatory bail application dated 27/10/2020 under section 438 Cr.P.C. on behalf of accused filed through counsel is disposed off.

In the present case, it is submitted on behalf of the accused that accused has been falsely implicated in this case; that police officials trying to arrest the present applicant in a false case and visited the house of applicant. That co-accused Geeta

Bail Matters No.: 1681/2020

State Vs Titari @ Titri Devi

FIR No. : 317/2020

PS: Kashmere Gate

U/S: 186, 353, 332, 34 IPC

Devi and Joginder are already granted regular bail by the learned MM. She is ready to join the investigation as and when directed by the IO. She is about 65 years old. As such, it is prayed that she be granted anticipatory bail with direction to the IO / SHO to release him on bail in the event of his arrest in the present case.

On the other hand, reply dated 26/10/2020 filed by the IO as also argued by learned Addl.PP for the State that present applicant / accused is habitual offender; that her son was found in suspicious situation and was hiding something in jhuggi and when patrolling police team inquired about the same, he refused to cooperate. When police staff tried to take him for questioning, he became agitated and attacked on the police official. Not only this, his family members including the present applicant also came on the spot and they also attacked both the police officials. That ASI Ashok, Constable Deepak, HC Rajeev Tomar sustained injuries. Infact, police official Rajeev Tomar remained hospitalized for 14 hours in hospital.

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U/S: 186, 353, 332, 34 IPC

Then such applicant is also involved in excise matter as well as in similar criminal offence against police officials in FIR No. 177/2018. As such, present anticipatory bail is strongly opposed.

In the present case there are specific and serious allegations against the present accused. Further, sections invoked are non compoundable in nature. Further, having regard to the manner in which the present offence is committed, it cannot be said that she is not required for interrogation without any basis. Further she is involved in similar criminal case in FIR No. 177/2018. As such, this court do not find sufficient ground to grant the relief sought in this application. With these observation, present application is 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.

Bail Matters No.: 1681/2020
State Vs Titari @ Titri Devi
FIR No. : 317/2020
PS: Kashmere Gate
U/S: 186, 353, 332, 34 IPC

Both the sides are at liberty to collect order through electronic mode.

Further, a copy of this order be sent to concerned IO / SHO. Further, copy of this order be uploaded on website.

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(NAVEEN KUMAR KASHYAP)
ASJ-04(Central/Delhi/06/11/2020)

Bail Matters No.: 1681/2020
State Vs Titari @ Titri Devi
FIR No. : 317/2020
PS: Kashmere Gate
U/S: 186, 353, 332, 34 IPC

Anticipatory Bail

**Bail Matters No.: 1682/2020
State Vs Upender @ Gabbar
FIR No. : 317/2020
PS: Kashmere Gate
U/S: 186, 353, 332, 34 IPC**

06/11/2020

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

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

Vide this order, anticipatory bail application dated 27/10/2020 under section 438 Cr.P.C. on behalf of accused filed through counsel is disposed off.

In the present case, it is submitted on behalf of the accused that accused has been falsely implicated in this case; that police officials trying to arrest the present applicant in a false case and visited the house of applicant. That co-accused Geeta Devi and Joginder are already granted regular bail by the learned MM. He is ready to join the investigation as and when directed by the IO. As such, it is prayed that he be granted anticipatory bail with direction to the IO / SHO to release him on bail in the event of his arrest in the present case.

On the other hand, reply dated 26/10/2020 filed by the IO as also argued by learned Addl.PP for the State that present applicant / accused is habitual offender; that he was found in suspicious situation and was hiding something in jhuggi and when patrolling police team inquired about the same, he refused to cooperate. When police staff tried to

**Bail Matters No.: 1682/2020
State Vs Upender @ Gabbar
FIR No. : 317/2020
PS: Kashmere Gate
U/S: 186, 353, 332, 34 IPC**

take him for questioning, he became agitated and attacked on the police official. Not only this, his family members also came on the spot and they also attacked both the police officials. That ASI Ashok, Constable Deepak, HC Rajeev Tomar sustained injuries. Infact, police official Rajeev Tomar remained hospitalized for 14 hours in hospital. Present applicant is the main accused and he incited other family members. That he is previously involved in other criminal cases. As such, present anticipatory bail is strongly opposed.

In the present case there are specific and serious allegations against the present accused. Further, sections invoked are non compoundable in nature. Further, having regard to the manner in which the present offence is committed, it cannot be said that he is not required for interrogation without any basis. As such, this court do not find sufficient ground to grant the relief sought in this application. With these observation, present application is 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.

Both the sides are at liberty to collect order through electronic mode. Further, a copy of this order be sent to concerned IO / SHO. Further, copy of this order be uploaded on website.

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Date: 2020.11.06 20:18:50
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(NAVEEN KUMAR KASHYAP)
ASJ-04(Central/Delhi/06/11/2020)

Bail Matters No.: 1682/2020
State Vs Upender @ Gabbar
FIR No. : 317/2020
PS: Kashmere Gate
U/S: 186, 353, 332, 34 IPC

Anticipatory Bail

**Bail Matters No.: 1649/2020
State Vs Satpal Singh & Anr
FIR No. : 196/2019
PS: Rajinder Nagar
U/S: 420 IPC**

06/11/2020

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

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

Vide this order, anticipatory bail application dated 12/10/2020 under section 438 Cr.P.C. on behalf of two accused Satpal Singh and Sukhvinder Singh filed through counsel is disposed off.

In the present case, it is submitted on behalf of the accused that police

**Bail Matters No.: 1649/2020
State Vs Satpal Singh & Anr
FIR No. : 196/2019
PS: Rajinder Nagar
U/S: 420 IPC**

officials from Rajinder Nagar Police Station want to arrest the accused persons in present false and frivolous case. It is further argued that applicant Sukhvinder became friend with complainant's elder brother Shekhar Rana as they were studying in the same school earlier. That a complaint is already filed by the present applicant against such person in Jammu & Kashmir Crime Branch before filing of present FIR. As applicant No.2 got a job in Army, the complainant became jealous and filed the present case. That applicant is suffering from paralysis since last two years. That in any case offences are punishable for a maximum period of 7 years only. That there is spread of corona virus. That applicants have reasons to believe that they may be arrested in the present case. Applicant no.1 is retired person from Indian Army and applicant no.2 is doing job in Indian Army. Further, learned counsel for accused relied on a number of additional documents also in support of his arguments.

On the other hand, it is argued on behalf of the complainant counsel that even proceedings u/s 82 Cr.PC are initiated against applicant Satpal. It is further argued

Bail Matters No.: 1649/2020
State Vs Satpal Singh & Anr
FIR No. : 196/2019
PS: Rajinder Nagar
U/S: 420 IPC

that bail of another accused Vinay is already rejected. It is further argued that there are about 19 accused persons in the present case.

On the other hand, reply is filed by the IO as also argued by learned Addl.PP for the State that present case relates to a false racket for job in Indian Railway in which present applicants played active role in the conspiracy. Further, the accused persons even carried out certain false and bogus recruitment process and even the victim side paid certain amount to the accused side. Investigation is pending in this case. That one of the accused Vinay is in JC. Further present applicant are avoiding their arrest. Their custodial interrogation is required to apprehend other accused persons and recover the cheated amount. As such, present anticipatory bail is strongly opposed.

In the present case there are specific and serious allegations against the present applicants. Further, process u/s 82 Cr.PC is already issued against one

Bail Matters No.: 1649/2020
State Vs Satpal Singh & Anr
FIR No. : 196/2019
PS: Rajinder Nagar
U/S: 420 IPC

of the applicant Satpal. Further, this case relates to a large conspiracy involving many victims in bogus recruitment racket involving many accused relating to Indian Railway Jobs. Further, even the action of certain alleged victims is not about suspicion. It appears they were giving bribe to the accused side to secure some job in Indian Railway. But ultimately it is found that accused did not have the capacity to secure such job. Therefore, having regard to the nature of allegations against the accused persons and the nature of offence, this court is not inclined to grant the relief sought in the present application including having regard to the fact that one of them is absconding and custodial interrogation of both such accused is required to unearth the conspiracy in question. With these observation, present application is 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

Bail Matters No.: 1649/2020
State Vs Satpal Singh & Anr
FIR No. : 196/2019
PS: Rajinder Nagar
U/S: 420 IPC

investigation of the present case which is separate issue as per law.

Both the sides are at liberty to collect order through electronic mode.

Further, a copy of this order be sent to concerned IO / SHO. Further, copy of this

order be uploaded on website.

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ASJ-04(Central/Delhi/06/11/2020)

Bail Matters No.: 1649/2020
State Vs Satpal Singh & Anr
FIR No. : 196/2019
PS: Rajinder Nagar
U/S: 420 IPC

Bail Matters No.:1287, 1289 & 1290 /2020
State Vs Rajeev Sharma, Ashok Kumar Sharma &
Krishna Sharma @ Krishna Devi
FIR No.: 180/2019
PS:Rajinder Nagar

06/11/2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. Jaikush Hoon, learned counsel for the complainant alongwith complainant through VC.
Mr. Ashu Bhatia, learned counsel for all the three applicants through VC.
IO SI Vinod Kumar is also present through VC.

It is stated by the parties that fortunately the matter is going to be settled and some understanding dated 05/11/2020 has already been made in this regard.

At joint request, put up for placing on record such settlement in this case for **25/11/2020**. In the meanwhile, interim protection to continue till the next date of hearing in terms of previous order.

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(Naveen Kumar Kashyap)
ASJ-04/Central/06.11.2020

**Bail Matters No.:1534/2020
State Vs Gurdev Singh @ Vicky
FIR No.: 244/2020
PS:Kamla Market**

06/11/2020

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

Further reply dated 06/11/2020 filed by Inspector Lekh Raj, SHO PS Kamla Market. Copy of the same be supplied to the counsel for the accused during the course of the day.

Put up for further arguments / orders on this application for **18/11/2020**.
Further issue notice to IO / Inspector Lekh Raj to appear in person through VC on the next date of hearing at the time of further arguments in this case.

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(Naveen Kumar Kashyap)
ASJ-04/Central/06.11.2020

Bail Matters No.:1557/2020
State Vs Monish Alam
FIR No.: 266/2020
PS:Prashad Nagar

06/11/2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Ms. Ifat Sultana, learned counsel for the applicant through VC.
SI Ranvir Singh on behalf of main IO is present through VC.

It is stated that as per directions of this court, applicant / accused went to the IO / SHO but it is orally told by them that they would call him as and when required. It is stated that main IO is on leave.

As such, issue notice to IO / SHO to appear in person through VC regarding further investigation / status report / requirement of the present accused in this case. Further, previous order / protection is extended till next date of hearing under these circumstances.

Put up for **18/11/2020**.

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(Naveen Kumar Kashyap)
ASJ-04/Central/06.11.2020

Bail Matters No.:1595/2020
State Vs Radhey Shyam
FIR No.: 16024/2020
PS: Darya Ganj

06/11/2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Learned counsel for the applicant / accused through VC.

Further reply filed by the IO. As per such reply / status report dated 05/11/2020 such accused is 'undergone' in case FIR No. 422/2018 PS Punjabi Bagh. As such, he seeks sometime to file further reply regarding such case FIR No. 422/2018 PS Punjabi Bagh.

Issue notice to IO accordingly to file further status report. Further IO to appear in person through VC on the next date of hearing.

Put up for further reply and arguments for **19/11/2020**.

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(Naveen Kumar Kashyap)
ASJ-04/Central/06.11.2020

Bail Matters No.:1665/2020
State Vs Mitu Kumar
FIR No.: 53/2019
PS: NDRS

06/11/2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. Rajal Rai Dua, learned counsel for the applicant through VC.
IO is also present through VC.

This is a regular bail application. Reply filed by the IO. Copy of the same be supplied to the counsel for the accused during the course of the day.

Part arguments heard in detail.

It is stated that TIP proceedings of the present case is still pending.

Put up for further arguments for **21/11/2020**. Further, IO to file further reply including regarding regular bail orders of the co-accused, if any, and the result of TIP proceedings if conducted, by the next date of hearing.

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(Naveen Kumar Kashyap)
ASJ-04/Central/06.11.2020

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

06/11/2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. Sunil Kumar, learned counsel for the applicant through VC.
IO is also present through VC.

Reply filed by the IO. Copy of the same be supplied to the counsel for the accused during the course of the day.

In this case offence u/s 174A IPC is involved where present accused was declared PO in a cheque bounce case. Learned counsel for the accused is not sure about the amount involved in such cheque bounce case in which present accused was declared PO. He further placed on record his correct address as per his claim.

Issue notice to complainant through IO for the next date of hearing through VC. Further file of main cheque bounce case bearing CC No. 542553 & 542554/2016 from the court of Mr. Gaurav Sharma, learned MM NI Act 03 Central District Tis Hazari Courts Delhi be summoned at the time of further argument of the present anticipatory bail application. In the meanwhile, no coercive action be taken against the present applicant till next date of hearing provided he shall fully cooperate in the investigation and give his complete details including his permanent address to the IO.

Put up for further arguments for **19/11/2020**.

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(Naveen Kumar Kashyap)
ASJ-04/Central/06.11.2020

Bail Matters No.:1767/2020
State Vs Arpit Goel
FIR No.: Not Known
PS: Kamla Market

06/11/2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. Surender Kumar, learned counsel for the applicant Arpit through VC.
Mr. Manish Badhoriya, learned counsel for complainant through VC.
SI Agyawati with complainant through VC.

Part arguments heard in detail on the present application u/s 438 Cr.PC.

It is stated by the counsel for the accused that there is some biased in the attitude of the IO which is vehemently opposed by the IO and she has stated she is trying to settle the matter as per rules in mediation centre.

It is further stated that the next date is 11/11/2020 before Women Cell. Applicant, his mother and father are at liberty to join such mediation on the next date of hearing. Further complainant also wants to join the same on the next date of hearing.

Put up before this court for **19/11/2020**. In the meanwhile, no coercive action be taken against the applicant till next date of hearing.

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(Naveen Kumar Kashyap)
ASJ-04/Central/06.11.2020

Bail Matters No.:1768/2020
State Vs Mohd. Mohsin
FIR No.: 143/2020
PS: Kamla Market

06/11/2020

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

Reply filed by the IO. Copy of the same be supplied to the counsel for applicant during the course of the day.

Put up for arguments and appropriate order for **18/11/2020**.

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(Naveen Kumar Kashyap)
ASJ-04/Central/06.11.2020

Bail Matters No.:1769/2020
State Vs Tarif
FIR No.: 246/2020
PS: Karol Bagh

06/11/2020

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

Reply filed by the IO. Copy of the same supplied to counsel for the accused.

Arguments in detail heard.

Put up for further reply based on such reply and orders for **18/11/2020**.

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(Naveen Kumar Kashyap)
ASJ-04/Central/06.11.2020

Application No.:1639/2020
State Vs Sourabh Verma
FIR No.207/2020
P. S.Darya Ganj
U/s: 376, 354A IPC

06/11/2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Learned counsel for accused through VC.
Ms. Nazma, learned counsel for complainant alongwith complainant through VC.
IO is also present through VC.

Put up for orders at 4:00 PM

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Date: 2020.11.06
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(Naveen Kumar Kashyap)
ASJ-04/Central/06.11.2020

At 4:00 PM

Certain clarification is required from the IO regarding statement u/s 164 Cr.PC.
as such, put up for clarification / orders for **10/11/2020**. IO is directed to appear through VC
on the next date of hearing with case file.

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Date: 2020.11.06
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(Naveen Kumar Kashyap)
ASJ-04/Central/06.11.2020

**Bail Matters No.:990/2020
State Vs Manoj Kumar Sharma
FIR No.: 191/2019
PS: Lahori Gate**

06/11/2020

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

Put up for orders at 4:00 PM

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Date: 2020.11.06
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**(Naveen Kumar Kashyap)
ASJ-04/Central/06.11.2020**

At 4:00 PM

No time is left.

Put up for orders for tomorrow i.e. **07/11/2020**.

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**(Naveen Kumar Kashyap)
ASJ-04/Central/06.11.2020**

**Bail Matters No.: 1215/2020
State Vs Barun Kumar Dutta
FIR No.: 181/2019
PS: Prashad Nagar**

06/11/2020

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

Put up for orders at 4:00 PM

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Date: 2020.11.06
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(Naveen Kumar Kashyap)
ASJ-04/Central/06.11.2020

At 4:00 PM

No time is left.

Put up for orders for tomorrow i.e. **07/11/2020**.

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(Naveen Kumar Kashyap)
ASJ-04/Central/06.11.2020

State Vs Ashish Kumar Bahuguna & others
(Application of Manoj Kumar)
FIR No106/2012
P. S. Kamla Market

06.11.2020

This court is also discharging bail roster duty.

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.
Mr. B.S Chaudhary, learned counsel for applicant through VC.

The matter was listed before the Hon'ble High Court in the writ petition No.
3080/2020.

**Put up for copy of the order passed by the Hon'ble High Court of Delhi in
such petition and for appropriate orders for 09/11/2020.**

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**(Naveen Kumar Kashyap)
ASJ-04/Central/06.11.2020**

State Vs Deepak Kumar
(Application of Deepak Kumar)
FIR No 34/2014
P. S. Prasad Nagar

06.11.2020

This court is also discharging bail roster duty.

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

Fresh reply filed by the IO. Copy of the same be supplied to the counsel for the applicant during the course of the day.

The matter was listed before the Hon'ble High Court in the writ petition No. 3080/2020.

Put up for copy of the order passed by the Hon'ble High Court of Delhi in such petition and for appropriate orders for 09/11/2020.

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(Naveen Kumar Kashyap)
ASJ-04/Central/06.11.2020

State Vs Sunil @ Kalu & others
(Application of Surrender)
FIR No 303/2014
P. S Subzi Mandi

06.11.2020

This court is also discharging bail roster duty.

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.
Mr. Neeraj Kumar Jha, learned counsel for the applicant / accused through VC.

Vide order dated 20/10/2020 Hon'ble High Court of Delhi was pleased not to extend such interim bail vide para No.7 (i) of such order. Further, certain liberty was given to the accused person to approach the court concerned under para 7 (ii) for extension of interim bail.

But thereafter, Hon'ble Supreme Court in SLP (C) Diary No. 23367 / 2020 titled as "*National Forum on prison reforms vs Government of NCT of Delhi & others*" vide order dated 29/10/2020 was pleased to stay the operation of such para 7(i) & 7(ii) and put up the matter for further hearing for 26/11/2020.

In view of such development, as para 7 (ii) is also stayed by hon'ble Supreme Court, put up for further proceedings / appropriate orders on the present application for

27/11/2020.

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(Naveen Kumar Kashyap)
ASJ-04/Central/06.11.2020

State Vs Devender Kumar @ Sanjay Etc.
(Application of Vinay @ Monty)
FIR No 799/2014
P. S. Daryaganj

06.11.2020

This court is also discharging bail roster duty.

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

Copy of original order vide which accused was granted interim bail is not placed on record. The same be placed on record by the next date of hearing.

Put up for further arguments and appropriate orders for **09/11/2020**.

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(Naveen Kumar Kashyap)
ASJ-04/Central/06.11.2020

State Vs Vipin Sharma @ Vipin Kumar Sharma
Application for extension of interim bail
FIR No 213/2018
P. S. Lahori Gate

06.11.2020

This court is also discharging bail roster duty.

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

Fresh reply filed by the IO. Copy of the same be supplied during the course of the day to the counsel for the accused.

Put up for filing of the original interim bail order and subsequent bail order passed in the present case for the present accused and for further arguments for **09/11/2020**.

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(Naveen Kumar Kashyap)
ASJ-04/Central/06.11.2020

State Vs Sunder Etc.
(Application of Ranjeet @ Nandu)
FIR No 252/2016
P. S Kotwali

06.11.2020

This court is also discharging bail roster duty.

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

It is stated by the counsel for the accused that due to certain directions / orders by the High Power Committee, such accused was released by Jail Superintendent concerned himself on interim bail.

As such, put up for further appropriate proceedings / order for **09/11/2020** including regarding outcome of Writ Petition No. 3080/2020.

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(Naveen Kumar Kashyap)
ASJ-04/Central/06.11.2020

State Vs Ajay Etc.
(Application of Ajay)
FIR No 264/2015
P. S.Subzi Mandi

06.11.2020

This court is also discharging bail roster duty.

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

This is an application for extension of interim bail on behalf of applicant. But the original order vide which accused was granted interim bail is not placed on record. Let same be placed on record by the next date of hearing.

Put up for arguments and appropriate orders on this application at request for 11/11/2020.

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(Naveen Kumar Kashyap)
ASJ-04/Central/06.11.2020

State Vs Sunil & others
(Application of Karan @ Raj Karan)
FIR No 303/2014
P. S Subzi Mandi

06.11.2020

This court is also discharging bail roster duty.

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.
Mr. Kaushlender Singh, learned counsel for applicant through VC.

Vide order dated 20/10/2020 Hon'ble High Court of Delhi was pleased not to extend such interim bail vide para No.7 (i) of such order. Further, certain liberty was given to the accused person to approach the court concerned under para 7 (ii) for extension of interim bail.

But thereafter, Hon'ble Supreme Court in SLP (C) Diary No. 23367 / 2020 titled as "*National Forum on prison reforms vs Government of NCT of Delhi & others*" vide order dated 29/10/2020 was pleased to stay the operation of such para 7(i) & 7(ii) and put up the matter for further hearing for 26/11/2020.

In view of such development, as para 7 (ii) is also stayed by hon'ble Supreme Court, put up for further proceedings / appropriate orders on the present application for **27/11/2020**.

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(Naveen Kumar Kashyap)
ASJ-04/Central/06.11.2020

State Vs Bunty
(Application of Bunty)
FIR No. 190/2013
P. S Rajender Nagar

06.11.2020

This court is also discharging bail roster duty.

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

This is an application for extension of interim bail on behalf of applicant.

Put up for arguments and appropriate orders on this application for

09/11/2020.

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(Naveen Kumar Kashyap)
ASJ-04/Central/06.11.2020

State Vs Sunil & others
(Application of Sonu)
FIR No 303/2014
P. S. Subzi Mandi

06.11.2020

This court is also discharging bail roster duty.

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.
None for applicant / accused.

This is an application seeking extension of interim bail.

It is stated that inadvertently name of applicant is wrongly mentioned as Sonu.

As such, permission sought to withdraw the same.

Heard. Allowed.

The same is dismissed as withdrawn.

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(Naveen Kumar Kashyap)
ASJ-04/Central/06.11.2020

State Vs Sunil & Kalu & others
(Application of Ravi Dhika)
FIR No. 303/2014
P. S. Subzi Mandi

06.11.2020

This court is also discharging bail roster duty.

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

Fresh application seeking extension of interim bail on behalf of accused Ravi Dhika has been filed through counsel Mr. Sanjay Kumar Tiwary.

Original order vide which such accused Ravi Dhika was granted interim bail is not placed on record. As such, it is not clear whether he was granted interim bail based on the criteria of High Power Committee or otherwise on merit.

As such, put up for clarification / arguments on this aspect and appropriate orders for **10/11/2020**.

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(Naveen Kumar Kashyap)
ASJ-04/Central/06.11.2020

State Vs Ajay @ Nathu & others
(Bail Bond of Dharmender @ Montu)
FIR No. 48/2015
P. S. Nabi Karim

06.11.2020

This court is also discharging bail roster duty.

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.
Surety Bhawna with counsel Mr. Ankit Tyagi in person through VC.

Accused Dharmender @ Montu is granted regular bail by Hon'ble High Court vide order dated 03/11/2020. IO / SHO concerned to verify FD and address of such surety and file report tomorrow i.e. **07/11/2020 at 2:00 PM.**

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Date: 2020.11.06 20:28:17 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/06.11.2020

State Vs Sunil @ Kalu & others
(Bail Bond of Varun Bhardwaj)
FIR No. 303/2014
P. S. Subzi Mandi

06.11.2020

This court is also discharging bail roster duty.

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

As per order dated 09/10/2020, it is clear that such accused did not fall under criteria of High Power Committee and was granted interim bail on merit.

Vide order dated 20/10/2020 Hon'ble High Court of Delhi was pleased not to extend such interim bail vide para No.7 (i) of such order. Further, certain liberty was given to the accused person to approach the court concerned under para 7 (ii) for extension of interim bail.

But thereafter, Hon'ble Supreme Court in SLP (C) Diary No. 23367 / 2020 titled as "*National Forum on prison reforms vs Government of NCT of Delhi & others*" vide order dated 29/10/2020 was pleased to stay the operation of such para 7(i) & 7(ii) and put up the matter for further hearing for 26/11/2020.

In view of such development, as para 7 (ii) is also stayed by hon'ble Supreme Court, put up for further proceedings / appropriate orders on the present application for **27/11/2020**.

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(Naveen Kumar Kashyap)
ASJ-04/Central/06.11.2020

State Vs Anup Kumar Chipra
(Bail Bond of accused)
FIR No. 513/2016
P. S Burari
U/s 392, 397, 323, 411 IPC

06.11.2020

This court is also discharging bail roster duty.

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.
Learned counsel with surety Bhagwati Prasad in person physically in Court.
But they have joined proceedings through VC.

Put up for verification of address and security / FD of surety and for filing of
report for tomorrow i.e. **07/11/2020 at 2:00 PM.**

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Date: 2020.11.06 20:28:53
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(Naveen Kumar Kashyap)
ASJ-04/Central/06.11.2020

State Vs Parmod
(Bail Bond of Parmod
FIR No. 485/2014
P. S Timar Pur

06.11.2020

This court is also discharging bail roster duty.

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

Further verification report filed by HC Shish Pal PS Timar Pur dated 04/11/2020 relating to the verification of surety Narender Kumar, security / motorcycle bearing No. DL 6S BC 7815 and the same verified and found to be correct. Such report be taken on record accordingly.

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(Naveen Kumar Kashyap)
ASJ-04/Central/06.11.2020

State Vs Gaurav Chahan Etc.
(Bail Bond of Gaurav Chauhan)
FIR No. 199/2009
P. S. Kashmere Gate

06.11.2020

This court is also discharging bail roster duty.

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

At request ,put up for appropriate arguments orders for **07/11/2020**.

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(Naveen Kumar Kashyap)
ASJ-04/Central/06.11.2020

State Vs Gaurav Chahan Etc.
(Bail Bond of Ankur Singh)
FIR No.199/2009
P. S. Kashmere Gate

06.11.2020

This court is also discharging bail roster duty.

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

At request ,put up for appropriate arguments orders for **07/11/2020**.

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Date: 2020.11.06
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(Naveen Kumar Kashyap)
ASJ-04/Central/06.11.2020

SC No.:27605/2016
State Vs: Sanjay Sharma & others
FIR No.: 130/2005
PS: Kamla Market

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.

06.11.2020

This court is also discharging bail Roster duty till further orders.

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

Mr. Rashid Hashmi, learned counsel for accused Aas Mohd. Through VC.

It is stated that all the accused are on bail in this case.

Put up for final arguments on 27/11/2020 through VC to address arguments at 2:00 PM.

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Date: 2020.11.06 20:31:38
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(Naveen Kumar Kashyap)
ASJ-04/Central/06.11.2020

CA No. 335/2018
Sateesh Jain Vs Income Tax Office

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.

06.11.2020

This court is also discharging bail Roster duty till further orders.

Present: Appellant in person with counsel through VC.

**Put up for final arguments on physical hearing day of this court i.e. on
20/11/2020 at 12:30 PM.**

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Date: 2020.11.06 20:31:56 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/06.11.2020

CC No.:24/2017
Assistant Director (PMLA) Vs Vineet Gupta & others

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.

06.11.2020

This court is also discharging bail Roster duty till further orders.

Present: Sh. Atul Tripathi, Adv. Spl. PP and Mr. Arpit Batra Adv.
Sh. RK. Thakur, Adv. Sh. Awanish Kumar, Adv. Sh. Ruchit Dugar, Adv. For accused no. 14 Anirudh with Anirudh in person through VC.
Sh. Raj kamal Arya Adv. For Vineet Gupta accused.
Sh. Mukesh Kumar, Adv. For Devender kr. Jha Accused.
Sh. Arjun Manocha Adv. For accused no. 16 to 19
Ms. Sapna Chauhan, Adv. For accused Prateek Bansal

All through VC

It is stated by the learned Special PP for ED that as per information received, Forensic Lab could not extract data, as such, they need some more time to supply the copy to the accused side.

Further, supplementary chargesheet is filed against six new accused persons. At request, put up for consideration / appropriate orders for **12/11/2020** during physical hearing of this court.

Further put up for clarification / orders on application u/s 91 Cr.PC filed by one of the accused also for **12/11/2020**.

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Date: 2020.11.06 20:32:20 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/06.11.2020

Bail Matters No.:1766/2020
State Vs Chandra Shekhar
FIR No.: 349/2020
PS:Lahori Gate

06/11/2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. Vikas Arora, learned counsel for applicant through VC.
Mr. Rajesh Baweja, learned counsel for complainant through VC.
Heard.

Reply filed by the IO. Copy of the same is stated to be already been supplied to the counsel for the accused by the concerned staff. At request, copy of the same be also supplied to counsel for complainant on his e-mail ID: bawejaassociates@yahoo.com today during the course of the day.

Further documents filed by the complainant side through e-mail be also supplied to the counsel for the accused at his request.

Due to personal reason this court do not want to try this case as the justice not only be done but also manifestly seems to be done.

As this matter pertains to section 438 Cr.P.C., therefore, at request of counsel for the accused, **the matter be put up before the Learned District & Sessions Judge(HQs): Delhi today at 2:00 PM itself for assignment of the same to some other court/ appropriate order, so that rights of accused are not prejudiced in the meanwhile. Ahlmad is directed to do needful accordingly to send the same at 2:00 PM today itself.**

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Date: 2020.11.06
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(Naveen Kumar Kashyap)
ASJ-04/Central/06.11.2020