

Bail Application

Bail Application No.:1332/2020
State vs Ankush
FIR No.137/2020
P. S. Rajinder Nagar
U/s:452, 392, 411, 34 IPC

01.10.2020

Reader as well as one of the steno is on leave today.

Present: Mr. Pawan Kumar, learned Addl. PP for State through VC.
Mr. Anjum Kumar, 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 22/09/2020 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

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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 argued on behalf of accused that this is the third regular bail application; that first bail application was dismissed on 21/07/2020 on the ground that accused is involved in previous cases also and second bail application was dismissed on the ground that there is no material change in circumstances; it is further pointed out that during second bail application it was argued that chargesheet already filed and pending scrutiny before learned MM. It is further argued that as per FIR, the offence took place on 12/05/2020 whereas the FIR is registered on 08/06/2020. It is further stated that there is legally untenable and fabricated disclosure statement of co-accused Ajay of another case. That at best offence u/s 411 IPC is made out as per the story of the prosecution against the present accused. That police has a hostile attitude towards the present accused as earlier adverse remarks were passed by the learned court in 2013 relating to a matter of the present accused. That IO is filling the gap by changing the statement of complainant and modifying the date of occurrence of the incident in question. That wife of the accused is not well. That there is no previous conviction record of 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 present bail application is strongly opposed. It is stated that part of case property is recovered at the instance of the accused. That he has criminal involvement in nine other matters. That there is no material change in circumstances since dismissal of his last bail application.

In the present case, It is a matter of record that accused is in JC since 06/06/2020. The chargesheet is now already filed. In fact, it was

filed even before dismissal of his second bail application, but same was not discussed in the same. It is not the case of the prosecution that accused was arrested on the spot. infact, he was arrested later on that too based on the disclosure statement. Further, as per the case of prosecution part of case property was recovered from him but that amount to material prima facie u/s 411 IPC. Further, as case property is already recovered no purpose would be served by keeping the accused in JC. Although, there is previous involvement record of the present accused but there is no previous conviction record of the present accused. Trial is likely to take time.

In above facts and circumstances, present accused is granted bail subject to furnishing of personal bond in the sum of **Rs. 20,000/- with one 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 India without permission of the Court.*
- 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;*

It is clarified that in case if the applicant/ accused is found to

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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

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above observations, the Ld. MM is impressed upon to inform this court about the following:

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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 counsel for applicant is at liberty to obtain order through electronic mode. Copy of order be uploaded on website.

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(Naveen Kumar Kashyap)
Additional Sessions Judge-04
Central/THC/Delhi
01/10/2020.

Bail Application

**Bail Application No.:1334/2020
State vs Deepak @ Tarun s/o Devanand
FIR No.27/2020
P. S.NDRS
U/s:356, 379, 411, 34 IPC**

01.10.2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC
Mr. Pawan Kumar Sisodhiya, learned Counsel from for Accused through VC.

Vide this order, the regular bail application under section 439 Cr.P.C. on behalf of accused dated 22/09/2020 filed through counsel is disposed of.

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

**Bail Application No.:1334/2020
State vs Deepak @ Tarun s/o Devanand
FIR No.27/2020
P. S.NDRS
U/s:356, 379, 411, 34 IPC**

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 that he is in JC since 08/09/2020 in the present case; he has been falsely implicated in the present case; that nothing recovered from him except the planted case property; that investigation is already complete and he is no more required for the purpose of investigation; that he is the sole bread earner of the family; that his father is suffering from tumor and applicant needs to take care of him; that his application was dismissed by the learned Trial Court vide order dated 21/09/2020. As such, it is prayed that he be granted regular bail.

On the other hand, in reply filed by the IO and as argued by the learned Addl.PP for the state that there are specific allegations against the present accused; that he was arrested on the spot by the public persons; that investigation is at initial stage. As such, bail application is opposed.

I find force in the arguments of learned Addl.PP for the state. The offence is nuisance to public at large. There are specific allegations against the accused. He was arrested on the spot. further, there is no material change in circumstances since dismissal of his bail application by learned Trial Court. Even otherwise no ground is made out to grant him regular bail at this stage. As such, this court is not inclined to grant the relief as sought in the present application. Hence, the same is dismissed.

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

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order be uploaded on the website.

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(Naveen Kumar Kashyap)
Additional Sessions Judge-04
Central/THC/Delhi
01/10/2020

Bail Application No.:1334/2020
State vs Deepak @ Tarun s/o Devanand
FIR No.27/2020
P. S.NDRS
U/s:356, 379, 411, 34 IPC

Bail Application No.: 1213/2020
State vs Neeraj @ Nonu
FIR No. 297/2018
P. S.Prasad Nagar
U/s:304, 34 IPC

01.10.2020

Today reader of this court is on leave and other steno is quarantined

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

Mr. Mahesh Yadav, learned counsel for the applicant / accused through VC.

This is the third application dated 15/09/2020 for grant of regular bail filed by applicant / accused through counsel. During the arguments, it is stated that accused was granted interim bail till 31/10/2020.

Part arguments heard.

At request, put up for further arguments, appropriate orders for **26/10/2020**.

Trial Court record be called for the next date of hearing.

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(Naveen Kumar Kashyap)
ASJ-04/Central/01.10.2020

Bail Application No.:1230/2020
State vs Satyam Shivam @ Shivam Kumar s/o Dilip Kumar
FIR No. 291/2020
P. S. Sarai Rohilla
U/s: 394, 397, 411, 34 IPC

01.10.2020

Today reader of this court is on leave and other steno is quarantined

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

Mr. Anuj Kumar Garg, learned counsel for the applicant through VC.

This is an application seeking interim bail filed by the applicant through counsel.

Reply already filed by the IO. But reply regarding medical status / medical report not filed by the concerned Jail Superintendent.

As such, issue fresh notice today itself to concerned Jail Superintendent to file such reply by the next date of hearing.

Put up for **05/10/2020**.

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(Naveen Kumar Kashyap)
ASJ-04/Central/01.10.2020

Bail Application No.: 1321/2020
State vs Anil @ Bindi s/o Satpal
FIR No.32/2020
P. S. Kamla Market
U/s: 365, 394, 397, 411, 34 IPC

01.10.2020

Today reader of this court is on leave and other steno is quarantined

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.
Mr. V.K.Jha, learned counsel for the applicant through VC.
Reply is filed.

Arguments in detail heard.

Put up for further arguments including regarding the role of present accused as stated in the chargesheet. Further, learned counsel for accused to supply copy of the main chargesheet only through e-mail by the next date of hearing.

Put up for arguments, appropriate order for **08/10/2020**. Trial Court record be sent back.

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(Naveen Kumar Kashyap)
ASJ-04/Central/01.10.2020

Bail Application No.: 1391/2020
State vs Arun Kumar s/o Mahender Singh
FIR No.253/2019
P. S.Prasad Nagar
U/s: 406, 34 IPC

01.10.2020

Today reader of this court is on leave and other steno is quarantined

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

Learned Counsel for accused through VC.

Learned counsel for complainant MR. Gurmeet Singh through VC.

IO is also present through VC.

It is clarified that now this application for interim bail is based on the criteria as given by the Hon'ble High Power Committee.

Arguments heard in detail.

Put up for orders after lunch.

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(Naveen Kumar Kashyap)
ASJ-04/Central/01.10.2020

After lunch,

At this stage, during dictation, there is some technical problem in the computer of the steno and the same is getting hanged time and again. It is already 4:00 PM. As such, order could not be dictated further.

Put up for orders for **03/10/2020**.

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(Naveen Kumar Kashyap)
ASJ-04/Central/01.10.2020

Bail Application No.: 1392/2020
State vs Amit @ Akash s/o Lt. Hari Kishan
FIR No.193/2019
P. S.Prasad Nagar
U/s: 302, 323, 34 IPC & 25, 27, 54, 59 Arms Act

01.10.2020

Today reader of this court is on leave and other steno is quarantined

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.
Mr. Mohit Chadha, learned counsel for the applicant through VC.
IO SI Sanjay on behalf of SHO through VC.
Mr. Shubham Asri, learned counsel for complainant through VC.

Arguments heard in detail from all the sides regarding extension of interim bail. Put up for orders after lunch.

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(Naveen Kumar Kashyap)
ASJ-04/Central/01.10.2020

After lunch,

At this stage, during dictation, there is some technical problem in the computer of the steno and the same is getting hanged time and again. It is already 4:00 PM. As such, order could not be dictated further.

Put up for orders for **03/10/2020**. It is further stated that his interim bail period is expiring tomorrow. **Under these circumstances, interim bail of accused is extended till 03/10/2020 only.**

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(Naveen Kumar Kashyap)
ASJ-04/Central/01.10.2020

State vs Tehsin @ Kevda & others
Bail Bond of accused Tehsin @ Kevda
FIR No.20/2015
P. S. Kamla Market
U/s: 302, 396, 412, 34 IPC

01.10.2020

This court is also discharging bail roster duty. Further, reader as well as one of the steno is on leave today.

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

Surety bond verification report filed by ASI Manak Chand PS Kamla Market dated 01/10/2020. As per such report address of surety as well as bike / vehicle bearing no. DL 1SY 0366 has been verified by him.

In view of such report bail bond accepted, original RC retained on record. Intimation in this regard be issued as per rules and procedure. Release warrant be prepared accordingly.

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(Naveen Kumar Kashyap)
ASJ-04/Central/01.10.2020

State vs Vinod @ Dada & others
Bail Bond of accused Deepak @ Gadad
FIR No.39/2019
P. S. Lahori Gate
U/s: 394, 397, 307, 411 IPC

01.10.2020

This court is also discharging bail roster duty. Further, reader as well as one of the steno is on leave today.

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

Mr. Harsh Hardy, learned counsel for accused with surety through VC.

Verification report dated 01/10/2020 filed by SI Sandeep PS Lahori Gate. As per such report, now even vehicle which is produced in security by the surety stands verified.

In view of such report bail bond accepted, original RC retained on record. Intimation in this regard be issued as per rules and procedure. Release warrant be prepared accordingly.

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(Naveen Kumar Kashyap)
ASJ-04/Central/01.10.2020

State vs Rahul Sharma & others
Intimation regarding presence of accused Raghav Jha
FIR No.339/2016
P. S. Darya Ganj
U/s: 395, 397, 412, 120B, 34 IPC

01.10.2020

This court is also discharging bail roster duty. Further, reader as well as one of the steno is on leave today.

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

None.

This is an application filed by accused Raghav Jha with regard to his presence.

Put up for presence and appropriate orders for **06/10/2020**.

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(Naveen Kumar Kashyap)
ASJ-04/Central/01.10.2020

State vs Davar @ Kancha
Application of Bashu @ Bangali for modification of order
FIR No.38/2020
P. S. Kashmere Gate
U/s: 307, 392, 393, 397, 411, 34 IPC

01.10.2020

This court is also discharging bail roster duty. Further, reader as well as one of the steno is on leave today.

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

Mr. S.N.Shukla, learned LAC counsel for accused through VC.

This is fresh application dated 29/09/2020 seeking modification of bail bond conditions order dated 05/08/2020 passed by Mr. Mohd. Farrukh, learned ASJ-05, Central, Delhi through DLSA Central District through Jail Superintendent concerned is filed.

Put up for reply, if any, arguments and appropriate orders for **06/10/2020**.

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Date: 2020.10.01 15:00:21
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(Naveen Kumar Kashyap)
ASJ-04/Central/01.10.2020

State vs Sunil & others
Interim bail application of accused Surender
FIR No.303/2014
P. S. Subzi Mandi
U/s: 302, 307, 120B, 34 IPC & 25, 27 Arms Act

01.10.2020

This court is also discharging bail roster duty. Further, reader as well as one of the steno is on leave today.

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

Mr. Neeraj Kumar Jha, learned counsel for accused through VC.

This is an application dated 29/09/2020 seeking interim bail mainly on the ground of illness of wife of accused moved by accused Surender through counsel.

Issue notice to IO to file reply particularly regarding medical condition / documents of the wife of accused and position / number of family members by the next date of hearing.

Put up for reply, arguments and appropriate orders for **08/10/2020**.

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(Naveen Kumar Kashyap)
ASJ-04/Central/01.10.2020

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Date: 2020.10.01 15:00:41
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SC No.: 27795/2016
FIR No.: 185/2010
PS: Prashad Nagar
State Vs Reena Prasad

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.

In the present case, last regular date of hearing were 02/05/2020, 25/06/2020 & 26/08/2020. Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing through VC.

01.10.2020

Further, this court is also discharging bail Roster duty till further orders. Further, reader of this court is on leave and one of the steno is quarantined.

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

In the interest of justice, no adverse order is passed in the present case. Issue production warrant for the accused, if any, who are in JC for the next date of hearing.

Put up the purpose already fixed in terms of previous order for **05/02/2021**.

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(Naveen Kumar Kashyap)
ASJ-04/Central/01.10.2020

SC No.: 877/2017
FIR No.:342/2017
PS:Timar Pur
State Vs Mehraj & ors

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.

01.10.2020

Further, this court is also discharging bail Roster duty till further orders. Further, reader of this court is on leave and one of the steno is quarantined.

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

In the interest of justice, no adverse order is passed in the present case. Issue production warrant for the accused, if any, who are in JC for the next date of hearing.

Also issue notice atleast to two of the material witnesses for the next date of hearing.

Put up for PE in terms of previous order for **05/02/2021**.

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(Naveen Kumar Kashyap)
ASJ-04/Central/01.10.2020

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Date: 2020.10.01
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SC No.: 40/2018
FIR No.: 133/2017
PS: Railway Sarai Rohilla
State Vs Hardeep Singh @ Ranjeet

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.

In the present case, last regular date of hearing were 31/07/2020. Thereafter, as per directions from Hon'ble High Court, matter was adjourned as far due to lock-down. But in view of latest directions, matter is taken up today for hearing through VC.

01.10.2020

Further, this court is also discharging bail Roster duty till further orders. Further, reader of this court is on leave and one of the steno is quarantined.

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

In the interest of justice, no adverse order is passed in the present case. Issue production warrant for the accused, if any, who are in JC for the next date of hearing.

Also issue notice atleast to two of the material witnesses for the next date of hearing.

Put up for PE in terms of previous order for **05/02/2021**.

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(Naveen Kumar Kashyap)
ASJ-04/Central/01.10.2020

CR No. 222/2020
Mahinder Kumar Agarwal Vs Jinender Jain & Anr

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.

01.10.2020

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

Further, this court is also discharging bail Roster duty till further orders. Further, reader of this court is on leave and one of the steno is quarantined.

Present: None.

Put up for consideration / appropriate orders for **06/10/2020**.

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Date: 2020.10.01 18:07:25
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(Naveen Kumar Kashyap)
ASJ-04/Central/01.10.2020

State vs Babloo & others
(Application of Dinesh Dhanna)
FIR No.251/2019
P. S. Sarai Rohilla
U/s: 341, 307, 34 IPC & 25, 54, 59 Arms Act

01.10.2020

This court is also discharging bail roster duty. Further, reader of this court is on leave and one of steno is quarantined.

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

Mr. Asha Ram Sharma, learned counsel for applicant through VC.

Arguments heard.

Put up for orders after lunch.

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(Naveen Kumar Kashyap)
ASJ-04/Central/01.10.2020

After lunch,

At this stage, during dictation, there is some technical problem in the computer of the steno and the same is getting hangged time and again. It is already 4:00 PM. As such, order could not be dictated further.

Put up for orders for **03/10/2020**.

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Date: 2020.10.01 18:08:14
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(Naveen Kumar Kashyap)
ASJ-04/Central/01.10.2020

INTERIM BAIL APPLICATION

State vs Mohd. Kadir
Interim Bail application of Mohd. Kadir
FIR No.364/2014
P. S. Sadar Bazar
U/s: 302 IPC

01.10.2020

This court is also discharging bail roster duty. Further, reader is on leave today and one of steno is quarantined.

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through V.C.
Mr. S.N. Shukla, learned LAC counsel for applicant /
accused through VC.

1. *Directions are given by Hon'ble High Court of Delhi in W.P.(C) No. 2945/2020 dated 23.03.2020 in case titled as "Shobha Gupta and Ors. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Moto W.P.(C) No. 1/2020 dated 23.03.2020 ,Revised Advisory Protocol dated 30.03.2020 by Ld. District & Sessions Judge (HQ) read with other directions from time to time including on 28.03.2020, 07.04.2020, 18.04.2020, 05.05.2020, 18.05.2020 and 20.06.2020 from Hon'ble High Court as a result of various meetings of Delhi State Legal Services Authority. Accordingly , present application is taken up.*

2. **This is an application dated 29/09/2020 seeking grant of interim bail under the Hon'ble High Court criteria filed by DLSA Central through LAC counsel. As per minutes of meeting dated 18.05.2020 of Hon'ble High Court, IO / SHO concerned to file reply, including on the following aspect apart from any other point which IO wants to raise:-**

(i) Report about Previous **conviction**, if any, of present accused/Applicant

Interim Bail application of Mohd. Kadir
FIR No.364/2014
P. S. Sadar Bazar
U/s: 302 IPC

(ii) Further, (in view of direction by Hon'ble HC) ,a report that present accused is **not involved**, in any other case;

(iii) Date, since when accused is in JC in present case

(iv) What are **all** the Offences under IPC or other law, which are alleged against present accused in present case .

3. Further (in view of direction by Hon'ble HC), **Jail Superintendent concerned** to file:

(i) Copy of **custody warrant** of present accused;

(ii) A **certificate regarding good conduct**, if any, of the accused during his custody period so far.

4. As such, issue notice of present application to the IO/ SHO as well as to Jail Superintendent concerned.

5. The concerned IO/ SHO to file its reply preferably in electronic form/email.

6. **Counsel for accused is advised to collect the order online through electronic mode or otherwise dasti as requested.**

7. **Put up for report, arguments and further appropriate orders on 07/10/2020, preferably through V.C.**

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Date: 2020.10.01 18:08:46
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(Naveen Kumar Kashyap)
ASJ-04/Central/ Delhi/07.07.2020