

State Vs. Farukh

e-FIR No.039832/2020

PS: I.P. Estate

10.09.2020

(Through Video Conferencing over Cisco Webex Meeting)

**Case taken up in view of Circular No.23456-23616 DJ(HQ)/Covid-19
Lockdown/Physical Courts Roster/2020 dt. 30.08.2020 issued by Ld. District &
Sessions Judge (HQs)**

Present: Sh. Bhuvnesh Kumar Ld. APP (Substitute) for State

Sh. N.K Saraswat Ld. LAC for applicant/accused

IO/HC Sushil Kumar

The present urgent application was filed on behalf of the applicant on email id of this court.

Scanned copy of reply of under the signatures of IO/HC Sushil Kumar, is received through email id of the court. Copy of same is already supplied to Ld. LAC for applicant/accused, through email.

This order shall dispose off the application for grant of bail u/s 437 Cr.PC, moved on behalf of **applicant/accused Farukh**.

It is stated that the applicant is innocent and has been falsely implicated in the present case. It is further averred that the custodial interrogation of the applicant/accused is no more required, nor any recovery is left to be effected from him. It is further averred that the applicant is the sole bread earner of his family and his family is on the verge of starvation. With these averments prayer is made for enlarging applicant on bail.

Ld. LAC for applicant submits that applicant/accused is languishing in judicial custody since 07.02.2020 and co-accused Sunny has also been admitted on bail by this court.


10/09/2020.

Ld. APP (Sub) for State has opposed the present application citing seriousness of allegations and made a prayer for dismissal of the present application.

In the present case, the applicant was arrested for the offences u/s 379/411/482/34 IPC and is admittedly undergoing judicial custody since 07.02.2020. As per reply filed by IO/HC Sushil Kumar, the recovery of alleged motorcycle has already been effected in the present case. The recovery of the case property has already been effected in present case, and there does not exist any apprehension that if enlarged on bail, he will commit offences of like nature or will dissuade the prosecution witnesses. Further, the trial of the case would take a long time and till then the liberty of the accused cannot be curtailed, when his custody is as such not required for the investigation purposes. Even otherwise also, the presence of the accused during the course of trial can be ensured by taking sufficient sureties undertaking to ensure his presence. Besides, the co-accused has already been bailed out and charge sheet also stands filed in the present case. If so, in the circumstances, I am of the view that there exists no ground in further curtailing the liberty of the applicant/accused.

At this juncture, it is also pertinent to cite the observations made by the Hon'ble apex court *In Sanjay Chandra versus CBI (2012) 1SCC 40*, wherein it was observed that the courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earliest 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 un-convicted persons should be held in custody pending trial to secure their attendance at trial but in such cases, necessity is the operative test. The Hon'ble Apex court further observed that in this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person 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 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 that it would be improper for any court to refuse bail as a mark of this approval of former conduct whether the accused has been convicted for it or not or to refuse bail to an un-convicted person for purpose of giving him a taste of imprisonment as a lesson.


10/09/2020

In the light of the discussion made above, I am of the view that the contentions of the prosecution appears to be untenable and as such, there exists no reasonable justification, in not enlarging the applicant/accused, on bail. Accordingly, the accused/applicant **Farukh** is hereby ordered to be enlarged on bail, subject to following conditions;

1. That the applicant shall furnish personal and surety bonds in the sum of **sum of Rs.15,000/- each**, to the satisfaction of **Ld. Duty MM (on court duty)**.
2. That the applicant shall make himself available as and when required to do so by the investigating agency or the police;
3. That the applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing any facts to the court or the police;
4. That the applicant shall not tamper with the prosecution evidence nor he will try to win over the prosecution witnesses or terrorize them in any manner; and
5. That the applicant shall not deliberately and intentionally act in a manner which may tend to delay the investigation and trial of the case.
6. That the applicant shall not leave the territories of India during the pendency of present case proceedings except with the permission of the court.

The application is accordingly disposed of.

Scanned copy of this order be sent to the Ld. LAC for applicant through email. One copy be also sent to concerned Jail Superintendent through all permissible modes including email at daksection.tihar@gov.in , for necessary information and compliance.

Scanned copy of the order be also sent to Computer Branch for uploading on Delhi District Court Website.


(RISHABH KAPOOR)
MM-03 (Central), THC, Delhi
10.09.2020

State Vs. Sameer

e-FIR No.011109/2020

PS Rajender Nagar

10.09.2020

(Through Video Conferencing over Cisco Webex Meeting)

**Case taken up in view of Circular No.23456-23616 DJ(HQ)/Covid-19
Lockdown/Physical Courts Roster/2020 dt. 30.08.2020 issued by Ld. District &
Sessions Judge (HQs)**

Present: Sh. Bhuvnesh Kumar Ld. APP (Substitute) for State

Sh. N.K Saraswat Ld. LAC for applicant/accused

IO/ASI Vijay Kumar

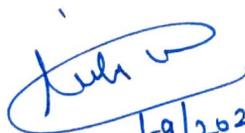
The present urgent application was filed on behalf of the applicant on email id of this court Scanned copy of reply of under the signatures of IO/SI Vijay Kumar, is received through email id of the court. Copy already stands supplied to LAC for applicant, electronically.

This order shall dispose of the application for grant of regular bail u/s 437 Cr.PC., moved on behalf of **applicant/accused Sameer**.

It is averred on behalf of applicant/accused that he has been falsely implicated in the present case. It is further averred that the no recovery is left to effected from the applicant/accused. It is further averred that the accused has no involvement in the present case. It is further averred that case of the applicant is not covered in any of the guidelines issued by Hon'ble HPC till date. With these averments, prayer is made for grant of bail to accused.

Ld. APP for the State submits that the accused shall not be released on bail as he is a habitual offender, having previous involvements.

On perusal of the scanned copy of previous conviction/involvement report received


10/09/2020

along with reply of IO (through email), it emerges that the accused is having previous involvements in certain other cases, involving serious offences. More particularly, the accused has been shown to have complicity in respect of case FIR No. 531/2017 u/s 379/411/34 PS Nangloi, case FIR No. 776/2020 u/s 379/356/411/34 IPC, case FIR No. 605/2020 u/s 356/379/34 IPC both at PS Nihal Vihar, case FIR No. 575/2020 u/s 392/34 IPC PS Paschim Vihar West, e-FIR No. 002764/2020 u/s 379/411/34 IPC and e-FIR No. 000094/2019 u/s 379/411 IPC. If that be so, the apprehension of prosecution that if enlarged on bail, he will commit the offences of like nature or will dissuade the material prosecution witnesses, appears to be well justified.

In such circumstances, this court is of the firm view that no ground for grant of bail is made out to the **accused/applicant Sameer**. Accordingly, the present application deserves dismissal and same is hereby **dismissed**.

Scanned copy of this order be sent to Ld.LAC for applicant/accused through whatsapp/email. One copy of this order be also sent to concerned Jail Superintendent through all permissible modes including email at daksection.tihar@gov.in, for information.

Scanned copy of the order be also sent to Computer Branch for uploading on Delhi District Court Website.



(RISHABH KAPOOR)
MM-03 (Central), THC, Delhi
10.09.2020

State Vs. Salman @ Sonu

e-FIR No.011109/2020

PS Rajender Nagar

10.09.2020

(Through Video Conferencing over Cisco Webex Meeting)

**Case taken up in view of Circular No.23456-23616 DJ(HQ)/Covid-19
Lockdown/Physical Courts Roster/2020 dt. 30.08.2020 issued by Ld. District &
Sessions Judge (HQs)**

Present: Sh. Bhuvnesh Kumar Ld. APP (Substitute) for State

Sh. N.K Saraswat Ld. LAC for applicant/accused

IO/ASI Vijay Kumar

The present urgent application was filed on behalf of the applicant on email id of this court Scanned copy of reply of under the signatures of IO/SI Vijay Kumar, is received through email id of the court. Copy already stands supplied to LAC for applicant, electronically.

This order shall dispose of the application for grant of regular bail u/s 437 Cr.PC., moved on behalf of **applicant/accused Salman @Sonu**.

It is averred on behalf of applicant/accused that he has been falsely implicated in the present case. It is further averred that the no recovery is left to effected from the applicant/accused. It is further averred that the accused has no involvement in the present case. It is further averred that case of the applicant is not covered in any of the guidelines issued by Hon'ble HPC till date. With these averments, prayer is made for grant of bail to accused.

Ld. APP for the State submits that the accused shall not be released on bail as he is a habitual offender, having previous involvements.

On perusal of the scanned copy of previous conviction/involvement report received


10/09/2020

along with reply of IO (through email), it emerges that the accused is having previous involvements in certain other cases, involving serious offences. More particularly, the accused has been shown to have complicity in respect of case FIR No. 724/2014 u/s 307/341/34, case FIR No. 365/2015 u/s 394/34 IPC, case FIR No. 543/2017 u/s 392/411/34 IPC all at PS Sultan Puri, case FIR No. 532/2017 u/s 379/411/34 IPC PS Nangloi, case FIR No. 776/2020 u/s 356/379/411/34 IPC, case FIR No. 605/2020 u/s 356/379/411 IPC both at PS Nihal Vihar and case FIR No. 575/2020 u/s 392/34 IPC PS Paschim Vihar West. If that be so, the apprehension of prosecution that if enlarged on bail, he will commit the offences of like nature or will dissuade the material prosecution witnesses, appears to be well justified.

In such circumstances, this court is of the firm view that no ground for grant of bail is made out to the **accused/applicant Salman@Sonu**. Accordingly, the present application deserves dismissal and same is hereby **dismissed**.

Scanned copy of this order be sent to Ld. LAC for applicant/accused through whatsapp/email. One copy of this order be also sent to concerned Jail Superintendent through all permissible modes including email at daksection.tihar@gov.in, for information.

Scanned copy of the order be also sent to Computer Branch for uploading on Delhi District Court Website.

(RISHABH KAPOOR)

MM-03 (Central), THC, Delhi

10.09.2020

State Vs. Rajesh Singh

D.D NO.3

PS: I.P. Estate

10.09.2020

(Through Video Conferencing over Cisco Webex Meeting)

Case taken up in view of Circular No.23456-23616 DJ(HQ)/Covid-19 Lockdown/Physical Courts Roster/2020 dt. 30.08.2020 issued by Ld. District & Sessions Judge (HQs)

Present: Sh. Bhuvnesh Kumar Ld. APP (Substitute) for State

Sh. Narender Singh Ld. Counsel for applicant/accused

IO/ASI Yogender Panwar

The present urgent application was filed on behalf of the applicant on email id of this court.

Scanned copy of reply of under the signatures of IO/ASI Yogender Panwar, is received through email id of the court. Copy of same is already supplied to Ld. Counsel for applicant/accused, through email.

Heard. Record perused.

At this stage, counsel for applicant submits that he wishes to withdraw the present application. In view of submissions made by counsel for applicant, the present application stands dismissed as withdrawn.

The application is accordingly disposed off.

Scanned copy of this order be sent to the Ld. Counsel for applicant through email.

Scanned copy of the order be also sent to Computer Branch for uploading on Delhi District Court Website.



(RISHABH KAPOOR)

MM-03 (Central), THC, Delhi

10.09.2020

State Vs. Dileep

FIR No.190/2020

PS: Rajender Nagar

10.09.2020

Matter heard through VCC over Cisco Webex.

Case is taken up in view of Circular No. 23456-23616 DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30.08.2020 issued by Ld. District & Sessions Judge (HQ).

Present: Sh. Bhuvnesh Kumar Ld. APP (Substitute) for State

Sh. Sanjay Singh Ld. Counsel for applicant

IO/ASI Daryao Singh

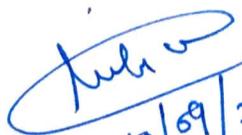
The present urgent application was filed on behalf of the applicant on email id of this court.

Scanned copy of reply of under the signatures of IO/ASI Daryao Singh, is received through email id of the court. Copy of same is already supplied to Ld. Counsel for applicant/accused, through email.

This order shall dispose off the application for release of vehicle no. **DL-11ER-8664** on Superdari, moved on behalf of **applicant Dileep**.

In reply sent by IO/ASI Daryao Singh, it has been stated that he has verified the factum of ownership of the vehicle bearing no. DL-11ER-8664 and same is registered in the name of applicant Dileep. Further, in the status report as received from the IO, he has raised no objection if the vehicle aforesaid is released on superdari.

Scanned copy of R/C of vehicle in question is also sent with application and same is perused. For the purposes of identity applicant has sent scanned copy of his


10/09/2020

Aadhar card along with the application.

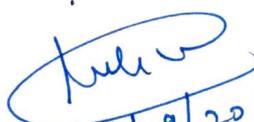
On perusal of the report of IO along with the copies of documents appended with application, as applicant Dileep prima facie appears to be entitled for the custody of the vehicle in question, accordingly his prayer for release of same deserves to be accepted.

In these circumstances and as per directions of *Hon'ble High Court of Delhi* in matter of **"Manjit Singh Vs. State"** in CrI. M.C. No.4485/2013 dated 10.09.2014, the aforesaid vehicle be released to the applicant / registered owner subject to the following conditions:-

1. Vehicle in question be released to its registered owner only subject to furnishing of indemnity bonds as per the value of vehicle, to the satisfaction of the concerned SHO/ IO subject to verification of documents.
2. IO shall prepare detailed panchnama mentioning the colour, Engine number, Chasis number, ownership and other necessary details of the vehicle.
3. IO shall take the colour photographs of the vehicle from different angles and also of the engine number and the chasis number of the vehicle.
4. The photographs should be attested and counter signed by the complainant/applicant and accused.
5. IO is directed to verify the insurance of the vehicle in question and release the vehicle after getting it insured by the applicant if the same is not already insured.

Application is accordingly disposed off.

Scanned copy of this order be sent to counsel for applicant through email. One copy be also sent to IO/SHO concerned, for necessary information and compliance.


10/09/2020.

Scanned copy of the order be also sent to Computer Branch for uploading on Delhi District Court Website.



(RISHABH KAPOOR)

MM-03 (Central), THC, Delhi
10.09.2020

FIR No.05/2017
PS: Rajender Nagar

10.09.2020

Matter heard through VCC over Cisco Webex.

Case is taken up in view of Circular No. 23456-23616 DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30.08.2020 issued by Ld. District & Sessions Judge (HQ).

Present: Sh. Bhuvnesh Kumar Ld. APP (Substitute) for State

IO/SI Praveen

The present for issuance of NBWs against the accused namely Suba Devi w/o Sh. Bodhi Mandal was filed by IO/SI Praveen on email id of this court.

It is submitted by the IO that the accused is intentionally evading and is absconding to avoid her arrest. IO further submits that the anticipatory bail application of accused was dismissed on 03.01.2019 and thereafter the accused moved another application for grant of anticipatory bail before Hon'ble High Court, which was also dismissed as withdrawn on 15.01.2019. IO further submits that accused again moved a bail application before Ld. Sessions Court, which was also dismissed vide order dated 28.01.2019. IO submits that despite raid/search conducted at the residence of accused, her whereabouts of accused could not be traced nor she has joined the investigation. IO also submits that the accused is permanent resident of Viil. Ghosko P.O Budhdin P.S Ahilyapur, District Giridih, Jharkhand. It is also submitted by the IO that there is no stay on arrest of accused in any Court of Law nor any anticipatory or regular bail application of accused is pending in any court of law.

Submission heard.

In view of the submissions made by the IO and also keeping in view the fact that the investigation of the case has to be brought to a logical end, which certainly cannot take place in absence of the absconding accused, accordingly,

Suba Devi
10/09/2020

this Court is of the considered view that accused is deliberately avoiding the process of law & her presence cannot be secured without issuing of coercive process against her.

In these circumstances, NBWs be issued against the accused namely Suba Devi w/o Sh. Bodhi Mandal through IO / SHO concerned for 12.10.2020

It is needless to state that IO is at the liberty to cause the production of the accused before the court within the statutory period prescribed under law, in the event he is nabbed by him prior to the date fixed.

Application disposed off accordingly.

Scanned copy of this order be sent to IO/SHO concerned through email.
Scanned copy of the order be also sent to Computer Branch for uploading on Delhi District Court Website.


(RISHABH KAPOOR)
MM-03 (Central), THC, Delhi
10.09.2020

9/9/2020

Letter No. F.3/SCJ-03/AS(UT)/2020/4166 dated 08.09.2020

10.09.2020

Matter heard through VCC over Cisco Webex.

Case is taken up in view of Circular No. 23456-23616 DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30.08.2020 issued by Ld. District & Sessions Judge (HQ).

Present: Sh. Bhuvnesh Kumar Ld. APP (Substitute) for State

SI Praveen on behalf of SHO PS Rajinder Nagar

Pursuant to directions issued on 09.09.2020, scanned copy of status report under the signature of SHO P.S Rajinder Nagar is received through email.

Report perused.

As per report filed by SHO concerned, on perusal of the police record it was revealed that IO/SI Krishan Pal had inadvertently mentioned wrong FIR number i.e 120/2020 instead of FIR No. 192/2020, in the J/C remand application of accused due to which same was incorrectly recorded in the custody warrants of the accused. It is further submitted that departmental action has also been taken against IO for such lapse on his part.

Upon specific query made by the court, SI Praveen submits that present accused i.e. Sanwar Lal has no involvement in case FIR No. 120/2020 P.S Rajinder Nagar and he is only having complicity in case FIR No. 192/2020 P.S Rajinder Nagar.

In such circumstances and in view of report filed by SHO concerned, it is hereby clarified that accused Sanwar Lal has been detained in JC in connection with case FIR NO.192/2020 P.S Rajinder Nagar and not in connection with FIR No.120/2020 P.S Rajinder Nagar.

These proceedings be tagged with relevant case FIR for record.

Scanned copy of this order be sent to concerned Jail Superintendent through all permissible modes including email at daksection.tihar@gov.in , for necessary information and compliance.

Scanned copy of the order be also sent to Computer Branch for uploading on Delhi District Court Website.


(RISHABH KAPOOR)
MM-03 (Central), THC, Delhi
10.09.2020

State Vs. Arindam Chaudhari

FIR No.143/2019

PS: Rajender Nagar

10.09.2020

Matter heard through VCC over Cisco Webex.

Case is taken up in view of Circular No. 23456-23616 DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30.08.2020 issued by Ld. District & Sessions Judge (HQ).

Present: Sh. Bhuvnesh Kumar Ld. APP (Substitute) for State

Sh. Roshan Lal Saini Ld. Counsel for applicant

The present urgent application was filed on behalf of the applicant on email id of this court.

Heard. Record perused.

Since, the perusal of case record would reveal that cognizance is yet to be taken in the present case. Accordingly, the application be put up for consideration with main case file on 18.09.2020.

**Scanned copy of this order be sent to counsel for applicant through email.
Scanned copy of the order be also sent to Computer Branch for uploading on Delhi District Court Website.**


(RISHABH KAPOOR)

MM-03 (Central), THC, Delhi

10.09.2020