

Bail application no. 1195/2020
FIR No. 320/2020
PS: Civil Lines
U/s: 392/34 IPC
State Vs. Sanjay

17.09.2020

This is an application u/s 439 Cr.PC seeking regular bail moved on behalf of applicant/accused Sanjay.

Ld. Presiding Officer is on leave today.

Present: Sh. Balbir Singh, Ld. Addl. PP for the State.
IO/SI Deepak.
Sh. Nitin Gupta, Advocate for applicant/accused.

Matter is taken up through Video Conferencing on account of Covid-19 lockdown.

Reply of bail application already filed. Copy thereof already supplied to Ld counsel for applicant/accused electronically.

Arguments on bail application heard. Reply perused.

After referring to the allegations contained in the FIR, it is argued by counsel for applicant/accused that applicant is totally innocent and has been falsely implicated in this case; he is in custody since 15.08.2020 and he is not previously involved in any other case. It is further argued that nothing incriminating has been recovered either from the possession of applicant or at his instance and he has been arrested in this case merely on the disclosure statement made by co-accused persons. It is further argued that the applicant is no more required for the purpose of investigation and he is nowhere visible in the CCTV Footage



seized in this case. It is, therefore, urged that bail application may be allowed.

Per contra, the bail application is opposed by Ld. Addl. PP on the ground that allegations against the present applicant/accused are grave and serious and investigation is still going on in this case. It is further argued that applicant is a habitual offender and therefore, the bail application may be dismissed.

On query, IO has informed the Court that the present applicant is not found visible in the CCTV Footage seized in this case. Apart from disclosure statements of co-accused persons, the only other incriminating evidence against present applicant, as per reply of IO, is his refusal to join TIP. Undisputedly, nothing incriminating has been recovered either from the possession or at the instance of present applicant, who is shown to be in custody since 14.08.2020.

After considering the overall facts and circumstances of the case including nature of offence charged against the present applicant/accused and in the light of discussion made herein above, applicant/accused Sanjay is admitted to bail subject to furnishing personal bond in the sum of Rs.15,000/- with one surety in the like amount to the satisfaction of Duty MM/ Link MM and shall be subject to the following conditions:

1. During the period of bail, the accused/ applicant shall not try to contact or influence, directly or indirectly, either the victim or any other witness of the present case.



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2. The accused shall not misuse the benefit of bail by indulging in commission of similar offences in future.
3. The applicant shall join the investigation as and when directed to do so and
4. The applicant shall intimate the Court in case of change of his address.

With these directions, the present bail application stands disposed of accordingly.

Copy of this order be given dasti to both the sides electronically, as per rules.



(Vidya Prakash)
1st Link Addl. Session Judge (Electricity)
Central Distt./THC/Delhi-17.09.2020

**Bail application no. 1235/2020
FIR No. 279/2020
PS: Burari
U/s: 376/506 IPC
State Vs. Balendra Singh**

17.09.2020

This is an application u/s 439 Cr.PC seeking regular bail moved on behalf of applicant/accused Balendra Singh.

Ld. Presiding Officer is on leave today.

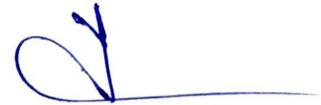
Present: Sh. Balbir Singh, Ld. Addl. PP for the State.
IO SI Yogender Singh.
None for applicant/accused.

Matter is taken up through Video Conferencing on account of Covid-19 lockdown.

Reply of bail application filed. Copy thereof is stated to be already supplied to Ld counsel for applicant/accused electronically.

None has joined the hearing on behalf of applicant despite the fact that the bail application has been pass over 2-3 times. Reader of the Court has informed that he is not able to contact the counsel for applicant/accused on his mobile phone despite best efforts made by him.

In view of above, the bail application is adjourned to 30.09.2020, for arguments.



(Vidya Prakash)
1st Link Addl. Session Judge (Electricity)
Central Distt./THC/Delhi-17.09.2020

Bail application no. 1234/2020
FIR No. 281/2020
PS: Wazirabad
U/s: 498-A/304-B IPC
State Vs. Devender Kumar

17.09.2020

This is an application u/s 439 Cr.PC seeking regular bail moved on behalf of applicant/accused Devendra Kumar.

Ld. Presiding Officer is on leave today.

Present: Sh. Balbir Singh, Ld. Addl. PP for the State.
IO W/Inspector Sumitra Solanki.
Sh. Prakash Priyadarshi, Advocate for applicant/accused.

Matter is taken up through Video Conferencing on account of Covid-19 lockdown.

Reply of bail application filed. Copy thereof supplied to Ld counsel for applicant/accused electronically.

Arguments on bail application heard. Reply perused.

After referring to the allegations revealed in the FIR, it is argued by counsel for applicant/accused that applicant is totally innocent and has been falsely implicated in this case; he is having clean antecedents and he is in custody since 24.07.2020. It is further argued that complainant namely Deepak Kumar (who is brother of deceased) has sent written application through post to Commissioner of Police, copy of which is also filed alongwith bail application, wherein he has mentioned that he got the present FIR registered on the persuasion of some NGO members and out of emotional distress caused due to death of his sister and has given clean chit to the present applicant. It is further



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argued that the applicant is no more required for the purpose of investigation and he is ready to join the investigation if so required. Therefore, he may be released on bail.

Per contra, the bail application is opposed by Ld. Addl. PP on the ground that the allegations against the present applicant/accused are grave and serious and the investigation is still going on in this case. It is further argued that deceased was wife of present applicant and she committed suicide within 6 months of her marriage with the present applicant and there is presumption contained in Section 113 (B) of Indian Evidence Act regarding involvement of husband in the suicide committed by his wife. It is, therefore, urged that the bail application may be dismissed.

In brief, the present applicant is the husband of deceased Anshu and they were married on 14.02.2020. However, the deceased committed suicide by hanging herself at matrimonial house on 23.07.2020 i.e. within 6 months from the date of her marriage with the present applicant. There are direct and specific allegations appearing in the FIR registered on the statement of complainant Deepak Kumar (brother of deceased), wherein he alleged that deceased was being harassed and was also being beaten up by the present applicant in connection with his demand for one bullet motorcycle. Not only this, it is also alleged that deceased was having pregnancy of 11 weeks at the time of her death. Copy of postmortem report submitted by IO, would reveal that opinion regarding cause of death has been reserved subject to



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receipt of visra report. However, ligature marks are found to be present around the neck of deceased. IO submitted during the course of hearing that ligature material i.e. Chunni used by deceased for committing suicide, is also seized during investigation which is stated to be still going. Deceased is shown to have committed suicide within 6 months from the date of her marriage with the present applicant. FIR in question is registered on the basis of statement made by complainant before the concerned Executive Magistrate. In this backdrop, the copy of written application relied upon by counsel for applicant/accused cannot be appreciated at this stage and same is a matter of trial.

After considering the nature of allegations levelled against the present applicant, gravity and seriousness of the offence and in the light of discussion made hereinabove, Court is of the view that no ground is made out at this stage for grant of bail to the present applicant/accused. Consequently, the bail application is hereby dismissed.

Copy of this order be given dasti to both the sides electronically, as per rules.



(Vidya Prakash)
1st Link Addl. Session Judge (Electricity)
Central Distt./THC/Delhi-17.09.2020

Bail application no. 1233/2020
FIR No. 144/2020
PS: Gulabi Bagh
U/s: 33 Delhi Excise Act
State Vs. Ajay

17.09.2020

This is an application u/s 439 Cr.PC seeking interim bail moved on behalf of applicant/accused Ajay.

Ld. Presiding Officer is on leave today.

Present: Sh. Balbir Singh, Ld. Addl. PP for the State.
IO SI Rohit, Special Staff, North District.
Sh. Nishant Sharma, Advocate for applicant/accused.

Matter is taken up through Video Conferencing on account of Covid-19 lockdown.

Reply of bail application filed. Copy thereof supplied to Ld counsel for applicant/accused electronically.

At the outset, counsel for applicant/accused seeks permission to withdraw the present bail application by submitting that due to inadvertence, he moved another bail application at the Filing Counter despite the fact that his previous bail application is listed for hearing before this court on 18.09.2020.

In view of above submissions made by counsel for applicant/accused, the present bail application is dismissed as withdrawn.

Copy of this order be given dasti to the counsel for applicant/accused electronically, as per rules.



(Vidya Prakash)
1st Link Addl. Session Judge (Electricity)
Central Distt./THC/Delhi-17.09.2020

Bail application no. 1236/20 & 1237/20
FIR No. 356/2020
PS: Civil Lines
U/s: 186/353/332/34 IPC
State Vs. (1) Vishal Tuliyan
(2) Ankush Valiyan

17.09.2020

These are two separate applications u/s 439 Cr.PC seeking regular bail moved on behalf of applicant/accused Vishal Tuliyan & Ankush Valiyan.

Ld. Presiding Officer is on leave today.

Present: Sh. Balbir Singh, Ld. Addl. PP for the State.
IO/SI Parveen.
Ms. Babita Tyagi, Advocate for both applicants/accused persons.

Matter is taken up through Video Conferencing on account of Covid-19 lockdown.

Separate replies of bail applications filed. Copies thereof supplied to Ld counsel for applicants/accused electronically.

Vide this common order, both these applications are being disposed off together as they arise out of common FIR.

Arguments on both the bail applications heard. Replies perused.

After referring to the allegations contained in the FIR, it is argued by counsel for both applicants/accused that applicants are completely innocent and have been falsely implicated in this case and they are in custody since 03.09.2020. It is further argued that both the applicants are young boys/students having bright future ahead. It is



further argued that both the applicants were preparing for applying for Government jobs and were taking coaching in the area of Mukherjee Nagar, Delhi. It is further argued that they are having clean antecedents and they have nothing to do with the alleged crime. It is further argued that both these applicants are not required for the purpose of custodial interrogation and they are ready to join the investigation if so required. It is further argued that investigating agency acted in haste by arresting both these applicants in violation of the guidelines issued by Hon'ble Apex Court in case of **"Arnesh Kumar Vs. State of Bihar & Anr", 2014 (5) LRC 1 (SC)**, as all the offences charged in this case are punishable with imprisonment upto 7 years. It is, therefore, urged that both the applicants may be released on bail.

Per contra, the bail applications are strongly opposed by Ld. Addl. PP, assisted by IO on behalf of State, on the ground that the allegations against applicants are serious and grave and both these accused alongwith their other associates including 3 CCLs, attacked upon the police officials, when they were found travelling in Cars under the influence of liquor and were stopped by said police officials who were on duty at that time. It is further argued that out of 10-11 offenders, 5-6 offenders are still absconding and have not yet been arrested so far. It is, therefore, urged that both the bail applications may be dismissed.

In brief, it is alleged that a team led by SI Kisan Chand including Ct. Kashmir Chand and Ct. Sachin on duty were at MCD Office,



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PS:Civil Lines
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(2) Ankush Valiyan

Rajpur Road in plain cloths in order to lay trap in view of increasing number of incidents of snatching and robbery. 10-11 boys came in cars and they were found under the influence of liquor. When the police team introduced themselves to those boys, all of them attacked upon the police officials on duty and gave severe beatings to them and tried to flee away in two cars but three of them were apprehended by the police team at the spot itself. Both these applicants were amongst the said three boys allegedly apprehended at the spot itself. IO has filed copies of MLCs of both these applicants, wherein it is mentioned that both the applicants were found under the influence of liquor at the time of their medical examination at Aruna Asaf Ali Hospital on the day of incident itself.

No doubt, both these applicants are shown to be young boys having bright future but at the same time, it cannot be overlooked that they alongwith their other associates were in inebriated condition and despite being informed that it was the team of police officials, who were on duty at that time, they attacked upon the police officials and gave severe beatings to them. Such incidents are increasing day by day and thus, Court is of the view that it is high time to give message to the society that one cannot be allowed to take law into his/her own hands and everyone is supposed to respect the law of the land and the public servants like police officials who are performing their duties on roads even in such a difficult situation of pandemic on account of Covid-19.

Moreover, co-accused persons are stated to be still absconding and

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(2) Ankush Valiyan

therefore, release of both these applicants on bail at this stage, may hamper the course of investigation. Hence, Court is of the view that no ground is made out at this stage for grant of bail to both these applicants. Consequently, the bail applications are hereby dismissed.

Copy of this order be given dasti to both the sides electronically, as per rules.



(Vidya Prakash)
1st Link Addl. Session Judge (Electricity)
Central Distt./THC/Delhi-17.09.2020

17.09.2020

This is an application u/s 438 Cr.PC seeking anticipatory bail moved on behalf of applicant/accused Gian Singh.

Ld. Presiding Officer is on leave today.

Present: Sh. Balbir Singh, Ld. Addl. PP for the State.
IO/SI Yogender.
Sh. J. K. Sharma, Advocate for complainant. (Vakalatnama filed).
Sh. Kapil Lalwani, Advocate for applicant/accused.

Matter is taken up through Video Conferencing on account of Covid-19 lockdown.

Reply of bail application filed. Copy thereof supplied to Ld counsel for applicant/accused electronically.

After referring to the allegations contained in the FIR, it is argued by counsel for applicant/accused that applicant is completely innocent and has been falsely implicated in this case; he is a respectable member of the society and he has nothing to do with the alleged crime. It is further argued that the applicant never received any amount of Rs. 10 lacs from the complainant. It is claimed that applicant had approached one document writer namely Sh. Suresh Vashisht for grant of loan of Rs. 3 lacs and he gave loan of Rs. 2.50 lacs to the applicant on interest @ 2% per month but the applicant was made to sign certain documents like GPA, agreement to sell, affidavit etc., and was also pressurized to give two blank cheques in lieu of loan amount. It is further argued that the entire dispute, if

any, is purely of civil nature and previous litigation in the form of complaint cases u/s 138 NI Act are already pending between the parties and therefore, offence of cheating is not made out in this case. It is further argued that wife of applicant against whom FIR No. 163/2017 was got lodged at the instance of complainant with PS Burari, has already been granted bail vide order dated 06.10.2017 by Sessions Court, copy of which is also annexed with the present application. It is further argued that the applicant is not required for custodial interrogation and he is ready to join the investigation if so required but since he apprehends his arrest in this case, he may be protected.

Per contra, Ld. Addl. PP, duly assisted by counsel for complainant, opposed the bail application on the ground that there are serious and grave allegations against the present applicant as he agreed to sell one plot situated in Village Burari, Delhi, to the complainant for a sum of Rs. 10 lacs on 26.03.2015 and received entire payment of Rs. 10 lacs and executed general set of documents like GPA, agreement to sell, Will, possession letter etc. However, the applicant was not the owner of said plot at any point of time and he forged the documents of title in his favour in order to lay his false claim of ownership over the said plot. It is further argued that the applicant is a habitual offender and has also cheated other persons by using same modus operandi and FIR No. 163/2017, u/s 420 IPC was also registered against the present applicant and his wife at PS Burari. It is further argued that custodial interrogation of applicant/accused is required in this case and therefore, the bail application may be dismissed.

In brief, it is alleged that the present applicant agreed to sell one plot of land admeasuring 50 sq. yards forming part of Khasra No. 5/16/1,



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PS: Burari
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Village Burari, Delhi, for a sum of Rs. 10 lacs and executed general set of documents like GPA, agreement to sell, Will, possession letter etc. However, complainant found that there was dispute in respect of said plot when he tried to take physical possession thereof and on enquiry, it was revealed that said plot never belonged to the present applicant and it was actually belonging to one Sh. Ajay Sharma.

In his reply, IO has mentioned that during investigation, he recorded the statement u/s 161 Cr.PC of Smt. Kavita W/o owner Sh. Ajay Sharma, wherein she stated that applicant Gian Singh had used her photographs and signatures on the chain of GPA etc., without her knowledge and thump impressions used on said chain is not her thump impressions. During the course of submissions, IO has also informed the Court that even the address of present applicant is not genuine and he is not found residing at the given address. In this backdrop, Court is of the view that custodial interrogation of the present applicant would be required by the investigating agency. Hence, it is not a fit case for grant of anticipatory bail to the applicant/accused. Accordingly, the present bail application is hereby dismissed.

Copy of this order be given dasti to both the sides electronically, as per rules.



(Vidya Prakash)
1st Link Addl. Session Judge (Electricity)
Central Distt./THC/Delhi-17.09.2020

Bail application no. 1239/20
FIR No.212/20
PS: Timar Pur
U/s: 307/34 IPC & 25/54/59 Arms Act
State Vs. Suresh Malhotra @ Shiva

17.09.2020

This is an application u/s 439 Cr.PC seeking regular bail moved on behalf of applicant/accused Suresh Malhotra @ Shiva.

Ld. Presiding Officer is on leave today.

Present: Sh. Balbir Singh, Ld. Addl. PP for the State.
IO ASI Sanjeev.
Sh. Ashutosh Gupta, Advocate for applicant/accused.

Matter is taken up through Video Conferencing on account of Covid-19 lockdown.

Reply of bail application filed. Copy thereof supplied to Ld counsel for applicant/accused electronically.

After referring to the allegations contained in the FIR, it is argued by counsel for applicant/accused that applicant is totally innocent and has been falsely implicated in this case; he is in custody since 01.09.2020 and he is having clean antecedents. It is further argued that despite grant of police custody of present applicant, no weapon of offence has been recovered either from his possession or at his instance. It is further argued that weapons of offence have been recovered at the instance of co-accused persons, which clearly shows the innocence of the present applicant. It is further argued that the applicant is no more required for investigation which is almost complete and he is the sole bread earner of his family consisting of his old aged widow mother and no

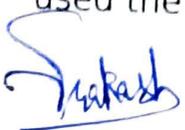
FIR No.212/20
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State Vs. Suresh Malhotra @ Shiva

useful purpose would be served by keeping the applicant behind jail in view of pandemic situation due to Covid-19. Therefore, the present applicant may be released on bail.

Per contra, the bail application is strongly opposed by Ld. Addl. PP on the ground that allegations are serious and grave in nature and investigation is still going on in this case. It is argued that the present applicant alongwith co-accused persons gave multiple stab injuries to the victim and also fired upon him with pistol. It is further argued that co-accused namely Bharat is still absconding and therefore, the bail application may be dismissed.

In brief, it is alleged that the present applicant used to visit Naresh @ Bhoppo, who is nephew of complainant of this case. Said Naresh @ Bhoppo had given his laptop to the present applicant/accused three months prior to the incident in question. When the present applicant did not return back the said laptop, minor scuffle took place between them. According to the case of prosecution, it triggered the incident in question. It is claimed that on 28.08.2020, the present applicant alongwith co-accused persons namely Surjeet, Annu and Bharat came and not only gave beatings to the complainant and his family members/relatives but also fired with the pistol and also gave stab injuries during the incident in question.

On query, IO has informed that the present applicant had used the weapon of offence but it was subsequently recovered at the



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instance of co-accused Annu @ Abhishek @ Mohit and four stab injuries are stated to have been sustained by victim as per his MLC. Co-accused Bharat is stated to be absconding in this case. Investigation is shown to be at crucial stage.

After considering the nature of allegations levelled against the present applicant, gravity and seriousness of the offences and the role allegedly played by the present applicant and in the light of aforesaid discussion made hereinabove, Court is of the view that no ground is made out at this stage for grant of bail to the present applicant/accused. Consequently, the bail application is hereby dismissed.

Copy of this order be given dasti to both the sides electronically, as per rules.



(Vidya Prakash)
1st Link Addl. Session Judge (Electricity)
Central Distt./THC/Delhi-17.09.2020