

Bail Application No.: 1313/2020

State v. Wajiha and Mohd. Mohtashim

FIR no.: NA
PS: CAW Cell

25.09.2020

Present: Mr. Pawan Kumar, Learned Addl. PP for State through VC.
Sh. S. A.Khan, ld. counsel for both the applicants through VC.
Sh. Kulbhushan Mehta and Sh. Aditya Mehta, Ld. Counsels for complainant alongwith complainant in person through VC,.

This is an application for under section 438 Cr.P.C. filed by applicants Wajiha and Mohd. Mohtashim for anticipatory bail.

A reply dated 21.09.2020 filed by ASI Anuradha, PS CAW Cell, Kamla Market. As per such reply, matter could not settle in mediation and now the file is sent for registration of FIR. Copy of such reply be supplied during the course of the day to learned counsel for applicant/accused as well as to the complainant through e-mail.

At this stage, it is stated by learned counsels for applicant that an FIR no. 305/2020 PS Channdi Mahal is already registered. **As such, issue notice to the SHO/IO of such FIR to file reply/status report.**

Put up for 30.09.2020.

NAVEEN KUMAR
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(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
Central Distt/Delhi
25.09.2020

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Date: 2020.09.25 16:44:55
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Bail Application No.: 1335/2020

State v. Raman
FIR no.: 256/2020
PS: Nabi Karim
U/S:376 IPC

25.09.2020

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

Sh. Rajkumar, Ld. Counsel for applicant through VC.

This is an application for regular bail dated 21.09.2020.

Reply already received. Copy of the same already stands supplied today in the morning.

Having regard to the nature of allegation made in the present FIR, let **notice of the present application be issued to the victim/complainant through IO to appear through VC.** If so desired by the victim/complainant, IO to make necessary arrangement for appearance of such victim through VC. Further, *having regard to the nature of allegations in this case, this case would be taken separately through VC on next date of hearing.*

Put up on 30.09.2020 at 12.30 pm.

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Date: 2020.09.25 16:45:35
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(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
Central Distt/Delhi
25.09.2020

Bail Application No.:1336/2020

State v. Ajay Sharma

FIR no.: 173/2020

PS:Pahar Ganj

U/S:308,323,341 IPC

25.09.2020

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

Sh. Mukul Sharma, Ld. Counsel for accused Raman through VC.

This is an application for regular bail dated 19.09.2020.

Reply already filed. Copy already supplied to learned counsel for applicant.

Learned counsel for applicant seeks adjournment to go through the same and address arguments. **At request, put up on 30.09.2020.**

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Date: 2020.09.25 16:45:53
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(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
Central Distt/Delhi
25.09.2020

Bail Application No.: 1337/2020

State v. Ajay @ Manoj

FIR no.244/2020

PS: Kotwali

U/S:392,411,34 IPC

25.09.2020

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

This is the 3rd application for regular bail.

It is stated by the court staff that Sh. Mukesh Kalia, learned counsel for the applicant contacted and seek adjournment.

Reply already filed. Copy already supplied.

As such, this third application for regular bail dated 23.09.2020 is adjourned for **01.10.2020**.

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(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
Central Distt/Delhi
25.09.2020

Bail Application No.:1339/2020

State v. Azruddin
e-FIR no. 15739/2020
PS: Jama Masjid
U/S:

25.09.2020

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

Sh. Sunil Tomar, Ld. Counsel for applicant through VC.

This is the second regular bail application dated 18.09.2020 before Sessions court . Reply already filed. Copy already supplied.

Argument in detail heard today.

Put up for orders/clarifications, if any, as well as filing of order of bail in other matters against the present accused by the next date of hearing by accused side.

Put up for 30.09.2020.

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(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
Central Distt/Delhi
25.09.2020

Bail Application No.: 1340/2020

State v. Aashu
FIR no. 231/2020
PS: Pahar Ganj
U/S:

25.09.2020

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

At request, put up with connected matter tomorrow i.e. 26.09.2020.

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Date: 2020.09.25 16:46:43
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(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
Central Distt/Delhi
25.09.2020

Bail Application No.: 1341/2020
State v. Tarun Trikha
FIR no. 160/2016
PS:EOW

25.09.2020

Present: Mr. Pawan Kumar, Learned Addl. PP for State through VC.
Sh. P.M. Dhar alongwith Sh. Alok Pandey, ld. counsel for applicant through VC.
Sh. Sanjeev Rajpal with Sh. Pawan Kr Shishodia, Ld. Counsels for complainant alongwith complainant Harsh Kumar through VC.
IO/Insp. Ashwani Kumar through VC.
Reply filed. Copy of the same be supplied to the learned counsel for accused as well as complainant during course of the day.
Part arguments in detail heard.
Put up for further arguments after lunch.

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Date: 2020.09.25
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(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
25.09.2020

At 2.15 pm.

Present: Mr. Pawan Kumar, Learned Addl. PP for State through VC.
Sh. P.M. Dhar alongwith Sh. Alok Pandey, ld. counsel for applicant through VC.
Sh. Sanjeev Rajpal with Sh. Pawan Kr Shishodia, Ld. Counsels for complainant alongwith complainant Harsh Kumar through VC.

Further arguments in detail heard after lunch also from both sides.

Put up for orders/clarifications as no time is left, for **30.09.2020**.

Under these circumstances, without commenting on the merit of the present

application, no coercive action be taken against the applicant till next date of hearing.

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Date: 2020.09.25 16:47:37
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(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
25.09.2020

Bail Application No.: NIL

State v. Harjot Singh

FIR no. 231/2020

PS:DBG Road

25.09.2020

Present: Mr. Pawan Kumar, Learned Addl. PP for State through VC.
Sh Bhuvenshwar Tyagi and Sh. Vinayak Kamra, Ld. Counsels for
applicant through VC.

This is an application for anticipatory bail dated 22.09.2020 filed by such
accused/applicant through counsel.

Reply also filed by IO. Copy supplied.

Part arguments in detail heard having regard to the nature of allegations
made.

Before proceeding further, **let notice be issued to the complainant
Sushila Devi through IO concerned to appear through VC.**

IO to make necessary arrangements if so required for appearance of
complainant through VC.

In the meanwhile, *without commenting on merits of the application and
contention raised, IO is directed not to take any coercive steps against present
accused till next date of hearing only provided applicant cooperate with the
investigation.*

Put up on 05.10.2020.

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Date: 2020.09.25
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(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
Central Distt/Delhi
25.09.2020

Bail Application No.: 1120/2020

State v. Faizan Parvez

FIR no. NA

PS: Sadar Bazar

25.09.2020

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

Sh. Sanjay, Ld. Counsel for applicant.

Heard.

Put up for appropriate orders.

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Date: 2020.09.25
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(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
Central Distt/Delhi
25.09.2020

At this stage

At 3.25 pm

IO Jitender Joshi alongwith victim Ms. T.

Heard. The complainant is given further written submission if so desired.

Put up for order/clarifications on 01.10.2020. In the meanwhile, no coercive action is taken against the accused.

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Date: 2020.09.25
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(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
Central Distt/Delhi
25.09.2020

Bail Application No.: NIL

State v. Manoj Chaudhary

FIR no.: 58/2018

PS: EOW Cell

25.09.2020

3:30 p.m.

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

Sh. Tanveer Ahmad Mir, Ld. Counsel for applicant/accused through
VC.

IO SI Yadram through VC.

Arguments in detail heard in post lunch session from Ld. Counsel for
accused /applicant.

On the other hand it is submitted by learned Addl. PP for the state that
before proceeding further and addressing arguments , having regard to the nature of
present offence,complainant/victim side is actively pursuing this matter .Same is
reflcted in earlier orders also . As such in all fairness, complainant side be also heard
before proceeding further on merits.

Such stand of learned Addl. PP for the state is opposed by learned counsel for
applicant and he submits that he would be filing case law in this regard.

As such time is given to file case , if any, through e-mail today itself

Put up for appropriate orders at 4 pm.

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Date: 2020.09.25 16:49:06
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(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
Central Distt/Delhi
25.09.2020

At 4:00 pm

Court proceedings are still going on in remaining/regular matters. Further,
dictation in orders, already heard in before noon session ,is still pending. No time
left.As such put up for appropriate orders/clarifications, if any,on the aspect raised by

Ld.APP for hearing the complaint or not, tomorrow i.e. 26.09.2020.

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Date: 2020.09.25 16:49:42
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(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
25.09.2020

Bail Application No.:1140/2020
State vs Rohit Aneja
FIR No. Unkonwn
P. S. CAW Cell Sarai Rohilla

25.09.2020

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.
Mr. Amit Nayyar, learned counsel for the applicant Rohit Aneja through VC.

Reply already filed by the IO. Copy supplied.

Part submissions heard.

As per IO, no FIR is registered so far and next date of hearing before CAW Cell is 30/09/2020.

Before proceeding further, notice of this anticipatory bail be issued to the complainant through IO for **03/10/2020**. IO to make necessary arrangement if so required to appear through VC. Put up for hearing through VC for the next date of hearing.

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Date: 2020.09.25 16:20:01
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(Naveen Kumar Kashyap)
ASJ-04/Central/25.09.2020

Bail Application No.: 1310/2020
State Vs Nitish @ Nonu
FIR No.21/2020
P. S. Sadar Bazar
U/s: 451, 323, 304, 34 IPC

25.09.2020

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

This is an application dated 21/09/2020 for grant of regular bail filed by Nitish
@ Monu

Reply filed by the IO. It is stated by the concerned staff that copy of the same
is already supplied through e-mail.

At the request of counsel for accused, put up for arguments and appropriate
order for 01/10/2020.

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(Naveen Kumar Kashyap)
ASJ-04/Central/25.09.2020

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Date: 2020.09.25 16:20:23
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Bail Application No.:
State Vs Pramod Kumar s/o Raj Kumar Goel
FIR No. Not Known
P. S. Chandni Chowk
U/s: Not Known

25.09.2020

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

None for the applicant / accused since morning.

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

None has appeared for applicant since morning. It is already 3:30 PM.

As such, put up for further appropriate proceedings for **03/10/2020**.

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(Naveen Kumar Kashyap)
ASJ-04/Central/25.09.2020

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Date: 2020.09.25 16:20:37
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INTERIM BAIL APPLICATION

**State v. Pramod
FIR No. :485/14
PS:Timarpur
U/S:397,307,308,325,341,365,411 r/w34 and 25 Arms Act**

25.09.2020

This is an application for interim bail.

Present: Mr. Pawan Kumar ,Ld. Addl. PP for the State through VC.
Ld. Counsel for accused .
IO to file reply specifically relating to medical documents of the wife of the
applicant.

Put up for reply, arguments and appropriate orders on 28.09.2020.

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**(Naveen Kumar Kashyap)
ASJ-04/Central/25.09.2020**

Misc. Application

**State Vs. Abdul Salam @ Wassim @ Tiggi
(Application of Adnan Hussain)
FIR No.:02/2014
PS: Jama Masjid**

25.09.2020

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

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

At request, put up for **08/10/2020**.

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Date: 2020.09.25 16:21:53
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**(Naveen Kumar Kashyap)
ASJ-04/Central/25.09.2020**

Bail Application

State Vs. Rakesh & others
(Application of Rakesh)
FIR No.:236/2019
PS: Subzi Mandi
U/s: 308, 34 IPC

25.09.2020

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

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

Fresh application seeking bail has been filed by the applicant through counsel.

It be checked and registered separately.

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

Put up for reply, arguments and appropriate order alongwith case file for

05/10/2020.

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(Naveen Kumar Kashyap)
ASJ-04/Central/25.09.2020

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Date: 2020.09.25 16:22:15
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Interim Bail Application

**State Vs. Gaurav Chauhan & others
(Application of Shahi Ram)
FIR No.: 199/2009
PS: Kashmere Gate
U/s: 364A, 120B, 34 IPC**

25.09.2020

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

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

Reply filed. Copy supplied through electronic mode to the counsel for the applicant / accused.

Put up for arguments and appropriate order / clarification if any, for

05/10/2020.

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Date: 2020.09.25 16:22:30
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**(Naveen Kumar Kashyap)
ASJ-04/Central/25.09.2020**

Interim Bail Application

**State Vs. Shakeel & others
(Application of Shakeel)**

FIR No.: 142/2017

PS: Lahori Gate

U/s: 395, 397, 412, 34 IPC & 25, 27 Arms Act

25.09.2020

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

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

Mr. Ayub Ahmed Qureshi, learned counsel for applicant / accused through VC.

Put up for **28/09/2020**.

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Date: 2020.09.25 16:22:46
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(Naveen Kumar Kashyap)
ASJ-04/Central/25.09.2020

Interim Bail Application

State Vs. Taufiq Kala & others
(Application of Saddam)
FIR No.:20/2016
PS: Crime Branch
U/s: 364A, 395, 342, 420, 468, 471, 120B IPC

25.09.2020

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 Khan, learned counsel for the applicant through VC.

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

Reply filed. Copy supplied through electronic mode.

Arguments heard in detail.

Put up for orders / clarification, if any, for **03/10/2020**.

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Date: 2020.09.25 16:23:00
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(Naveen Kumar Kashyap)
ASJ-04/Central/25.09.2020

CR No.: 588/2019
Munni Devi Vs State

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 01/04/2020, 29/05/2020 & 25/07/2020. 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.

25.09.2020

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

Present: Mr. Jagdish Singh Rajpoot, learned counsel for Revisionist Munni Devi alongwith Munni Devi through VC.

None for respondent.

In the interest of justice, no adverse order is passed in the present case. At request, put up for the purpose already fixed for **18/11/2020**.

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Date: 2020.09.25 16:23:39
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(Naveen Kumar Kashyap)
ASJ-04/Central/25.09.2020

SC No.: 28312/2016
FIR No.: 964/2015
PS: Sarai Rohilla
State Vs Mohd. Naved @ Peela

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 29/05/2020 & 25/07/2020. 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.

25.09.2020

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

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

At request of learned counsel for the applicant, put up for the purpose already fixed for **22/01/2021**. Issue production warrant if accused is in JC for the next date of hearing.

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

NAVEEN KUMAR
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(Naveen Kumar Kashyap)
ASJ-04/Central/25.09.2020

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Date: 2020.09.25 16:23:59
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SC No.: 28340/2016
FIR No.:27/2014
PS: Jama Masjid
State Vs Mohd. Shameem & 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.

In the present case, last regular date of hearing were 29/05/2020 & 25/07/2020. 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.

25.09.2020

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

Present:

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

Mr. Parvez Siddiqui, learned counsel for accused Taslim through VC.

Mr. J.S. Mishra, learned LAC for accused Nazar Chaudhary and Rashid and both accused are stated to be on bail through VC.

None for other accused.

In the interest of justice, no adverse order is passed in the present case. Issue production warrant for the accused Shahjada Irfan for the next date of hearing. Also issue notice to two of the material witnesses for the next date of hearing.

Put up for the purpose already fixed i.e. for PE on **21/01/2021**.

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Date: 2020.09.25 16:24:15
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(Naveen Kumar Kashyap)
ASJ-04/Central/25.09.2020

SC No.: 164/2020
FIR No.: 191/2019
PS: Karol Bagh
State Vs Akash Kumar

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 01/04/2020, 29/05/2020 and 25/07/2020. 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.

25.09.2020

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

Present: Mr. Pawan Kumar, learned Addl.PP for the State through VC.
Mr. C.B. Singh, learned counsel for accused Akash through VC.
None for other accused.

In the interest of justice, no adverse order is passed in the present case. Put up for the purpose already fixed for **28/01/2021**.

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Date: 2020.09.25
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(Naveen Kumar Kashyap)
ASJ-04/Central/25.09.2020

CA No. 71/2020
Amit Dhamija Vs Shilpi

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.

25.09.2020

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

Present: Mr. Pawan Kumar, learned Addl.PP for the State through VC.
Ms. Shivika Gupta, learned counsel for appellant Amit Dhamija through VC.
None for the respondent.

In the interest of justice, no adverse order is passed in the present case.

Put up for the purpose already fixed for **15/12/2020**.

NAVEEN KUMAR KASHYAP
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NAVEEN KUMAR KASHYAP
Date: 2020.09.25 16:24:47
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(Naveen Kumar Kashyap)
ASJ-04/Central/25.09.2020

SC No.: 634/2017
FIR No.:190/2015
PS: Jama Masjid
State Vs Mohd. Naem Etc.

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.

25.09.2020

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

Present: Mr. Pawan Kumar, learned Addl.PP for the State through VC.
Mr. Abbas Khan, learned counsel for all accused through VC.
All accused are stated to be on bail.

Put up for the purpose already fixed i.e. for PE for **19/01/2021**. Also issue notice to two of the material witnesses for the next date of hearing.

NAVEEN KUMAR KASHYAP
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NAVEEN KUMAR KASHYAP
Date: 2020.09.25 16:25:04
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(Naveen Kumar Kashyap)
ASJ-04/Central/25.09.2020

SC No.: 446/2018
FIR No.:668/2014
PS:NDRS
State Vs Molo Aaki @ Gunga

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.

25.09.2020

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

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

In the interest of justice, no adverse order is passed in the present case. Put up for the purpose already fixed for **29/01/2021**.

NAVEEN
KUMAR
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(Naveen Kumar Kashyap)
ASJ-04/Central/25.09.2020

SC: 28200/16
FIR No:287/14
PS: Paharganj
State v. Ali Akbar @ Bullet

25.09.2020

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

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

In the present case, last regular date of hearing was 01.04.2020,29.05.2020 and 25.07.2020.

On 25.07.2020, matter was adjourned for 25.09.2020.

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 today through VC.

Undersigned is also discharging work of Bail Roster duty.

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

No adverse order is being passed in the interest of justice in the present situation.

Issue P/w of the accused, if any in JC for next date through VC or otherwise as the situation may prevail on next date of hearing.

Put up for purpose fixed/ PE in terms of previous order for 22.01.2021.

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Date: 2020.09.25 16:29:01 +05'30'
(Naveen Kumar Kashyap)
ASJ-04/Central/25.09.2020

SC: 27605/16
FIR No:130/05
PS: Kamla Market
State v. Sanjay Sharma

25.09.2020

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

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

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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 today through VC.

Undersigned is also discharging work of Bail Roster duty.

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

It is reported that this is one of the oldest matter pending in this court. As such, issue court notice to learned counsel for accused for addressing arguments in terms of previous order .

Put up on 16.10.2020 through VC.

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Date: 2020.09.25
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(Naveen Kumar Kashyap)
ASJ-04/Central/25.09.2020

SC: 28386/16
FIR No:130/14
PS: Kamla Market
State v. Raj Bahadur

25.09.2020

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

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

In the present case, last regular date of hearing was 01.04.2020,29.05.2020 and 25.07.2020.

On 25.07.2020, matter was adjourned for 25.09.2020.

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 today through VC.

Undersigned is also discharging work of Bail Roster duty.

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.
Sh. Raj Kumar, Ld. Counsel for accused no.1.
Sh. B. K. Singh, Ld. Counsel for accused no.5 Yadvender.
Sh. S.N. Shukla, Ld. Counsel for accused no.6 .

Put up for DE in terms of previous order for 03.12.2020.

Issue P/w of the accused, if any in JC for next date through VC or otherwise as the situation may prevail on next date of hearing.

Put up for purpose fixed/ PE in terms of previous order for 03.12.2021.

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(Naveen Kumar Kashyap)
ASJ-04/Central/25.09.2020

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

Bail Application No.: 1274/2020
State Vs Sonu @ Vishal s/o Madan
FIR No.171/2020
P. S. Sadar Bazar
U/s: 379, 411, 34 IPC

25/09/2020

Present: Mr. Pawan Kumar, Learned Addl. PP for State is available through VC.
Mr. S. Haque, learned counsel for the applicant through VC.

Vide this order, bail application u/s 439 Cr.PC dated 16/09/2020 filed by applicant through counsel is disposed of.

It is stated on behalf of the applicant that he has been falsely implicated in the present case; that case property of Rs. 1 lakh recovered from co-accused / CCL. And in any case nothing is recovered from the present accused. It is further stated that in any case he is not required for further investigation. That he is not a previous convict. That he has already been acquitted in other criminal case alleged against him. It is further stated that he is the sole earner of the family; that he is 25 years old only. That it is stated that the application moved before the learned MM was dismissed on 09/02/2020. That he be granted regular bail as such.

On the other hand, reply dated 18/09/2020 is filed by the IO as also stated by the learned Addl.PP for the state, the present bail application is opposed. It is stated that there is cctv footage of nearby area of the place of the incident, in which his presence can be seen. It is further stated that he is involved, earlier also in criminal matter of similar nature. It is stated that allegations against him are specific and grave in nature.

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

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

completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial ,but in such case 'necessity' is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the constitution that any persons should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty under Article 21 of the Constitution upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances. Apart from the question of prevention being the object of a refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and it would be improper for any court to refuse bail as mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an unconvicted person for the purpose of giving him a taste of imprisonment as a lesson. While considering an application for bail either under Section 437 or 439 CrPC, the court should keep in view the principle that grant of bail is the rule and committal to jail an exception. Refusal of bail is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution. Seriousness of the offence not to be treated as the only consideration in refusing bail : Seriousness of the offence should not to be treated as the only ground for refusal of bail. (Judgment of **Sanjay Chandra Vs. Central Bureau of Investigation, AIR 2012 SC 830** relied).

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

disapproves, the legal consequences are bound to follow.

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

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

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

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

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

meticulous examination of evidence while granting or refusing bail u/s 439 of the CrPC.

In the present case, The maximum punishment for the offence alleged against the present accused is 03 years. Admittedly he is in JC since 30/08/2020 i.e. more than 14 days. As such, period to seek PC remand is already over. Further, it is admitted by the IO that case property / one lakh rupees is already recovered. Further, such case property is recovered not from the present accused but from co-accused. That present accused is arrested based on the disclosure statement of the co-accused, later on after the incident in question. Thus, he is neither arrested on the spot nor anything recovered from him. As such, no purpose would be served by keeping him in JC.

In above facts and circumstances, therefore, having regard to the nature of offence, maximum imprisonment of the same, nature of allegations against him and above mentioned observations of this court, 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 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

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

: 8 :

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.

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

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(NAVEEN KUMAR KASHYAP)
ASJ-04(Central/Delhi)
25.09.2020