

22.01.2021

This is an application for releasing vehicle bearing registration No.DL8C AR 4883 on superdari moved by the applicant / AR Sh. Rohit.

Present:- Ld. APP for the State.

Ld. Counsel for applicant / AR Sh. Rohit, AR of Tata AIG General Insurance Company Ltd.

It is submitted by Ld. Counsel for applicant that the registered owner of the aforesaid vehicle has already taken the insurance claim of the said vehicle. It is further submitted that now the insurance company Tata AIG General Insurance is the rightful owner of the aforesaid vehicle as the registered owner has also executed the discharge voucher, indemnity bond and letter of subrogation. Copy of the same are also annexed.

Perused the reply of IO. IO has no objection to the application. Instead of releasing the vehicle on superdari, I am of the considered view that the vehicle has to be released as per directions of Hon'ble Supreme Court in case titled as "**Sunder Bhai Ambalal Desai Vs. State of Gujrat**", AIR 2003 SC 638, wherein it has been held,

"68. Vehicles involved in an offence may be released to the rightful owner after preparing detailed panchnama; taking photographs of the vehicle, valuation report, and a security bond.

69. The photographs of the vehicle should be attested countersigned by the complainant, accused as well as by the person to whom the custody is handed over.

70. The production of the vehicle should not be insisted upon during the trial. The panchnama and photographs along with the valuation report should suffice for the purposes of evidence.

71. Return of vehicles and permission for sale thereof should be the general norm rather than the exception.

72. If the vehicle is insured, the court shall issue notice to the owner and the insurance company for disposal of the vehicle. If there is no response or the owner declines to take the vehicle or informs that it has claimed insurance/released its right in the vehicle to the insurance company and the insurance company fails to take possession of the vehicle, the vehicle may be ordered to be sold in auction.

73. If a vehicle is not claimed by the accused, owner, or the insurance company or by a third person, it may be ordered to be sold by auction."

The view of the Hon'ble Supreme Court has been reiterated by Hon'ble Delhi High Court in case titled as "**Manjit Singh Vs. State**" in CrI. M.C. No. 4425/2013 dated 10.09.2014. Considering the facts and circumstances as law laid down in the above said case laws, let the vehicle in question bearing registration number **No. DL8C AR 4883** be released to the applicant. IO is directed to verify the ownership of vehicle and the other relevant documents i.e. discharge voucher, indemnity bond and letter of subrogation. **Photographs of the vehicle be taken by the SHO /IO concerned as mentioned above and shall file the same along with negatives/CD along with challan in the court. Cost of the photographs shall be borne by the applicant / registered owner. The panchnama be also prepared (as mentioned above) before releasing the vehicle. Copy of this order be given dasti to applicant. Panchnama and photographs shall be filed in the court along with charge sheet.**

(Manish Jain)

MM-01/West/THC/Delhi:22.01.2021

FIR No.495/17
PS Punjabi Bagh
S/V Harish Tiwari

22.01.2021

Present: Ld. APP for the State.

Sh. Himanshu, Id. Counsel for the accused.

An application has been filed on behalf of the accused thereby intimating regarding the shifting of residential accommodation of accused Subhash Sharma.

It is submitted that vide order dated 08.02.2019, Hon'ble High Court of Delhi had granted bail to the accused wherein the condition was imposed upon the accused that he shall not shift his residence out of National Capital Territory of Delhi without prior intimation to the Trial Court. The accused has annexed the rent agreement with respect to his proposed address in Gurugram, Haryana.

Heard. Application perused.

Condition imposed upon the accused by the Hon'ble High Court of Delhi has been complied with and the address of the accused out of NCT of Delhi is taken on record. Ahlmad is directed to update the same as per rules.

The application is disposed of accordingly.

(Manish Jain)
MM-01(West)/THC:Delhi
22.01.2021

FIR No.1163/2020
u/s 379 IPC
PS Punjabi Bagh
S/V Vishnu @ Babu

22.01.2021

Present: Ld. APP for the State.

Ld. Counsel for accused / applicant Vishnu @ Babu.

An application for grant of bail u/s 437 Cr.P.C. is moved on behalf of accused Vishnu @ Babu.

Reply of IO filed.

Heard. Perused the reply of IO.

As per the reply of IO, the accused has only made the disclosure statement in the present case, however, later when no recovery has been effected, the proceedings u/s 169 Cr.P.C. qua the accused was carried out and accused was released / discharged.

In view of the submissions made, the present application stands disposed of as infructuous.

Copy of order be given dasti.

(Manish Jain)
MM-01(West)/THC:Delhi
22.01.2021

FIR No.1131/2020
u/s 379 IPC
PS Punjabi Bagh
S/V Vishnu @ Babu

22.01.2021

Present: Ld. APP for the State.

Ld. Counsel for accused / applicant Vishnu @ Babu.

An application for grant of bail u/s 437 Cr.P.C. is moved on behalf of accused Vishnu @ Babu.

Reply of IO filed.

Heard. Perused the reply of IO.

As per the reply of IO, the accused has only made the disclosure statement in the present case, however, later when no recovery has been effected, the proceedings u/s 169 Cr.P.C. qua the accused was carried out and accused was released / discharged.

In view of the submissions made, the present application stands disposed of as infructuous.

Copy of order be given dasti.

(Manish Jain)

MM-01(West)/THC:Delhi

22.01.2021

FIR No.971/2020
u/s 279/337 IPC
PS Punjabi Bagh

22.01.2021

This is an application seeking release of vehicle bearing registration no. DL4C AW 6359 make Honda Brio on superdari.

Present: Ld. APP for the State.
Applicant in person.

It is submitted by applicant that he is the registered owner of the aforesaid vehicle. It is also submitted that the aforesaid vehicle is offending vehicle which was insured on the date of offence.

IO has filed his reply wherein he has posed no objection to the release of vehicle.

Accordingly, in view of the submissions made, let vehicle bearing registration no. **DL4C AW 6359** be released to the rightful owner / applicant after due compliance of the guidelines laid by the Hon'ble Supreme Court in case titled as "**Sunder Bhai Ambalal Desai Vs. State of Gujrat**", **AIR 2003 SC 638**, and Hon'ble Delhi High Court in case titled as "**Manjit Singh Vs. State**" in **Crl. M.C. No. 4485/2013 dated 10.09.2014** on furnishing indemnity bond in sum of the value of the vehicle in the last insurance policy to the satisfaction of the concerned IO / SHO.

Panchnama, security bond and photographs shall be filed in the court along with charge sheet.

Application is accordingly disposed of.

Copy of this order be given *dasti* to applicant.

(Manish Jain)
MM-01(West)/THC:Delhi
22.01.2021



FIR No.1118/2020
u/s 379 IPC
PS Punjabi Bagh
S/V Vishnu @ Babu

22.01.2021

Present: Ld. APP for the State.

Ld. Counsel for accused / applicant Vishnu @ Babu.

An application for grant of bail u/s 437 Cr.P.C. is moved on behalf of accused Vishnu @ Babu.

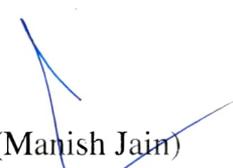
Reply of IO filed.

Heard. Perused the reply of IO.

As per the reply of IO, the accused has not been arrested in the present case.

In view of the aforesaid, the present application stands infructuous.

Copy of order be given dasti.


(Manish Jain)
MM-01(West)/THC:Delhi
22.01.2021

FIR No.1128/2020
u/s 379 IPC
PS Punjabi Bagh
S/V Vishnu @ Babu

22.01.2021

Present: Ld. APP for the State.

Ld. Counsel for accused / applicant Vishnu @ Babu.

An application for grant of bail u/s 437 Cr.P.C. is moved on behalf of accused Vishnu @ Babu.

Reply of IO filed.

Heard. Perused the reply of IO.

As per the reply of IO, the accused has not been arrested in the present case.

In view of the aforesaid, the present application stands infructuous.

Copy of order be given dasti.

(Manish Jain)

MM-01(West)/THC:Delhi

22.01.2021

FIR No.0935/2020
u/s 379/356 IPC
PS Punjabi Bagh
S/V Vishnu @ Babu

22.01.2021

Present: Ld. APP for the State.

Ld. Counsel for accused / applicant Vishnu @ Babu.

An application for grant of bail u/s 437 Cr.P.C. is moved on behalf of accused Vishnu @ Babu.

Reply of IO filed.

Heard. Perused the reply of IO.

As per the reply of IO, accused has already been discharged in the present case.

In view of the submissions made, the present application stands infructuous.

Copy of order be given dasti.

(Manish Jain)

MM-01(West)/THC:Delhi

22.01.2021

FIR No.940/2020
u/s 379/356 IPC
PS Punjabi Bagh
S/V Vishnu @ Babu

22.01.2021

Present: Ld. APP for the State.

Ld. Counsel for accused / applicant Vishnu @ Babu.

An application for grant of bail u/s 437 Cr.P.C. is moved on behalf of accused Vishnu @ Babu.

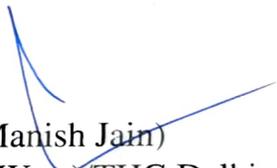
Reply of IO filed.

Heard. Perused the reply of IO.

As per the reply of IO, accused has already been discharged in the present case vide order dated 22.12.2020 passed by Ld. Jail Duty MM Ms.Udita Jain.

In view of the submissions made, the present application stands infructuous.

Copy of order be given dasti.


(Manish Jain)
MM-01(West)/THC:Delhi
22.01.2021

FIR No.198/13
u/s 279/304 A IPC
PS Punjabi Bagh

22.01.2021

Present: Ld. APP for the State.

Applicant with Id. Counsel.

An application for release of driving license for renewal purpose moved on behalf of accused / applicant Gurcharan Dass.

Heard. Perused.

In view of submissions made, application of applicant is allowed. Original DL of accused be released to him as per rules. Accused / applicant is directed to deposit the DL in the court after its renewal within month.

Application is disposed of accordingly.

(Manish Jain)
MM-01(West)/THC:Delhi
22.01.2021



DD No.12 dated 21.06.17
PS Punjabi Bagh
S/v Ganesh & Ors.

22.01.2021

Present: Ld. APP for the State.
None for accused.

In the interest of justice, put up for purpose fixed on 06.04.2021.

(Manish Jain)
MM-01(West)/THC:Delhi
22.01.2021