

e-FIR No. 18826/2021
PS Hari Nagar
State Vs. Mohd. Sahil @ Jeri
U/s 379/411 IPC

18.07.2021

Present: Ld. APP for the State joined through VC.
Accused Mohd. Sahil produced from JC through VC.
IO HC Pappu Ram in person.
Remand Advocate Sh. Rupesh Mishra joined through VC.
IO submitted that accused was formally arrested as accused was lodged in JC in Kalandra DD No. 20A dated 16.07.2021 PS Mohan Garden. IO further submitted that accused was formally arrested on 17.07.2021 as accused has confessed his involvement in case e-FIR No. 18826/2021 PS Hari Nagar. IO further submitted that accused had disclosed his involvement in above case regarding theft of motorcycle No. DL9SBY-2146. On inquiry from Court, IO submitted that recovery was not effected from the instance of accused. On inquiry from Court, IO further submitted that there is no previous involvement of accused.

Case diary perused. Submissions heard.

Considering the submissions of IO as well as after the perusal of case diary, Court is of the view that arrest is not justified as no ground is mentioned falling within Section 41.1 (b) CrPC. It appears that remand application is made mechanically mentioning all the grounds of arrest mentioned in 41.1 (b) CrPC. Therefore, in view of above circumstances, arrest as well as further detention is not justified. Therefore, accused is admitted to bail on furnishing of Bail Bonds in the

Received by
HC Pappu Ram 29/7/21
PS Hari Nagar

(1)

sum of Rs.10,000/- alongwith one surety in the like amount. Bail Bond not furnished.

Accused be sent to JC for 14 days and be produced on 01.08.2021.

Copy of this order be sent to concerned Jail Superintendent to bring the above order in notice of above accused so that he can furnish Bail Bond as per law.

Copy of this order be also given to IO as well as Remand Advocate.

Proceedings of this case be sent to concerned Court through Ahlmad.

[RAKESH KUMAR-II]
Duty MM-I (West)/THC/Delhi/18.07.2021

e-FIR No. 00421/2021
PS Hari Nagar
State Vs. Anil @ Arjun
U/s 411 IPC

18.07.2021

Chargesheet filed.

Present: Ld. APP for the State joined through VC.

IO ASI Raj Singh in person.

Be sent to concerned Court for **19.07.2021**.

[RAKESH KUMAR-II]
Duty MM-I (West)/THC/Delhi/18.07.2021

e-FIR No. 17958/2020
PS Paschim Vihar East
State Vs. Deepak Chadha S/o Naresh Chadha
U/s 379/411 IPC

18.07.2021

Present: Ld. APP for the State joined through VC.

Accused Deepak Chadha produced from JC through VC.

Remand Advocate Sh. Rupesh Mishra joined through VC.

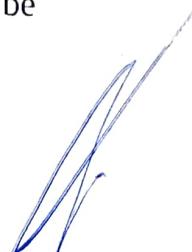
ASI Dilbagh Singh on behalf of IO ASI Jai Kishan.

ASI Dilbagh Singh submitted that accused Deepak Chadha was arrested on 17.07.2021. ASI Dilbagh Singh further submitted that police officials of Crime Branch Dwarka have arrested accused on 08.07.2021. Accused was sent to JC on 09.07.2021. On inquiry from Court, ASI Dilbagh Singh could not furnish the order of concerned Court regarding sending of accused in JC on 09.07.2021. ASI Dilbagh Singh submitted that he has no copy of remand application vide which accused was sent to JC on 09.07.2021. He further submitted that the order might be with Dwarka police officials. On inquiry from Court, ASI Dilbagh Singh submitted that he has no information regarding previous involvement of accused.

Case diary perused. Submissions heard.

It appears to Court that in the case in hand arrest has been made mechanically without any cogent reasons as no reason has been shown in case diary which is mandatory as per Section 167 CrPC. Liberty of accused is a sacrosanct and fundamental right which could be curtailed only accordingly to procedure established by law. Procedure

*Received copy
by Suby K. Jey*



established by law means that liberty of accused be curtailed as per reason. If no reason is mentioned it means that procedure established by law is not followed for curtailing liberty of accused and accused was arrested arbitrarily. In view of above circumstances, Court does not see any reason for further detention of accused. Therefore, further detention of accused is declined and accused is admitted to bail subject to furnishing Bail Bonds in the sum of Rs.10,000/- alongwith one surety in the like amount. Bail Bond not furnished.

Accused be sent to JC for 14 days and be produced on 01.08.2021.

Copy of this order be sent to concerned Jail Superintendent to bring the above order in notice of above accused so that he can furnish Bail Bond as per law.

Copy of this order be also given to IO as well as Remand Advocate.

Proceedings of this case be sent to concerned Court through Ahlmad.

[RAKESH KUMAR-II]
Duty MM-I (West)/THC/Delhi/18.07.2021

FIR No. 160/19
PS Rajouri Garden
State Vs. Captain Singh S/o Shastri Singh
U/s 307/341/506/174A/34 IPC

Accused was arrested PO on 17.07.2021

18.07.2021

Present: Ld. APP for the State joined through VC.

IO SI Sandeep Kumar in person.

Arresting Officer HC Vinod, PS Rajouri Garden in person.

Ld. Counsel Sh. S.S. Malik for accused.

IO as well as Arresting Officer submitted that accused was declared PO vide order dated 15.01.2020 by the Court of Ld. MM Sh. Deepak Kumar-I, MM-West, therefore, accused was arrested.

Submissions heard.

Ordersheet of Ld. Court vide which accused was declared PO perused. Application filed on behalf of arresting officer perused.

Considering grounds mentioned in application as well as order passed by Ld. Court vide order dated 15.01.2020 he was declared PO, accused is sent to JC. Grounds of arrest is justified and, therefore, accused be sent to JC till **19.07.2021**.

Accused be produced before concerned Court of PS Rajouri Garden on 19.07.2021.

Copy of this order be sent to concerned Jail Superintendent.

Copy of this order be supplied to IO.

[RAKESH KUMAR-II]

Duty MM-I (West)/THC/Delhi/18.07.2021

②

**FIR No. 614/2021
PS Rajouri Garden
State Vs. Bhuwan Sharma
U/s 498A/306/34 IPC**

18.07.2021

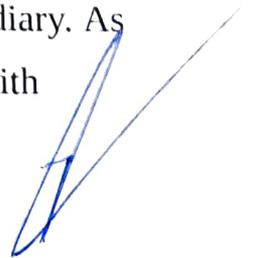
Present: Ld. APP for the State joined through VC.

IO SI Deepak Sharma in person.

Accused Bhuwan Sharma produced after fresh arrest on 18.07.2021 at 2:18 P.M.

On inquiry from Court, IO submitted that he has not mentioned the reason of arrest in case diary except column No. 1 to 5 mentioned in reason for arrest which is annexed with case diary. Reason for arrest in column No. 1 to 5 shows that only yes and no is mentioned as per stipulation mentioned in Section 41 1.B. However, no reason for arrest is mentioned in the case diary. It is settled law that Court cannot pass order of detention mechanically without ascertaining reason of arrest. Commission of offence allegedly made by accused is not a sole ground for reasonable suspicion or credible information or reason to believe to arrest accused as per Section 41 (2) also if offence is punishable for punishment more above 07 years. Reasons for arrest is mandatory as police official cannot arrest anyone on their whim and caprice. Concept of equality before law as well as Principle mentioned in Constitution says that liberty of accused cannot be curtailed without following procedure established by law. No procedure has been followed in the case in hand as no ground of arrest is mentioned in case diary. As per Section 167 CrPC entry in the case diary be produced alongwith





production of accused for seeking further detention. Producing of case diary assist the Court in ascertaining the reason for ground of arrest. In the case in hand no ground is mentioned in the case diary. Therefore, Court is unable to ascertain the ground of arrest. Therefore, liberty of accused cannot be curtailed by further detention of accused. Statement of IO recorded separately. It is also relevant to note that IO has not written the case diary. Court has done pagination of case diary from the application of remand application till final page of case diary produced till date which is signed by the Court.

As no reason has been mentioned in case diary, therefore, liberty of accused cannot be curtailed in mechanical manner. Therefore, accused cannot be detained further.

In view of above discussion, further remand of accused is unjustified and therefore, it is declined and accused is admitted to bail subject to furnishing of Bail Bond in the sum of Rs.10,000/- alongwith one surety in like amount. Bail Bond not furnished.

Accused be sent to JC for 14 days. Be produced before concerned Court on **01.08.2021**.

Copy of order be given to IO as well as accused.

*Send order
copy*

S.1. Deepak

*Copy Received.
Shree
Shree
18/7/21*

[RAKESH KUMAR-II]
Duty MM-I (West)/THC/Delhi/18.07.2021

(2)

**FIR No. 616/2021
PS Rajouri Garden
State Vs. Sandeep Singh
U/s 25/54/59 Arms Act**

18.07.2021

Present: Ld. APP for the State joined through VC.
Accused Sandeep Singh produced after fresh arrest.
IO in person.

IO submitted that accused was arrested on 17.07.2021 at 11:50 P.M. IO submitted that accused was found in possession of knife. IO submitted that he has not mentioned the ground of arrest in case diary due to some emergency. On inquiry from Court, IO submitted that there is no previous involvement of accused.

Submissions heard. Case diary perused.

As no reason mentioned in case diary regarding arrest as well as the fact that there is no previous involvement of accused, therefore, arrest and further detention of accused will be totally unjustified and against the underlying principles of law enshrined in Section 41.1 (b). Therefore, Court does not see any reason for further detention of accused. In view of above circumstances, accused is admitted to bail subject to furnishing of Bail Bond in the sum of Rs.10,000/- alongwith one surety in like amount. Bail Bond not furnished.

Accused be sent to JC for 14 days. Be produced before concerned Court on **01.08.2021**.

Copy of order be given to IO as well as accused.

Copy of this order alongwith all proceedings be sent to concerned Court.

[RAKESH KUMAR-II]
Duty MM-I (West)/THC/Delhi/18.07.2021

Received
Jha
Kishan Singh
20/7/21

①

18/7/21

FIR No. 36/2021
PS Hari Nagar
State Vs. 1) Irshad @ Tinku Bengali,
2) Jai Siya Ram and 3) Sheikh Shahrukh
U/s 380/454/34 IPC

18.07.2021

Present: Ld. APP for the State joined through VC.

Accused Irshad @ Tinku Bengali, Jai Siya Ram and Sheikh Shahrukh produced after PC remand.

ASI Raj Singh, 512/West, PIS No. 28891456 present on behalf of ASI Niranjan Lal.

IO submitted that he has taken PC remand of above accused persons on 16.07.2021.

Case diary as well as allegations also perused.

IO submitted that no incriminating evidence was found against above accused persons during investigation to connect them with alleged commission of offence. Considering above facts and circumstances in the view of interest of justice and liberty of accused persons, all above accused persons are directed to be released forthwith in above case.

Copy of order be given dasti to IO.

Received order
By
ASI Raj Singh

[RAKESH KUMAR-II]
Duty MM-I (West)/THC/Delhi/18.07.2021

①

2
18/7/21

FIR No. 34/2021
PS Hari Nagar
State Vs. 1) Irshad @ Tinku Bengali,
2) Jai Siya Ram
U/s 380/454/34 IPC

18.07.2021

Present: Ld. APP for the State joined through VC.

Accused Irshad @ Tinku Bengali and Jai Siya Ram produced after PC remand.

IO ASI Raj Singh, 512/West, PIS No. 28891456 in person.

IO submitted that he has taken PC remand of above accused persons on 16.07.2021.

Case diary as well as allegations also perused.

IO submitted that no incriminating evidence was found against above accused persons during investigation to connect them with alleged commission of offence. Considering above facts and circumstances in the view of interest of justice and liberty of accused persons, all above accused persons are directed to be released forthwith in above case.

Copy of order be given dasti to IO.

Received order
by
ASI Raj Singh

[RAKESH KUMAR-II]
Duty MM-I (West)/THC/Delhi/18.07.2021

1



18/7/21

FIR No. 319/2021
PS Hari Nagar
State Vs. 1) Irshad @ Tinku Bengali,
2) Jai Siya Ram and 3) Sheikh Shahrukh
U/s 380/454/34 IPC

18.07.2021

Present: Ld. APP for the State joined through VC.

Accused Irshad @ Tinku Bengali, Jai Siya Ram and Sheikh Shahrukh produced after PC remand.

IO ASI Naresh Kumar in person.

IO submitted that above accused persons have disclosed in their disclosure statements that as per investigation, above accused persons have committed theft of articles mentioned in the FIR and thereafter, investigation was conducted for recovery of articles. On inquiry from Court, IO submitted that theft had been committed from the house of complainant. On inquiry from Court, IO further submitted that theft had been committed from the house of complainant and there is CCTV camera installed opposite the house of complainant but picture of offenders was not clear / visible. IO submitted that he took PC remand of above all accused persons and interrogated the accused persons. All above accused persons submitted that they used to sell stolen property to Thapa, Waseem, Shabir and Bona. It is further submitted by IO that above accused persons disclosed that above persons namely Thapa, Waseem, Shabir and Bona used to take stolen property from them and deliver further. IO further submitted that above persons namely Thapa, Waseem, Shabir and Bona could not be identified as accused persons

(V)

submitted that above Shabir, Waseem, Thapa and Bona met them in Jahangir Puri and Sultan Puri but they did not know the address of the said persons. On inquiry from Court, IO submitted that he had conducted local investigation but the person to whom accused persons had delivered the stolen / theft property could not be found. On inquiry from Court, IO submitted that AATS Punjabi Bagh had arrested all above accused persons in 41.1 (d) CrPC as stolen property was recovered from in case FIR No. 313/2021 PS Janak Puri. On inquiry from Court, IO submitted that above accused persons were involved in previous cases. On inquiry from Court, IO further submitted that above accused persons were arrested on the basis of disclosure statements.

Submissions heard.

Court is not satisfied regarding grounds mentioned by IO about steps taken in investigation. Case diary is also perused. **IO is directed to conduct further investigation and file report before concerned Court on 22.07.2021 regarding delivery of stolen property delivered by accused persons as alleged by IO.** IO is directed to conduct investigation and find out persons to whom stolen property was delivered. If during investigation it is not ascertained on the basis of CCTV footages / scientific investigation that no clue was found regarding delivery of stolen property / theft property then IO may file report before concerned Court.

Custody warrants be prepared accordingly.

All accused persons be sent to custody till 22.07.2021. All

accused be produced before concerned Court on 22.07.2021 and IO is directed to file investigation report before concerned Court on 22.07.2021.

Copy of the order be given to the IO.

[RAKESH KUMAR-II]
Duty MM-I (West)/THC/Delhi/18.07.2021

*File
Asst. Membr
re 20/07
PS Hari Nagar
21/8-7-2021*

FIR No. 624/2021
PS Khyala
State Vs. Ritik Aneja @ Babu & Amrit Pal Singh
U/s 308/304/34 IPC

18.07.2021

Present: Ld. APP for the State joined through VC.
Accused Ritik Aneja and Amrit Pal Singh produced after fresh arrest.
HC Vijender Singh present on behalf of IO.
Ld. Counsel Sh. G.B. Singh and Sh. Kapil Kapoor for both accused persons.

Application for remand for 14 days as well as case diary perused. Allegations contained in FIR also perused. Considering the facts and circumstances as perused from case diary, arrest of above accused is justified and both accused are sent to JC for 14 days till **01.08.2021**.

Copy of this order be supplied to IO.

[RAKESH KUMAR-II]

Duty MM-I (West)/THC/Delhi/18.07.2021

received by
HC Vijender