

To:-

HIGH COURT OF DELHI AT NEW DELHI.

No. 20358 / Cri. Dated 08/7/2020 Co (2)

From:-

The Registrar General,
Delhi High Court,
New Delhi.

To:

1. The District & Sessions Judge (HQ) Central, Tis Hazari Courts, Delhi.
2. The District & Sessions Judge, West, Tis Hazari Court, Delhi.
3. The District & Sessions Judge, New Delhi, Patiala House Courts, Delhi/
4. The District & Sessions Judge, South, Saket Courts, Delhi.
5. The District & Sessions Judge, South-East, Saket Courts, Delhi.
6. The District & Sessions Judge, East, Karkardooma Courts, Delhi.
7. The District & Sessions Judge, North East, Karkardooma Courts, Delhi.
8. The District & Sessions Judge, Shahdara, Karkardooma Courts, Delhi.
9. The District & Sessions Judge, North West, Rohini Courts, Delhi.
10. The District & Sessions Judge, North, Rohini Courts, Delhi.
11. The District & Sessions Judge, South West, Dwarka Courts, Delhi.
12. The District & Sessions Judge, Rouse Avenue Courts, Delhi.
13. Sh. Naveen Kumar Kashyap, Ld. ASJ, Tis Hazari Courts, Delhi / or Successor Court Through On Duty Ld. MM.
14. The SHO/AC/PO P.S. Lahori Gate, Delhi.



BAIL APPLN. 1441/2020

Anil

.....Petitioner

VERSUS

State

.....Respondent

Petition under Section 439 Cr.P.C. for grant of bail in case relating to FIR No. 0142/2017 Under Section 395/397/412/34 of IPC & Section 25/27 of Arms Act, registered at Police Station Lahori Gate, Delhi. Sir/Madam,

I am directed to forward herewith immediate compliance/necessary action a copy of judgment/order dated 07.07.2020 passed in the above case by Hon'ble Mr. Justice Suresh Kumar Kait of this Court.

Vide aforesaid order the Hon'ble Court has inter alia directed to circulate a copy of the order dated 07.07.2020 to all the Ld. District Judges for necessary actions.

Other necessary directions are contained in the enclosed copy of order.

Yours faithfully,

Admn. Officer Judl. (Cr.II)

For Registrar General

Encl. Copy of order dated : 07.07.2020
and Memo of Parties.

IN THE HON'BLE HIGH COURT OF DELHI AT NEW DELHI

BAIL APPLICATION NO. OF 2020

IN THE MATTER OF : ANIL

PETITIONER

VERSUS

THE STATE (GNCT OF DELHI)

RESPONDENT

MEMO OF PARTIES

ANIL
S/O SHRI HOSHIYAR SINGH
R/O VILLAGE SHIVAYA,
POST : MODIPURAM,
POLICE STATION DAURALA,
DISTRICT: MEERUT (UP).

PETITIONER

VERSUS

THE STATE (GNCT OF DELHI)

RESPONDENT

FIR NO. 142/2017
U/S 395/397/412/34 IPC
& 25/27 ARMS ACT
P.S. LAHORI GATE
IN JC SINCE 03.08.2017

AGAINST ORDER DATED 20.06.2020 IN FIR NO.142/17
REGISTERED AT PS LAHORI GATE, PASSED BY SH.
NAVEEN KUMAR KAYSHAP, ASJ, TIS HAZARI COURT

DELHI :
DATED : 22.06.2020

PETITIONER/ACCUSED
(IN J.C.)

THROUGH

M. Nusrat Hossain

MANISH KUMAR SINGH & NUSRAT HOSSAIN
ADVOCATES

LAWYERS CHAMBER NO. K-48,
TIS HAZARI COURTS, DELHI-54

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EN-ROL. D/2090/2008

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ BAIL APPLN. 1441/2020

ANIL

..... Petitioner

Through Mr. Manish Kumar Singh and
Ms.Nusrat Hossain, Advs.

versus :

STATE

..... Respondent

Through Mr. Panna Lal Sharma, APP for the
State

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

ORDER

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07.07.2020

The hearing has been conducted through video conferencing.

1. The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of interim bail for a period of two months in case FIR No.142/2017, for the offences punishable under Sections 395/397/412/34 IPC and Sections 25/27 Arms Act, registered at Police Station Lahori Gate, Delhi.
2. The present petition has been filed on the ground that the petitioner is eligible and entitled for interim bail for a period of 45 days in view of the guidelines issued by the High Powered Committee in its Minutes of Meeting dated 18.05.2020.
3. A perusal of the said Minutes of Meeting dated 18.05.2020 shows that Sections 395/397 IPC are not mentioned in it.
4. Thereafter, the issue came before the High Power Committee. Vide Minutes of Meeting dated 20.06.2020, the High Powered Committee has

clarified in item No. 8-(B) that offences like kidnapping for ransom, dacoity etc. (including Section 364A) have intentionally been omitted while laying down the criteria of granting bail to UTPs in the minutes of meeting dated 18.05.2020. Relevant portion of the Minutes of Meeting dated 20.06.2020 are reproduced below:-

"(B) CLARIFICATION REGARDING MINUTES DATED 18.05.2020 QUA BAIL APPLICATION NO.291/2019 VIDE ORDERS DATED 17.06.2020 OF HON'BLE HIGH COURT: With Permission of the Chair, D.G.(Prisons) has brought to the notice of the Committee orders dated 17.06.2020 passed by Hon'ble High Court in bail application no.291/2019 titled "Satnam @ Raju vs. State". Members of the Committee have perused the order passed by Hon'ble High Court with respect to the petitioner who is an under trial prisoner in FIR No.491/2017 under section 364A/506/342/323/34 IPC PS Paschim Vihar. A submission was raised on behalf of the petitioner that as High Powered Committee in meeting dated 18.05.2020 had resolved that UTPs facing trial under section 302 IPC and in Jail, for more than 2 years and not involved in any other case, may be released on "Interim Bail" therefore, petitioner who is involved for offence under section 364A IPC entailing same punishment should also be released on Bail. Members of the committee have perused the orders dated 17.06.2020 passed by Hon'ble High Court and as required, it is hereby clarified that while categorizing the class / category of offences, this Committee in its last meeting had intentionally omitted such like offences i.e. kidnapping for ransom and dacoity etc. The said class/ category of cases and sections of IPC therefore, have not been mentioned in the Minutes while laying down the criteria in the Meeting dated 18.05.2020."

5. In view of the above, the petitioner is not entitled for interim bail. The present petition is, accordingly, dismissed.
6. It is informed by learned counsel for the petitioner that two co-accused have already been granted interim bail for a period of 45 days by the Trial Court in view of guidelines issued by High Powered Committee in

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its Minutes of Meeting dated 18.05.2020.

7. I can only say, at this stage, that the order was wrongly passed by the Trial Court. Moreover, this Court vide order dated 03.07.2020 passed in BAIL APPLN. 1535/2020 had directed the Registry to communicate the said order and the Minutes of Meeting dated 20.06.2020 of High Powered Committee to the District Unit Head for information and compliance in future.

8. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through email.

JULY 07, 2020/rk

SK
SURESH KUMAR KAIT, J

TRUE COPY
A
EXAMINER



Most urgent/Out at once ①


OFFICE OF THE DISTRICT & SESSIONS JUDGE (HQs): DELHI

No. 17044-49 /Genl./Jud.Circl./HCS/2020

Dated, Delhi the 24 JUL 2020

Copy of the letter along with order dated 07.07.2020 passed by Hon'ble Mr. Justice Suresh Kumar Kait of High Court of Delhi in Bail Appln. 1441/2020 titled as "Anil Vs. State" be circulated for information and necessary action/compliance to:-

1. Sh. Naveen Kumar Kashyap, Ld. ASI, Central District, Tis Hazari Courts, Delhi.
2. The Chairman, Website Committee, Tis Hazari Courts, Delhi with the request to direct the concerned official to upload the same on the website of Delhi District Courts.
3. The Director (Academics), Delhi Judicial Academy, Dwarka, New Delhi for information as requested vide letter no. DJA/Dir./Acad./2019/4306 dt. 06.08.2019.
4. For uploading the same on Centralized Website through LAYERS.
5. PS to Ld. District & Sessions Judge (HQs), Tis Hazari Courts, Delhi.


(CHARU AGGARWAL)
Officer-in-Charge (Genl. Branch)
Addl. District & Sessions Judge
Central District, Tis Hazari Courts, Delhi.


Encls: As above.

No. 17050 /Genl./Judg. Circl./HCS/2020

Dated, Delhi the 21 JUL 2020

Copy to:

The Registrar General, Hon'ble High Court of Delhi, New Delhi for information please.


Officer-in-Charge (Genl. Branch)
Addl. District & Sessions Judge
Central District, Tis Hazari Courts, Delhi.