

FIR No. 44/20
PS: Darya Ganj
U/s: 376/506 IPC
Rashid Vs. State

01.07.2020

Fresh interim bail application u/s 439 Cr.PC received by way of assignment.
It be checked and registered.

Present: Sh. Virender Singh, Ld. Addl. PP for State. (Through V/C).
Sh. Pradeep Kumar, Ld. Counsel for applicant/accused Rashid.

This is an application u/s 439 Cr.PC moved on behalf of
applicant/accused Rashid, seeking interim bail. Reply filed by the IO.

Let notice be sent to the prosecutrix through IO for next date.

Put up on 06.07.2020.



(Charu Aggarwal)
ASJ-02/Central Distt.
THC/Delhi-01.07.2020

FIR No. 255/19
PS: Prasad Nagar
U/s: 420/406/120-B IPC
State Vs. (i) Shubham Dubey &
(ii) Amresh Mishra

01.07.2020

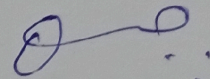
Present: Sh. Virender Singh, Ld. Addl. PP for State. **(Through V/C)**.
Sh. Navin Gupta and Sh. Anish Bhola, Ld. Counsels for
complainant.
None for applicant/accused.
IO SI Ranvir Singh.

Reply filed by the IO.

Counsel for either of the accused has neither appeared through V/C nor physically, however, Ms. Tanya Bhatia, counsel for accused Shubham Dubey has sent request on official e-mail ID of this court that due to suspension of work till 15.07.2020, she cannot argue as presently the file is not available with her.

Vide order dated 13.03.2020, both the applicants/accused persons were granted interim protection. Interim protection to continue till next date.

Put up for arguments on 17.07.2020.



(Charu Aggarwal)
ASJ-02/Central Distt.
THC/Delhi-01.07.2020

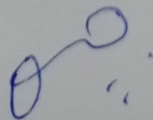
FIR No. 436/18
PS: Karol Bagh
U/s: 395/397/34/120-B IPC
Pankesh Vs. State

01.07.2020

Present: Sh. Virender Singh, Ld. Addl. PP for State. (Through V/C).
Ld. Counsel for applicant/accused Vir Bahadur. (Through V/C).

1. This is an application u/s 439 Cr.PC moved on behalf of applicant/accused Vir Bahadur, seeking regular bail alternatively interim bail for 2 months. Reply filed by the IO.

2. Ld. Counsel for applicant submits that applicant has been falsely implicated in the present case and is in JC since 16.11.2018. Chargesheet has been filed in the court of Ld. MM but not committed yet. Ld. Counsel submits that this is the 4th application of the applicant as the first application was filed prior to filing of chargesheet, therefore, it was dismissed vide order dated 14.01.2019. The second application was dismissed as withdrawn vide order dated 22.03.2019 and the third application was dismissed on merits almost one year back i.e. vide order dated 14.05.2019. She submits that since passing of order dated 14.05.2019, more than one year has passed and matter has not progressed further even to the next stage and now in view of the pandemic situation, the matter is further going to take unpredictable time in its further progress. She also submits that co-accused Sunil Gaur has already been granted interim bail for 4 months by the Hon'ble High Court vide order dated 28.05.2020, who has the much graver role in the alleged incident than the role of the applicant. She submits that nothing was recovered from the applicant and he was arrested only on the basis of disclosure statement of co-accused persons



FIR No. 436/18
PS: Karol Bagh

and disclosure of the accused recorded in another FIRs against against the applicant. She further submits that the applicant is involved in two other cases also i.e. FIR No. 420/18, u/s 392/397/34 IPC, PS Karol Bagh and FIR No. 541/18, U/s 307/34 IPC & 25/27/54/59 Arms Act, PS Vasant Kunj. She submits that accused has already been granted bail in FIR No. 541/18, PS Vasant Kunj, by Ld. ASJ, however, his bail in the FIR No. 420/18, PS Karol Bagh, is recently dismissed by Ld. ASJ vide order dated 17.06.2020.

3. Ld. APP strongly oppose the bail application as he submits that there are serious allegations against the applicant. He is a habitual offender involved in other 3 cases of similar nature that he alongwith co-accused persons rob the victims at gun point. He submits that as per the chargesheet, he is the main conspirator and master mind of the entire incident. He also submits that he has refused to participate in TIP proceedings which itself is sufficient at this stage to link him with the offence.

4. I have considered the rival contentions of Ld. APP and Ld. Counsel for applicant and perused the record.

5. The order dated 28.05.2020 of Hon'ble High Court whereby co-accused Sunil Gaur was admitted on bail and order dated 03.03.2020 passed by Ld. ASJ while admitting the present applicant on bail in FIR No. 541/18, PS Vasant Kunj as well as order dated 14.05.2019, whereby the bail application of the applicant was dismissed on merits, are annexed with the present application.

6. The allegations against the applicant are that he was standing outside the shop and guarding the said shop to give colour to the decoity. However, the role attributed to co-accused Sunil, already enlarged on bail by


FIR No. 436/18
PS: Karol Bagh

Hon'ble High Court, in the incident is that he went inside the shop and robbed the complainant at gun point.

7. The applicant is in JC since 16.11.2018. The chargesheet has been filed in the court of Ld. MM, though, not committed yet and due to pandemic situation, the matter is going to take time in its further progress and particularly keeping in mind that co-accused Sunil Gaur, who had graver role in the alleged offence than the role attributed to the applicant, has already been admitted on interim bail by the Hon'ble High Court, this court has no option than to admit the applicant also on interim bail for 2 months, from the date of release, on the ground of parity subject to the following conditions:-

- (i) *Furnishing of personal bond to the tune of Rs. 25,000/- and local surety bond of like amount to the satisfaction of concerned Ld. MM/Duty MM;*
- (ii) *Applicant will not leave Delhi without permission of the court;*
- (iii) *Applicant will not influence the witnesses;*
- (iv) *Applicant will surrender before the concerned jail superintendent immediately after expiry of period of interim bail;*
- (v) *Applicant will appear in the trial court on each and every date.*

The application is disposed off accordingly.


(Charu Aggarwal)
ASJ-02/Central Distt.
THC/Delhi-01.07.2020

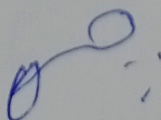
FIR No. 180/20
PS: Lahori Gate
U/s: 420/468/471/120-B IPC
Sidhant Pandey Vs. State

01.07.2020

Present: Sh. Virender Singh, Ld. Addl. PP for State. **(Through V/C)**.
Complainant Ranbir Singh in person.
IO SI G. N. Tiwari.
Sh. M. P. Sinha, Ld. Counsel for applicant/accused Sidhant
Pandey. **(Through V/C)**.

1. This is an application u/s 439 Cr.PC moved on behalf of applicant/accused Sidhant Pandey, seeking regular bail. Reply filed by the IO. On last date of hearing, query was raised by the court from the IO whether this is the first or second application u/s 439 Cr.PC of the applicant. Today, IO in all fairness concedes that this is the first application u/s 439 Cr.PC of the applicant but he mentioned the second application in his reply since the first application was filed by the applicant u/s 437 Cr.PC, therefore, under bonafide belief that application filed before Ld. MM was the first application filed on behalf of the applicant and this is the second application, he mentioned so in his reply. IO is directed to be careful in future in filing reply.

2. Ld. Counsel for applicant submits that applicant has been falsely implicated in the present case and is not remotely connected with the alleged offence and he is in JC since 11.06.2020. No recovery was effected from the applicant. He submits that the Ld. MM while dismissing the bail application of the applicant on 20.06.2020, has observed various irregularities and doubt in the case of the prosecution. He submits that in the order dated 20.06.2020, Ld.

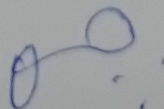


FIR No. 180/20
PS: Lahori Gate

MM has observed that how the complainant came to know about the identity of the applicant Sidhant Pandey to whom he was earlier identifying as Karan Singh. He also submits that as per the judgment of Hon'ble Delhi High Court passed in "*Rajesh Dua Vs. State*", *Bail application no. 778/17*, it has been observed that no case u/s 468 IPC can be registered in the absence of original Aadhar Card.

3. Ld. APP oppose the bail application as he submits that there are serious allegations against the applicant. Investigation is at initial stages. Co-accused Ankit is still to be arrested and case property has to be recovered. Applicant was arrested at the instance of complainant. Ld. APP submits that co-accused Sandeep has been admitted on bail on the basis of compromise reached between him and the complainant.

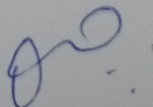
4. The case of the prosecution is that the complainant is resident of Punjab and wanted to send his son to Canada. His known Bijender Singh Teja introduced him with applicant Sidhant Pandey @ Karan. Applicant Sidhant Pandey @ Karan got introduced the complainant with the co-accused Sandeep @ Vijay Bhai and Ankit @ Kanti Lal. All 3 accused i.e. applicant, Ankit @ Kanti Lal and Sandeep Singh induced the complainant to pay Rs. 22 lacs on the pretext of sending his son to Canada. Rs. 4 lacs were given by the complainant to applicant and remaining amount of Rs. 18 lacs was given by him to other co-accused persons. On the date fixed i.e. 04.06.2020, the son of the complainant reached at Bombay Airport where he did not meet either of the accused persons, who also did not attend his call. Thereafter, this case was registered.



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PS: Lahori Gate

5. The allegations against the applicant are that he in conspiracy with co-accused persons cheated the complainant with the amount of Rs. 22 lacs and impersonated himself as Karan Singh. He also handed over copy of Aadhar Card of forged name and address of some Karan Singh but bearing photograph of the applicant. Today, complainant is present in the court in connection with bail of co-accused Sandeep Singh with whom he has settled the matter. On the basis of said settlement, co-accused Sandeep Singh has been admitted on bail. On being asked from the complainant, he submits that no settlement has arrived between him and the applicant Sidhant Pandey.

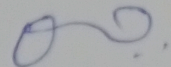
6. The argument of Ld. Counsel for the applicant that in the absence of original Aadhar Card the provision of Section 468 IPC is not attracted has no merit since case is at the initial stages and the authenticity of the Addhar Card recovered from the possession of the applicant is still have to be verified by the IO. The other argument of ld. Counsel regarding the query raised by Ld. MM in the bail order dated 20.06.2020 that how the complainant came to know about the real identity of the applicant as Sidhant Pandey also not of much relevance since the applicant was arrested at the instance of the complainant as the same person who used to meet him with the name of Karan Singh, therefore, it becomes irrelevant at this stage of the matter how complainant came to know about the real identity of the applicant as it is a matter to be digged out during investigation. I agree with the arguments of Ld. APP that co-accused Sandeep Singh has been admitted on bail only the basis of settlement reached between him and the complainant.



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PS: Lahori Gate

7. Considering that there serious allegations of cheating, impersonation and forgery against the applicant, at this stage, no ground for bail is made out. Hence, the present application is hereby dismissed.

Copy of this order be given dasti to the counsel for applicant.



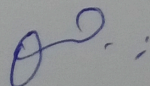
(Charu Aggarwal)
ASJ-02/Central Distt.
THC/Delhi-01.07.2020

FIR No. 34/20
PS: Kamla Market
U/s: 307/34 IPC
Mohd. Naved Vs. State

01.07.2020

Present: Sh. Virender Singh, Ld. Addl. PP for State. **(Through V/C)**.
Ld. Counsel for applicant/accused Mohd. Naved.

1. This is an application u/s 439 Cr.PC moved on behalf of applicant/accused Mohd. Naved, seeking regular bail. Reply filed by the IO.
2. Ld. Counsel for applicant submits that applicant has been falsely implicated in the present case. The injury sustained by the complainant was not grievous. Applicant has no previous involvement except the present case. Investigation is already completed, therefore, applicant is not required further for investigation purpose and no purpose shall be served by keeping him behind bar, who is in JC since 07.06.2020. He further submits that co-accused Jaid has already been granted bail by Ld. ASJ vide order dated 05.05.2020. Injured is stated to be already discharged from the hospital.
3. Ld. APP strongly oppose the bail application as he submits that there are serious allegations against the applicant. Investigation is at initial stages. He submits that co-accused was admitted on bail since the complainant had settled the matter with him but on last date of hearing, the complainant appeared in the court and stated that no settlement had arrived between him and the present applicant.
4. I have considered the rival contentions of Ld. APP and Ld. Counsel for applicant and perused the record.



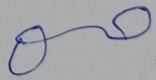
FIR No. 34/20
PS: Kamla Market

5. The allegations against the applicant are that on 23.02.2020, at about 09:45 PM, applicant alongwith co-accused Jaid attacked upon the complainant and caused him injuries with cutter.

6. Having regard to the fact that investigation qua applicant is complete, injured has already been discharged from the hospital and co-accused, having the same allegations as alleged against the applicant, has already been admitted on bail, the applicant is also admitted on bail subject to the following conditions:-

- (i) *Furnishing of personal bond to the tune of Rs. 25,000/- and surety bond of like amount to the satisfaction of concerned Ld. MM/Duty MM;*
- (ii) *Applicant will not leave Delhi without permission of the court;*
- (iii) *Applicant will not influence the witnesses;*
- (iv) *Applicant will appear in the trial court on each and every date.*

The application is disposed off accordingly.


(Charu Aggarwal)
ASJ-02/Central Distt.
THC/Delhi-01.07.2020

FIR No. 180/20
PS: Lahori Gate
U/s: 420/468/471/120-B IPC
Sandeep Singh Vs. State

01.07.2020

Fresh bail application u/s 439 Cr.PC received by way of assignment. It be checked and registered.

Present: Sh. Virender Singh, Ld. Addl. PP for State. (Through V/C).
Complainant Ranbir Singh in person.
IO SI G. N. Tiwari.
Ch. Rajender Singh, Ld. Counsel for applicant/accused Sandeep Singh.

1. This is an application u/s 439 Cr.PC moved on behalf of applicant/accused Sandeep Singh, seeking regular bail. Reply filed by the IO.
2. Ld. Counsel for applicant submits that applicant has been falsely implicated in the present case and is in JC since 12.06.2020. Investigation qua him is complete. No recovery was effected from him. He was arrested only the basis of disclosure statement of co-accused Sidhant Pandey. **He further submits that matter has been settled between the parties and in pursuance of the settlement, the applicant has made part payment and two post dated cheques to the complainant.**
3. Ld. APP oppose the bail application as he submits that there are serious allegations against the applicant. Investigation is at initial stages. Co-accused Ankit is still to be arrested.
4. The case of the prosecution is that the complainant is resident of Punjab and wanted to send his son to Canada. His known Bijender Singh Teja

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PS: Lahori Gate

introduced him with co-accused Sidhant Pandey @ Karan. Co-accused Sidhant Pandey @ Karan got introduced the complainant with the applicant Sandeep @ Vijay Bhai and Ankit @ Kanti Lal. All 3 accused i.e. applicant, Ankit @ Kanti Lal and Sidhant Pandey @ Karan Singh induced the complainant to pay Rs. 22 lacs on the pretext of sending his son to Canada. Rs. 4 lacs were paid by the complainant to Sidhant Pandey @ Karan Singh and remaining amount of Rs. 18 lacs was given by him to the applicant and co-accused Ankit @ Kanti Lal. On the date fixed i.e. 04.06.2020, the son of the complainant reached at Bombay Airport where he did not meet either of the accused persons, who also did not attend his call. Thereafter, this case was registered.

5. The allegations against the applicant are that he in conspiracy with co-accused persons cheated the complainant with the amount of Rs. 22 lacs. Today, complainant present in the court, being identified by the IO, submits that he has settled the present case with the applicant and has no objection if the applicant is presently admitted on interim bail till the two post dated cheques given to him by the wife of the applicant are cleared and after clearance of those cheques, the interim bail of the applicant be confirmed. Statement of complainant recorded separately to this effect. Both the parties have also placed on record the Memorandum of Understanding (MOU) dated 01.07.2020, regarding the said settlement.

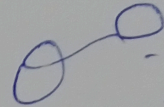
6. Considering that matter has been settled between the parties and also that applicant is not involved in any other case of similar nature, applicant is admitted on interim bail till 20.08.2020 (**the last cheque given to the complainant is dated 15.08.2020**), subject to the following conditions:-

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PS: Lahori Gate

- (i) Furnishing of personal bond to the tune of Rs. 40,000/- and **local** surety bond of like amount to the satisfaction of concerned Ld. MM/Duty MM;
- (ii) Applicant will not leave the country without permission of the court;
- (iii) Applicant will not influence the witnesses;
- (iv) Applicant will join the investigation as and when required by the IO;
- (v) Applicant will provide his mobile number to the IO within two days from his release and mark his presence to the IO through Video or Audio mode on every Monday between 10:00 AM to 06:00 PM, during the period of interim bail.

Put up on 20.08.2020.



(Charu Aggarwal)
ASJ-02/Central Distt.
THC/Delhi-01.07.2020