

**Bail Appl. No. 796/2020
e-FIR No. 71/2020
PS : Karol Bagh
U/S : 392/420/34 IPC
State Vs. Ritik**

13.08.2020

At 12:50 PM

**Present : Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Rajesh Dua, Ld. Counsel for the applicant/ accused.**

The matter has been taken up through Video Conferencing by means of Webex Meet.

The present bail application has been taken up in pursuance to Order No. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld. District & Sessions Judge (HQs), Delhi.

Ld. Counsel for the applicant/ accused submits that the Ld. MM concerned has already granted bail U/s 167(2) CrPC to the applicant/ accused.

At this stage, Ld. Counsel wants to withdraw the present bail application. Accordingly, in view of the statement of the Ld. Counsel for the applicant/ accused, the present bail application stands dismissed as withdrawn. File be consigned to record room, as per rules.

A copy of this order be uploaded on the official website of Delhi District Courts.

**(LOVLEEN)
PO MACT-02 (CENTRAL)
DELHI/13.08.2020 (K)**

**Bail Appl. No. 718/2020
FIR No. 193/2020
PS : Prasad Nagar
U/S : 307/34 IPC
State Vs. Himanshu Chahal**

13.08.2020

At 12:30 PM

**Present : Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Shubham Asri, Ld. Counsel for the applicant/ accused.
IO SI Balmukund Rai (No. D-3590/DIU, Central) is present.**

The matter has been taken up through Video Conferencing by means of Webex Meet.

The present bail application has been taken up in pursuance to Order No. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld. District & Sessions Judge (HQs), Delhi.

1. IO has filed a report today. Same has been perused. Submissions have been heard.
2. On 27.08.2019, the officials of PS Prasad Nagar reached B.L.K. Hospital and discovered that one Vinay was declared to have been 'brought dead' there. And certain other injured persons namely Deepak and Dhushyant were admitted for treatment in the said hospital. The police met with the real brother namely Himanshu (present applicant/accused) of deceased Vinay, who gave a statement to the effect that at 11 p.m. on 27.08.2019, he alongwith a friend of deceased Vinay reached at the residential premises of one Aakash. The deceased Vinay also reached there in sometime. The background of this meeting at the residential premises of Aakash, as stated by Himanshu (present applicant/accused), was that Vinay had

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borrowed some money from Aakash sometime back, which he had duly returned/re-paid with interest. However, Aakash was spreading rumours in the area that Vinay was yet to return his money. Himanshu (present applicant/accused) informed, in his statement made to police, that in order to clarify the matter with Aakash, the deceased Vinay, his (Vinay's) friend and Himanshu (present applicant/accused) himself went to the residential premises of Aakash at the abovesaid date & time. They met with Aakash, Deepak and Dushyant. Immediately, Deepak started beating Himanshu (present applicant/accused). Vinay tried to save Himanshu (present applicant/accused), but then Deepak took out a pistol and fired gun shots at Vinay. Aakash and Dushyant were exhorting Deepak to finish the job. One of the bullets struck the deceased Vinay in face and who fell down on the road. Thereafter, Aakash snatched the pistol from the hands of the Deepak and fled away from the spot. Deepak and Dushyant also sustained injuries in the said altercation. Himanshu (present applicant/accused) removed Vinay to hospital where Doctors declared him 'brought dead'. Himanshu (present applicant/accused) requested the police to take legal action against the accused Deepak, Dushyant and Aakash for murdering his brother Vinay. On the basis of the said statement, FIR no. 193/2019 was

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registered and after investigation, a charge-sheet was filed against Deepak, Dushyant and Aakash inter-alia u/s 302 IPC. One accused namely Kartik Rajora is still absconding.

3. Now, this FIR no. 193/2020 has been registered by the police station Prasad Nagar upon the directions of the Ld. MM concerned. Ld. MM concerned directed the registration of the this FIR on the basis of a complaint filed by one Priyanka Rajora, who is the wife of accused Dushyant (in FIR no. 193/2019). This FIR is essentially a cross FIR, wherein the version of the accused persons, who are facing trial in FIR no. 193/2019, has been brought out. In this FIR, the complainant narrates that Himanshu (complainant in FIR no. 193/2019 & present applicant/accused) and his brother Vinay (deceased) came to their house. Vinay pointed a gun, that he was carrying, towards Dushyant and fired a shot to kill Dushyant. The bullet struck the Dushyant in his head and caused serious injury. Immediately thereafter, Vinay fired another bullet at Deepak, who also sustained injuries. Both Dushyant and Deepak fell down and were removed to B.L.K. Hospital. The complainant avers that Himanshu and his brother Vinay (since deceased) committed an offence punishable U/s 307 IPC in connivance with certain other unknown persons. However, the officials of PS Prasad Nagar wrongfully

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arrested Aakash, Dushyant and Deepak in case FIR no. 193/2019 U/s 302/34 IPC, whereas they were totally innocent.

4. Perusal of the report filed today by the IO SI Balmukund Rai reveals that at this stage the IO is convinced about the correctness of the facts mentioned in the present FIR. He states so on the basis of statements made by some independent witnesses who have come forward now. He further submits that he could not obtain the video footage of the incident, as recorded in 04 DVRs seized in FIR no. 193/2019 as the same were forwarded to FSL-Rohini for forensic examination and report is still pending. He further submits that no copies of video footage are available in the chargesheet filed in FIR 193/2019. He further submits that even the contents of chargesheet filed in FIR no. 193/2019 does not reflect that the incident of shooting was recorded therein. He believes that the said video footage pertains only to the altercation preceding the actual incident of shooting. IO further submits that the weapon involved in the commission of this offence was brought to scene by the deceased Vinay to eliminate Aakash and the present applicant/accused was aware of the said fact and was a party to it. He submits that the PM report of Vinay reflects that there was a "muzzle impression" on the entry wound, which fact corroborates the version of present FIR to the effect that Vinay

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brought the said weapon to the scene. This prima facie conclusion of IO in this FIR runs contrary to the conclusion drawn by IO in previous FIR no. 193/19 PS Prasad Nagar.

5. The point to be noted here is that there is no dispute about the fact that only one fire-arm is involved in the present incident. Investigation done till now in the present FIR seems to be going against the investigation done in previous FIR no. 193/2019, particularly w.r.t the identity of the person who brought the weapon to the scene, the number of rounds fired and the exact sequence of events which lead to the death of deceased Vinay and injuries to others. **In the facts and circumstances, it is directed that the DCP concerned shall take steps to get the present FIR investigated by an officer of the rank of an ACP so that a fair conclusion could be drawn out about the actual facts and circumstances surrounding the incident.** Here it is clarified that these observations may not be construed as an adverse comment on the competence or diligence of IO in this FIR or the previous IO in previous FIR.

6. TILL investigation is transferred in terms of above directions, IO SI Balmukund Rai is hereby directed to take steps for seeking a copy of the video recording of the incident, as contained in the DVRs seized in FIR no. 193/19 PS Prasad Nagar and which are reportedly in the custody of FSL for Forensic

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examination, and to place the same before this Court on next date of hearing. It is further directed that in case the investigation is transferred to an ACP rank officer earlier, then he shall take steps to comply with these directions.

A copy of this order be forwarded to the DCP concerned for necessary compliance.

Be put up again on **29.08.2020**. Till then, interim orders to continue. A copy of this order be given dasti to the Ld. Counsel for the applicant/ accused, as requested.

A copy of this order be uploaded on the official website of Delhi District Courts.

**(LOVLEEN)
PO MACT-02 (CENTRAL)
DELHI/13.08.2020 (K)**

**Bail Appl. No. 1862/19
FIR No. 193/2012
PS : Sarai Rohilla
U/S : 498A/406/506/34 IPC &
Sec. 3 & 4 Dowry Prohibition Act
Amit Nath Saini Vs State**

**13.08.2020
At 01:20 PM**

**Present : Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Deepak Singh Thakur, Ld. Counsel for the applicant/
accused.
IO SI Pushpendra Saroha (No. D-5003 PS Sarai Rohilla) is
present.**

**The matter has been taken up through Video Conferencing by
means of Webex Meet.**

The present bail application has been taken up in pursuance to
Order No. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued
by Ld. District & Sessions Judge (HQs), Delhi.

IO is present, but the voice of the IO could not be heard due to
some technical difficulty at his end.

At this stage, Ld. Counsel for the applicant/ accused submits that
a quashing petition is already listed before the Hon'ble High Court of
Delhi in October, 2020.

In these circumstances and at request, matter stands adjourned
for **02.11.2020** for further proceedings.

A copy of this order be uploaded on the official website of Delhi
District Courts.

**(LOVLEEN)
PO MACT-02 (CENTRAL)
DELHI/13.08.2020 (K)**

Bail Appl. No. 830/2020
FIR No. 425/19
PS : Karol Bagh
U/S : 385 IPC & Sec. 25/27/54/59 Arms Act.
Govind @ Golu Vs State

13.08.2020
At 01:30 PM

Fresh application U/s 438 CrPC has been moved on behalf of the applicant/ accused Govind @ Golu for grant of anticipatory bail. It be checked and registered.

Present : Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Vikas Jain, Ld. Counsel for the applicant/ accused.
IO SI Shree Narayan Ojha, PS Karol Bagh is present.

The matter has been taken up through Video Conferencing by means of Webex Meet.

The present bail application has been taken up in pursuance to Order No. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld. District & Sessions Judge (HQs), Delhi.

IO has sent in a reply. Copy of the reply has been sent to the Ld. Counsel for the applicant/ accused.

At request, matter stands adjourned for **21.08.2020**.

A copy of this order be uploaded on the official website of Delhi District Courts.

(LOVLEEN)
PO MACT-02 (CENTRAL)
DELHI/13.08.2020 (K)

Bail Appl. No. 831/2020
FIR No. 165/2020
PS : Rajinder Nagar
U/S : 376/419/420/493/495 IPC
State Vs. Ashok

13.08.2020
At 01:30 PM

Fresh application for grant of bail has been moved on behalf of the applicant/ accused Ashok. It be checked and registered.

Present : Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Vinay Kumar Sharma, Ld. Counsel for the applicant/ accused.

The matter has been taken up through Video Conferencing by means of Webex Meet.

The present bail application has been taken up in pursuance to Order No. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld. District & Sessions Judge (HQs), Delhi.

IO has sent in a reply. Copy of reply has been sent to the Ld. Counsel for the applicant/ accused.

The present FIR pertains to the offence punishable U/s 376 IPC. Accordingly, in terms of the Practice Directions issued by the Hon'ble High Court of Delhi, let notice be issued to the prosecutrix through SHO concerned for **22.08.2020. SHO be informed accordingly.**

A copy of this order be uploaded on the official website of Delhi District Courts.

(LOVLEEN)
PO MACT-02 (CENTRAL)
DELHI/13.08.2020 (K)

**Bail Appl. No. 832/2020
FIR No. 190/13
PS : Rajinder Nagar
U/S : 302/396/411/34 IPC
State Vs. Bunty**

**13.08.2020
At 01:40 PM**

An application U/s 439 CrPC for extension of interim bail for further 45 days has been moved on behalf of the applicant/ accused Bunty. It be checked and registered.

**Present : Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. S.K. Sharma, Ld. Counsel for the applicant/ accused.**

The matter has been taken up through Video Conferencing by means of Webex Meet.

The present bail application has been taken up in pursuance to Order No. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld. District & Sessions Judge (HQs), Delhi.

Ld. Counsel for the applicant/ accused submits that he wants to withdraw the present bail application. Accordingly, the present bail application stands dismissed as withdrawn. File be consigned to record room, as per rules.

A copy of this order be uploaded on the official website of Delhi District Courts.

**(LOVLEEN)
PO MACT-02 (CENTRAL)
DELHI/13.08.2020 (K)**

**Bail Appl. No. 833/2020
FIR No. 56/19
PS : Prasad Nagar
U/S : 498A/406/34 IPC
Pulkit Verma Vs State**

**13.08.2020
At 01:45 PM**

Fresh first application U/s 438 CrPC has been moved on behalf of the applicant/ accused Pulkit Verma for grant of anticipatory bail. It be checked and registered.

**Present : Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. R.K. Kohli, Ld. Counsel for the applicant/ accused alongwith applicant/ accused in person.
Sh. Ajay Malhotra, Ld. Counsel for the complainant.
IO SI Sanjay Kumar (No. D-5999 PS Prasad Nagar) is present.**

The matter has been taken up through Video Conferencing by means of Webex Meet.

The present bail application has been taken up in pursuance to Order No. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld. District & Sessions Judge (HQs), Delhi.

Upon query by this Court, IO submits that he is yet to apply to the DCP concerned for permission to arrest the applicant/ accused.

In these circumstances, the present bail application stands adjourned for **29.08.2020**.

A copy of this order be uploaded on the official website of Delhi District Courts.

**(LOVLEEN)
PO MACT-02 (CENTRAL)
DELHI/13.08.2020 (K)**

Bail Appl. No. 835/2020
FIR No. 116/19
PS : Prasad Nagar
U/S : 302 IPC & 25/27/54/59 Arms Act.
State Vs. Kamal Chauhan

13.08.2020
At 2:20 PM

Fresh application U/s 439 CrPC has been moved on behalf of the applicant/ accused Kamal Chauhan for grant of interim bail. It be checked and registered.

Present : Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Iqbal Khan, Ld. Counsel for the applicant/ accused.
IO Insp. Rampal (No. D-1645 PS Prasad Nagar) is present.

The matter has been taken up through Video Conferencing by means of Webex Meet.

The present bail application has been taken up in pursuance to Order No. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld. District & Sessions Judge (HQs), Delhi.

Reply sent in by the IO has been perused.

IO is directed to obtain the complete record from the treating doctors and file the same before this Court on or before next date of hearing.

Be put up again on **20.08.2020**.

A copy of this order be uploaded on the official website of Delhi District Courts.

(LOVLEEN)
PO MACT-02 (CENTRAL)
DELHI/13.08.2020 (K)

Bail Appl. No. 836/2020
FIR No. 208/2020
PS : Prasad Nagar
U/S : 376 IPC
State Vs. Rakesh Kumar Shah

13.08.2020
At 2:25 PM

Fresh application has been moved on behalf of the applicant/accused Rakesh Kumar Shah for grant of bail. It be checked and registered.

Present : Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Naresh Kumar, Ld. Counsel for the applicant/ accused.
IO SI Pinki (No. 3215/D PS Prasad Nagar) is present.

The matter has been taken up through Video Conferencing by means of Webex Meet.

The present bail application has been taken up in pursuance to Order No. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld. District & Sessions Judge (HQs), Delhi.

IO has sent in reply.

Let notice of the present bail application be issued to the prosecutrix through SHO concerned in terms of Practice Directions issued by the Hon'ble High Court of Delhi.

Be put up again on **26.08.2020**.

A copy of this order be uploaded on the official website of Delhi District Courts.

(LOVLEEN)
PO MACT-02 (CENTRAL)
DELHI/13.08.2020 (K)

Bail Appl. No. 834/2020
FIR No. 211/2020
PS : Sarai Rohilla
U/S : 394/427/506/34 IPC
State Vs. Mohsin Khan

13.08.2020
At 02:10 PM

Fresh application U/s 439 CrPC has been moved on behalf of the applicant/ accused Mohsin Khan for grant of bail. It be checked and registered.

Present : Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Suraj Prakash Sharma, Ld. Counsel for the applicant/ accused.
IO SI Manoj Meena (No. D-5894 PS Sarai Rohilla) is present.

The matter has been taken up through Video Conferencing by means of Webex Meet.

The present bail application has been taken up in pursuance to Order No. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld. District & Sessions Judge (HQs), Delhi.

Reply has been sent in by the IO. Same has been perused. Submissions have been heard.

Be put up at 4 pm for orders.

A copy of this order be uploaded on the official website of Delhi District Courts.

(LOVLEEN)
PO MACT-02 (CENTRAL)
DELHI/13.08.2020 (K)

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: 1 :

**FIR No. 211/2020
PS : Sarai Rohilla
U/S : 394/427/506/34 IPC
State Vs. Mohsin Khan**

**13.08.2020
At 04:00 PM**

**ORDER ON THE APPLICATION U/S 439 CrPC MOVED ON BEHALF OF
APPLICANT/ ACCUSED MOHSIN KHAN FOR GRANT OF BAIL.**

Present : None.

The matter has been taken up through Video Conferencing by means of Webex Meet.

The present bail application has been taken up in pursuance to Order No. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld. District & Sessions Judge (HQs), Delhi.

Brief facts, as per the present FIR are that the complainant is running a confectionery shop from tenanted premises, which premises belong to the family of applicant/ accused. The complainant alleges that one of the family members of the accused namely Mohd. Sadiqeen used to take away goods/eatables from his shop without paying for the same and if complainant ever used to ask for money for goods/eatables, the said Mohd. Sadiqeen would beat him. On 10.06.2020, Mohd. Sadiqeen went to the shop of the complainant in the evening and asked for some

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: 2 :

FIR No. 211/2020
State Vs. Mohsin Khan

eatables. The complainant refused to give anything to Mohd. Sadiqeen. Mohd. Sadiqeen then forcibly entered the shop of the complainant, destroyed the “Counter” of the complainant and caused damage to the shop. He (Mohd. Sadiqeen) also took away certain articles forcibly. Complainant further alleges that Mohd. Sadiqeen then beat him up and who was then joined by some others (including the applicant/ accused), all of whom again caused damage to the shop of the complainant. Complainant went to police post for reporting the said incident to the police. However, the accused, said Mohd. Sadiqeen and others (named in the present FIR) reached at the police post and attacked the police officials and also pelted stones. Complainant got frightened and returned from the police post. The present FIR was registered on the very next day of the incident i.e. on 11.06.2020. Complainant was subjected to medical examination.

Ld. Counsel for the applicant/ accused submits that co-accused(s) Shahrukh and Mohd. Ashaqin have already been granted bail by this Court on 05.08.2020 and 10.08.2020 respectively, whose roles are similar as to that of the applicant/ accused. Ld. Counsel for the applicant/ accused further submits that he seeks the bail on behalf of the present applicant/ accused Mohsin Khan on the grounds of parity.

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: 3 :

**FIR No. 211/2020
State Vs. Mohsin Khan**

On the other hand, Ld. APP for the state submits that the applicant/ accused is facing serious allegations. It is further submitted that investigation is currently pending. Accordingly, it has been prayed that the applicant/ accused may not be granted bail. IO submits that the applicant/ accused is duly named in the present FIR.

This Court has considered the rival submissions. The present FIR was got registered by complainant Akhlaq as one Mohd. Sadiqeen demanded free eatables from the complainant at the relevant time. The complainant refused to accede to the demands of said Mohd. Sadiqeen. Therefore, Mohd. Sadiqeen started beating the complainant, who also caused damage to the shop of complainant and removed/took away the goods/ articles from the shop of the complainant. Subsequently, Mohd. Sadiqeen was also joined by his relatives namely Mohd. Mohseen (applicant/ accused herein), Salman, Naved @ Pilla, Mohd. Shahrukh and Mohd Ashaquin in causing damage to the shop of the complainant. Complainant then went to the police post to report the said incident. However, all the above named persons then attacked the police post and police officials present there, which is the subject matter of a separate FIR no. 210/2020 PS Sarai Rohilla and which subsequent events are not relevant

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: 4 :

**FIR No. 211/2020
State Vs. Mohsin Khan**

for the present FIR. From the above facts, as narrated in the present FIR, it is apparent that the only role attributed to the applicant/ accused is that the applicant/accused "caused damage to the shop of complainant". In the FIR, the complainant does not seem to attribute the allegations of forcible removal of goods/ articles from his shop to the present applicant/ accused, as has been attributed against Mohd. Sadiqeen, the prime accused.

In the facts and circumstances mentioned above as well as on the ground of parity, the applicant/ accused **Mohsin Khan** is admitted to bail on furnishing a bail bond in a sum of Rs. 10,000/- with one surety in the like amount to the satisfaction of the Ld. Duty MM/ Ld. MM concerned/ Jail Superintendent concerned. It is clarified that none of the above observations shall cast any shadow on the merits of this case. The present bail application stands disposed of accordingly. A copy of this order be sent/transmitted to the Jail Superintendent concerned for necessary information and compliance. File be consigned to record room, as per rules.

A copy of this order be uploaded on the official website of Delhi District Courts.

**(LOVLEEN)
PO MACT-02 (CENTRAL)
DELHI/13.08.2020 (K)**

**Bail Appl. No.816/2020
FIR No. 124/2020
PS : Hauz Qazi
U/S : 354/354C/354D/509/506 IPC
State Vs. Wasim Haider @ Toni**

13.08.2020

At 2:40 PM

**Present : Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. R.K. Singh, Ld. Counsel for the applicant/ accused.
IO SI Rajinder Tomar, PS Hauz Qazi is present.**

The matter has been taken up through Video Conferencing by means of Webex Meet.

The present bail application has been taken up in pursuance to Order No. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld. District & Sessions Judge (HQs), Delhi.

Prosecutrix came to the court in the morning, but has left now. Report sent in by the IO has been perused. Submissions heard.

Be put up at 4 pm for orders.

A copy of this order be uploaded on the official website of Delhi District Courts.

**(LOVLEEN)
PO MACT-02 (CENTRAL)
DELHI/13.08.2020 (K)**

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: 1 :

FIR No. 124/2020
PS : Hauz Qazi
U/S : 354/354C/354D/509/506 IPC
State Vs. Wasim Haider @ Toni

13.08.2020
At 4:20 PM

ORDER ON THE BAIL APPLICATION U/s 438 CrPC MOVED ON BEHALF OF APPLICANT/ ACCUSED WASIM HAIDER @ TONI FOR ANTICIPATORY BAIL

Present : None.

Brief facts, as per the present FIR, are that the prosecutrix was being harassed/ teased by the applicant/ accused, who stays in the neighbourhood since a long time. The applicant/ accused was also using abusive language against the prosecutrix since then. Prosecutrix further alleges that the applicant/ accused used to tap/ slap her posterior whenever she happened to be available in the gali (lane). The applicant/ accused again tapped/ slapped the posterior of the prosecutrix on 19.07.2020. Consequently, the prosecutrix made a PCR call at 100 number. The prosecutrix did not give any statement on the said date, but went to PS on the next day 20.07.2020 and gave the above statement to the police for taking action against the applicant/ accused. The present FIR was then registered U/s 354/354C/354D/509/506 IPC. Investigation is still under way. IO has reported in his reply that the applicant/ accused was not found at his residence when the police tried to meet him.

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: 2 :

**FIR No. 124/2020
State Vs. Wasim Haider @ Toni**

Ld. Counsel for the applicant/ accused submits that prosecutrix has delayed the registration of present FIR for 24 hours, which delay is yet to be explained. Ld. Counsel further argues that the FIR does not reflect the exact time of incident dated 19.07.2020. Ld. Counsel argues that these facts depict falsity in the present case. Ld. Counsel submits further that the complainant is living on rent in the area and has become a constant source of trouble for the residents. Ld. Counsel further submits that the residents of the area have already lodged a complaint about the prosecutrix with the PS. Ld. Counsel further submits that the cause of present FIR is the fact that the prosecutrix was not lent a scooty by the applicant/ accused when she asked for it for a few days before the registration of present FIR. Ld. Counsel argues that the prosecutrix has got the present FIR registered out of vengeance for being denied the scooty, at the relevant time, by the applicant/ accused. Ld. Counsel prays that the applicant/ accused is a driver by profession, is responsible for maintaining two minor kids, is ready to join the investigation and co-operate the police. Ld. Counsel further submits that no recovery is to be made nor custodial interrogation is required in the present case. Ld. Counsel prays for grant of anticipatory bail.

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: 3 :

**FIR No. 124/2020
State Vs. Wasim Haider @ Toni**

Ld APP for the state opposes the prayer for grant of anticipatory bail to the applicant/ accused.

IO has reported that the applicant/ accused has not joined any investigation till date despite being aware of the registration of the present FIR. The allegations leveled by the prosecutrix against the applicant/ accused are serious in nature. Accordingly, this Court is not inclined to grant anticipatory bail to the applicant/ accused Wasim Haider @ Toni. Hence, the present application for grant of anticipatory bail to the applicant/ accused is hereby dismissed. A copy of this order be sent to the Jail Superintendent for necessary information. File be consigned to record room, as per rules.

A copy of this order be uploaded on the official website of Delhi District Courts.

**(LOVLEEN)
PO MACT-02 (CENTRAL)
DELHI/13.08.2020 (K)**

**Bail Appl. No. 797/2020
FIR No. 34/2020
PS : Karol Bagh
U/S : 392/394/397/324/34 IPC
State Vs. Ritik**

**13.08.2020
At 01:05 PM**

**Present : Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Rajesh Dua, Ld. Counsel for the applicant/ accused.
IO SI Shree Narayan Ojha, PS Karol Bagh is present.**

The matter has been taken up through Video Conferencing by means of Webex Meet.

The present bail application has been taken up in pursuance to Order No. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld. District & Sessions Judge (HQs), Delhi.

At the very outset, Ld. Counsel for the applicant/ accused submits that he is not pressing the present bail application in terms of the Minutes of Meeting issued by the High Powered Committee of the Hon'ble High Court of Delhi, rather, prays for interim bail on merits as well as on the grounds of parity. Submissions have been heard.

Be put up at **4 pm** for orders.

A copy of this order be uploaded on the official website of Delhi District Courts.

**(LOVLEEN)
PO MACT-02 (CENTRAL)
DELHI/13.08.2020 (K)**

Contd...

: 1 :

**Bail Appl. No. 797/2020
FIR No. 34/2020
PS : Karol Bagh
U/S : 392/394/397/324/34 IPC
State Vs. Ritik**

13.08.2020

At 04:00 PM

**ORDER ON THE BAIL APPLICATION U/S 439 CrPC MOVED ON BEHALF
OF THE APPLICANT/ ACCUSED RITIK FOR INTERIM BAIL**

Present : None.

Matter is fixed today for orders.

The brief facts of this case are that the complainant/ injured was robbed of Rs. 2,000/- and certain cards/ documents on the date of incident at the relevant time by two assailants. The said assailants also tried to rob the mobile phone and wallet of the injured, but the injured cried for help and thereafter, one of the assailants shut the mouth of the injured and the other inflicted a stab injury on the back of the injured just behind the chest. The injured was shifted to a hospital, where the knife removed after surgery. The police invoked Section 392/394/397/324/34 IPC against the said two assailants. During the investigation, the present applicant/ accused Ritik surrendered in the Court and was formally arrested. The applicant/ accused Ritik refused to participate in the judicial TIP. The other assailant namely Dhanjay was also apprehended and formally arrested in the present FIR.

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: 2 :

**FIR No. 34/2020
State Vs. Ritik**

Today, the Ld. Counsel for the applicant/ accused submits that the first application seeking interim bail was dismissed by this court on 21.07.2020. Ld. Counsel submits that the said application was treated as a regular bail application by this Court, whereas the said application was specifically moved for grant of interim bail. Ld. Counsel now submits that he has moved the present application seeking interim bail only.

This Court has gone through the order dated 21.07.2020 (passed by this Court) whereby the prayer for grant of bail was rejected on merits. Upon a query by this Court, Ld. Counsel admits that the applicant/ accused was not entitled to the benefit of the Minutes of Meeting issued by the High Powered Committee of the Hon'ble High Court of Delhi regarding grant of interim bail to the undertrials/ convicts even at the time of dismissal of the first interim bail application. As such, the prayer for "interim bail" could have only been made for specific/ special reasons or on the merits of the case. Perusal of the order dated 21.07.2020 reveals that no special reasons were put forth at the time of addressing arguments on behalf of the applicant/ accused. The arguments addressed at the relevant time, as recorded in the order dated 21.07.2020, were general/routine in nature. The said arguments were duly considered and prayer for grant of bail was rejected. Hence, Ld. Counsel

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: 3 :

**FIR No. 34/2020
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for the applicant/ accused could not be permitted to argue that the previous application seeking interim bail was inadvertently treated as one seeking “regular bail”.

Today similar arguments have been raised again, as were raised before this Court at the time of dismissal of previous bail application on 21.07.2020. No fresh/special grounds have been mentioned in the present bail application. In these circumstances, this court is not inclined to allow the present bail application. The present bail application stands dismissed. A copy of this order be sent/ transmitted to the Jail Superintendent concerned for necessary information. File be consigned to record room, as per rules.

A copy of this order be uploaded on the official website of Delhi District Courts.

**(LOVLEEN)
PO MACT-02 (CENTRAL)
DELHI/13.08.2020 (K)**

: 1 :
M Bail Appl. No. 79/2020
FIR No. 84/19
PS : I.P. Estate
U/S : 420/468/471/120B IPC
Shakir Vs State

13.08.2020
At 2:00 PM

Fresh application for recalling the order dated 22.05.2020 has been moved on behalf of the applicant/ accused Shakir. It be checked and registered.

Present : Sh. Manoj Garg, Ld. Addl. PP for the State.
Sh. Narender Prabhakar, Ld. Counsel for the applicant/ accused.
IO SI Ashok Kumar, PS I.P. Estate is present.

The matter has been taken up through Video Conferencing by means of Webex Meet.

The present application has been taken up in pursuance to Order No. 15778-15808/Bail Power/Gaz./2020 dated 15/07/2020 issued by Ld. District & Sessions Judge (HQs), Delhi.

Submissions heard.

Be put up at 4 pm for orders.

A copy of this order be uploaded on the official website of Delhi District Courts.

(LOVLEEN)
PO MACT-02 (CENTRAL)

DELHI/13.08.2020 (K)

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: 2 :

M Bail Appl. No. 79/2020
FIR No. 84/19
PS : I.P. Estate
U/S : 420/468/471/120B IPC
State Vs. Shakir

13.08.2020

At 4:00 PM

**ORDER ON THE APPLICATION FOR RECALLING THE ORDER DATED
22.05.2020 MOVED ON BEHALF OF THE APPLICANT/ ACCUSED SHAKIR.**

Present : None.

Vide the present application, the applicant/ accused seeks recall of the order dated 22.05.2020 whereby the bail application previously moved on behalf of the applicant/ accused was dismissed-in-default. Before going into the cause which led to the non-appearance of the Ld. Counsel for the applicant/ accused at the relevant time, this Court has put a query to the Ld. Counsel today as to the provision under which the present application has been filed. Ld. Counsel has fairly conceded that the present application is not covered U/s 362 of CrPC. Ld. Counsel further submits that there is no other provision of CrPC which permits the filing of the present application. However, Ld. Counsel has referred to the observations made by the Hon'ble Supreme Court in case titled as ***Vishnu Agarwal Vs. State of Uttar Pradesh & Anr. Cited as (2011) 14 Supreme Court Cases 813.***

On the other hand, Ld. APP for the state submits that the present application is not maintainable. Ld. APP has cited observations made by Hon'ble Allahabad High Court in ***Criminal Misc. Recall Application No. 9785***

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: 3 :

**FIR No. 84/19
State Vs. Shakir**

of 213 titled as Ram Prakash vs. State of U.P. decided on 12th March, 2013.

This Court has considered the rival submissions. Admittedly, there is no provision in the CrPC which permits the filing of present application seeking recall of an order passed for dismissal of bail application in default(non-appearance). The observations made by the Hon'ble Supreme Court in the judgement cited by the Ld. Counsel for the applicant/ accused is not applicable to the present facts as the said judgment pertains to an order whereby a previous order was recalled by the Hon'ble High Court. Although this court could not make out from the said judgement as to which powers were exercised by the Hon'ble High Court at that time, but it could be safely presumed that the Hon'ble High Court exercised either the constitutional powers (under Article 226/227) or the inherent powers (S 482 Cr. PC) vested by law unto itself (while recalling its order). However, this Court is not vested with either the said constitutional powers or the inherent powers to order recall of the previous order dismissing the bail application in-default. The present application is not maintainable and is accordingly dismissed. File be consigned to record room, as per rules.

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**FIR No. 84/19
State Vs. Shakir**

A copy of this order be uploaded on the official website of Delhi
District Courts.

**(LOVLEEN)
PO MACT-02 (CENTRAL)
DELHI/13.08.2020 (K)**