# IN THE COURT OF SH. ANKUR JAIN ASJ-01, SPECIAL FAST TRACK COURT (WEST):TIS HAZARI COURTS:DELHI

Rajab Ali Vs. State

FIR No.

: 859/2020

PS

: Nangloi

U/s

: 376/506/509/34 IPC &

U/s 6/12 of POCSO Act

15.10.2020

Bail application taken up for hearing in terms of Circular no.598/15675-15702/ Bail Power/Gaz./PDJ West/2020 dated 28.09.2020 of Hon'b'le District Judge (West).

Present:

Mr. Subhash Chauhan, Ld. Addl. PP for State.

Mr. D. S. Sharma, Ld. Counsel for applicant/accused.

Ms. Vandana Chauhan, Ld. DCW Counsel.

On 28.09.2020 the application was directed to be placed before Ld. Principal District & Session Judge (West) as provisions of POCSO Act has been invoked. Instead of placing before the Ld. Principal District & Session Judge (West) the application was placed before the Ld. Duty ASJ by the bail and filing section.

Let this application be placed before Ld. Principal District

& Session Judge (West) for appropriate orders.

Put up on 19.10.2020.

(ANKUR JAIN)

ASJ(Special Fast Track Court)-01 West, THC, Delhi/15.10.2020

### IN THE COURT OF SH. ANKUR JAIN ASJ-01, SPECIAL FAST TRACK COURT (WEST):TIS HAZARI COURTS:DELHI

Bail Application No.: 2221/2020

Sudha Vs. State

FIR No.

: 90/2020

PS

: Ranhola

U/s

: 323/328/342/344/365/

376/506/34 IPC

15.10.2020

Bail application taken up for hearing in terms of Circular no.598/15675-15702/ Bail Power/Gaz./PDJ West/2020 dated 28.09.2020 of Hon'b'le District Judge (West).

Present:

Mr. Subhash Chauhan, Ld. Addl. PP for State.

Mr. F. C. Giri, Ld. Counsel for applicant / accused.

Ms. Vandana Chauhan, Ld. DCW Counsel.

Perusal of reply shows that charge sheet has been filed.

Let the charge sheet be summoned for NDOH.

Put up on 04.11.2020.

(ANKUR JAIN)

ASJ(Special Fast Track Court)-01 West, THC, Delhi/15.10.2020

### IN THE COURT OF SH. ANKUR JAIN ASJ-01, SPECIAL FAST TRACK COURT (WEST):TIS HAZARI COURTS:DELHI

Ankaj Vs. State

FIR No. : 541/20

PS

: Ranhola

U/s

: 452/506/354D IPC

& 8 POCSO Act

15.10.2020

Bail application taken up for hearing in terms of Circular no.598/15675-15702/ Bail Power/Gaz./PDJ West/2020 dated 28.09.2020 of Hon'b'le District Judge (West).

Present:

Mr. Subhash Chauhan, Ld. Addl. PP for State.

None for applicant/accused.

Ms. Vandana Chauhan, Ld. DCW Counsel.

Report received from jail that accused has been released on interim bail on 14.10.2020 till 31.10.2020. Copy of the bail order has been placed on record. The application has thus become infructuous. Same stands disposed of.

> ASJ(Special Fast Track Court)-01 West, THC, De hi/15.10.2020

Anuj Aggarwal Vs. State

Complaint No. : 434/2020

FIR No.: Not known P.S.: CAW Cell, West District

Delhi Police, New Delhi

U/s: Not known.

15.10.2020

### ORDER:-

By this order I shall decide the first application u/s 438 Cr.P.C. filed on behalf of the accused. Ld. Counsel for the accused at the outset submits that he is not pressing for the relief of anticipatory bail and submits that the IO should be directed to give 7 days' notice prior to his intention to arrest. It is submitted that prior notice in matrimonial disputes can be given in terms of the standing orders and the judgments.

The facts in brief are that complainant and applicant got married on 13.12.2018 according to Hindu rites. It is further alleged that dowry demands were made since beginning and even after marriage the same continued. It is also alleged that the complainant had to part with her saving and she was also constraint to purchase a plot in a joint name and as such her entire savings were taken away. Ld. Counsel for the accused has placed reliance on the judgment of *Rishi Singh Vs. State 2014 (1) JCC 557, Chander Bhan Vs. State 151 2008 DLT 691, Neera Singh Vs. State 138 2007 DLT 152* and standing orders.

On the other hand Ld. Addl. PP submits that investigation is at the initial stage, there is likelihood that accused may temper with the evidence and he might also abscond.



Ld. Counsel for the complainant submits that apart from the mental torture caused to the complainant the applicant had cause financial loss also. He submits that accused in the state of anger had send E-mails to the complainant which shows his relations with his coworkers. He submits that there is no provision in law which would require a prior notice by the IO. He has relied upon the judgment of *Enforcement Directorate Vs. Tilak Raj Arora Crl. M.C.* 1659/17decided on 21.11.2019.

I have heard Ld. Addl. PP for the state and Id. Counsels for the parties.

In the present case, the only issue which requires adjudication is whether notice can be given to the accused prior to his arrest. The Hon'ble Supreme Court in *Arnesh Kumar Vs. Bihar Crl. Appeal no.* 1277 of 2014 decided on 02.07.2014 while dealing with the provisions of 498-A laid down certain guidelines before arrest of the accused which are as under:-

- (i) Are endeavour in this judgment is to ensure that police officials do not arrest accused unnecessarily and Magistrate do not authorize detention casually and mechanically. In order to ensure what we have observed above we give the following directions;
- (ii) All the State Govt. to instruct a police official not to automatically arrest when a case u/s 498-A IPC is registered but to satisfy themselves about the necessity for arrest under the parameters laid down above flowing from Section 41 Cr.P.C.;
- (iii) All police officers be provided with checklist containing specified sub-clauses under Section 41 (1) (b) (ii);
- (iv) The police officers shall forward the checklist duly filled and furnish the reasons and material which



necessitated the arrest, while forwarding/producing the accused before the Magistrate for further detention;

- (v) The Magistrate while authorizing detention of the accused shall perused the report furnished by the police officer in terms aforesaid and only after recording its satisfaction, the Magistrate will authorize detention;
- (vi) The decision not to arrest an accused, be forwarded to the Magistrate within two weeks from the date of the institution of the case with a copy to the Magistrate which may be extended by the Superintendent of police of the district for the reasons to be recorded in writing;
- (vii) Notice of appearance in terms of Section 41 A of Code of Criminal Procedure be served on the accused within two weeks from the date of institution of the case, which may be extended by the Superintendent of Police of the District for the reasons to be recorded in writing;
- (viii) Failure to comply with the directions aforesaid shall apart from rendering the police officers concerned liable for departmental action, they shall also be liable to be punished for contempt of court to be instituted before High Court having territorial jurisdiction.
- (ix) Authorizing detention without recording reasons as aforesaid by the judicial Magistrate concerned shall be liable for departmental action by the appropriate High Court.

The Hon'ble Delhi High Court in *Rishi Singh Vs. State 2014*(1) *JCC 557* has directed the DCP CAW Cell to file an affidavit as to whether the officers have been sensitized and inform about the policy

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decision taken by PHQ regarding requirement of prior approval and informing the same to the court at the outset by way of written status report. In the said judgment the anticipatory bail application was dismissed as pre-mature but directions were given to the IO, to give 7 days' prior notice.

Ld. Counsel for the accused has relied upon standing order no. 330/2008 of the PHQ issued by Commissioner of Police, which places reliance on the judgment of *Chander Bhan (Supra)* mandated the police that arrest of the main accused be made only after the prior approval of the ACP/DCP concerned. The judgment of *Enforcement Directorate (Supra)* is not applicable to the facts of the case as that was the case where a scam of approx. 3600 Crores was involved. Keeping in view the judicial pronouncement and the standing orders of the Commissioner of police, the accused be given a three days' prior notice before arrest as no approval for arrest of the petitioner has been granted till date and the present petition is thus pre-mature.

Application stands disposed off. Copy of the order be given dasti to the counsel for the complainant and Ld. Counsel for the accused.

State Vs. Ashu

FIR No.: 0125/20

P.S.: Anand Parbat

U/s: 323/341/506/34 IPC r/w Section 308/34 IPC

### 15.10.2020

Present: Sh. Subhash Chauhan, Ld. Addl. PP for the State.

Ms. Vandana Chouhan, Ld. Counsel from DCW

Sh. Ayub Ahmed Quresh, Ld. Counsel for the applicant/

accused.

Reply has not been filed by the IO.

Let IO of the case be summoned for 20.10.2020.

State Vs. Subhash

FIR No.: 0125/20

P.S.: Anand Parbat

U/s: 323/341/506/34 IPC r/w Section 308/34 IPC

### 15.10.2020

Present: Sh. Subhash Chauhan, Ld. Addl. PP for the State.

Ms. Vandana Chouhan, Ld. Counsel from DCW

Sh. Ayub Ahmed Quresh, Ld. Counsel for the applicant/

accused.

Reply has not been filed by the IO.

Let IO of the case be summoned for 20.10.2020.

(Ankur Jain)

ASJ (SFTG-01) West

Delhi: 15.10.2020

State Vs. Ganesh

FIR No.: 59/20

P.S.: Kirti Nagar

U/s: 308/323/506/34 IPC

### 15.10.2020

Present: S

Sh. Subhash Chauhan, Ld. Addl. PP for the State.

Ms. Vandana Chouhan, Ld. Counsel from DCW

Sh. Vineet Jain, Ld. Counsel for the applicant/accused.

Charge-sheet received.

Arguments heard. Put up for orders.

(Ankur Jain) ASJ (SFTC-01) West

Delhi: 15.10.2020

### ORDER:-

The brief facts of the case are that on 29.01.2020 on the statement of Sugreev the present FIR was registered in which he stated that on 28.01.2020 at about 9:30 PM while he was in his jhuggi one boy namely Vicky came in drunken state. He started abusing. The complaint asked him not to do so but he did not stop and called his friends telephonically. When the friends came they started beating his brother Pradeep and Jitender by wooden rod. During scuffle his brother Pradeep, Jitender and he himself received injury. Injured Pradeep was declared dead on 05.02.2020.

Ld. Counsel for accused submits that there is no incriminating evidence against the accused, the role of present applicant has not been specified, therefore, the accused cannot be kept behind bar by placing reliance on Section 34 of the IPC.

On the other hand, Ld. Addl. PP for State has opposed the bail application and submits that the name of present applicant has been specifically stated by the complainant in his statement. It is submitted that complainant has specifically stated that accused Ganesh was giving Danda blows.

I have heard Ld. Counsel for accused as well as Ld. Addl. P. P. for State.

The applicant was arrested at the instance of complainant. As per the statement of the complainant the accused had given danda blows, a specific role has been assigned by the complainant to the accused. It would be too pre-mature to say whether there was any common intention or not.

Considering the entire facts and circumstances and gravity of offence it is found that accused is not entitled for bail at this stage. Hence the present bail application stands dismissed. Copy of the order be sent to the Ld. Counsel for the accused/applicant through electronic mode i.e. Whats- app or Email.

Trial Court record be send back.

Bail Application No.: 2483

State Vs. Sartaj Khan

FIR No.: 218/2020

P.S.: Anand Parbat

U/s: 452/323/308/34 IPC

#### 15.10.2020

Present:

Sh. Subhash Chauhan, Ld. Addl. PP for the State.

Ms. Vandana Chouhan, Ld. Counsel from DCW

Sh. Mohd. Tariq, relative of the applicant/accused.

Sh. S.H. Ansari, Ld. Counsel for the complainant.

Reply on behalf of the IO filed. Sh. Mohd. Tariq submits that he has instructed his counsel not to file the bail application but he had deliberately filed the same. He seeks to withdraw the same. Vakalatnama does not bear the signatures of Mohd. Tariq and Id. Counsel for the applicant/accused is also not present.

Let IO of the case be summoned for 19.10.2020.

(Ankur Jain)

ASJ (SFTC-01) West

Delhi: 15.10.2020

State Vs. Jaspreet Singh Chawla

FIR No.: 0710/2016 P.S.: Rajouri Garden U/s: 420/34 IPC

### 15.10.2020

Present:

Sh. Subhash Chauhan, Ld. Addl. PP for the State.

Ms. Vandana Chouhan, Ld. Counsel from DCW

Sh. Ayub Ahmed Qureshi, Ld. Counsel for the applicant/ac-

cused (Through CISCO Web Ex. )

Reply on behalf of the accused filed. Copy of the same be supplied to the counsel for the accused on his E-mail.

Let notice be issued to the complainant through IO. Chargesheet which was filed showing the accused as a P.O. be also summoned for the next date of hearing.

Put up on 20.10.2020.

Bail Application No.: 2482

State Vs. Mehtab

FIR No.: 218/2020 P.S.: Anand Parbat

U/s: 452/323/308/34 IPC

### 15.10.2020

Present: Sh. Subhash Chauhan, Ld. Addl. PP for the State.

Ms. Vandana Chouhan, Ld. Counsel from DCW Sh. Mohd. Tariq, relative of the applicant/accused. Sh. S.H. Ansari, Ld. Counsel for the complainant.

Reply on behalf of the IO filed. Sh. Mohd. Tariq submits that he has instructed his counsel not to file the bail application but he had deliberately filed the same. He seeks to withdraw the same. Vakalatnama does not bear the signatures of Mohd. Tariq and Id. Counsel for the applicant/accused is also not present.

Let IO of the case be summoned for 19.10.2020.

Bail application no.: 2484:-

State Vs. Sultan

FIR No.: 218/20

P.S.: Anand Parbat

U/s: 452/323/308/34 IPC

#### 15.10.2020

Present:

Sh. Subhash Chauhan, Ld. Addl. PP for the State.

Ms. Vandana Chouhan, Ld. Counsel from DCW

Sh. Mohd. Tariq, relative of the applicant/accused.

Sh. S.H. Ansari, Ld. Counsel for the complainant.

Reply on behalf of the IO filed. Sh. Mohd. Tariq submits that he has instructed his counsel not to file the bail application but he had deliberately filed the same. He seeks to withdraw the same. Vakalatnama does not bear the signatures of Mohd. Tariq and Id. Counsel for the applicant/accused is also

Let IO of the case be summoned for **19.10.2020**.

not present.

State Vs. Puneet Arora

FIR No.: 776/2020

P.S.: Rajouri Garden

U/s: 498A/406/377/34 IPC

### 15.10.2020

Present: Sh. Subha

Sh. Subhash Chauhan, Ld. Addl. PP for the State.

Sh. J.S. Bagga, Ld. Counsel for the applicant/accused.

Sh. F.C. Rajput, Ld. Counsel for the complainant along with

complainant.

Reply on behalf of the IO filed. Copy supplied to the respective counsels. As per the reply, the permission to arrest the accused is yet to be obtained.

IO is directed to give 7 days' prior notice to the accused in case the requisite permission is granted.

Application is disposed off accordingly. Copy of the order be given dasti.

State Vs. Krishan Nandan

FIR No.: 853/2019 P.S.: Nihal Vihar U/s: 308/411 IPC

### 15.10.2020

Present: Sh. Subhash Chauhan, Ld. Addl. PP for the State.

Ms. Vandana Chouhan, Ld. Counsel from DCW

None for the applicant/accused.

ASI Raj Kumar in person.

Despite waiting till 10:50 am none has appeared for the applicant/accused.

In the interest of justice, adverse order against the applicant/accused is deferred.

Put up on <u>22.10.2020.</u>

# IN THE COURT OF SH. ANKUR JAIN ASJ-01, SPECIAL FAST TRACK COURT (WEST):TIS HAZARI COURTS:DELHI

Amit Yadav Vs. State

FIR No.

: 501/20

PS

: Hari Nagar

U/s

: 363 IPC

15.10.2020

Bail application taken up for hearing in terms of Circular no.598/15675-15702/ Bail Power/Gaz./PDJ West/2020 dated 28.09.2020 of Hon'b'le District Judge (West).

Present:

Mr. Subhash Chauhan, Ld. Addl. PP for State.

Mr. Vishnu Deo Yadav, Ld. Counsel for applicant/

accused.

Ms. Vandana Chauhan, Ld. DCW Counsel.

Ld. Counsel for accused submits that till date no other provision of law have been added.

Put up for further proceedings on 09.11.2020. Interim order to continue.

(ANKUR JAIN)
ASJ(Special Fast Track Court)-01
West, THC, Delhi/15.10.2020

Bail Application No.: 2412/20

State Vs. Parshu Ram Mishra

P.S.: Ranhola U/s: 308/34 IPC

### THROUGH CISCO WEB EX.

### 15.10.2020

Present:

Sh. Subhash Chauhan, Ld. Addl. PP for the State.

None for the applicant/accused. ASI Shamsher Singh in person.

Despite waiting till 10:40 none has appeared for the accused.

Bailable warrants received back duly served. IO seeks time

to file reply.

Let the reply be filed by <u>17.10.2020.</u> IO is bound down for the said date.

State Vs. Dharmender Sehgal

FIR No.: 65/20

P.S.: Nangloi

U/s: 33/38 of Excise Act

### THROUGH CISCO WEB EX.

### 15.10.2020

Present: Sh. Subhash Chauhan, Ld. Addl. PP for the State.

Sh. Ram Kumar, Ld. Counsel for the applicant/accused physi-

cally present in the court.

Report has not been filed by the IO.

Let the same be filed for <u>04.11.2020</u>. Till interim interim order

to continue.

Bail Application No.: 2357

State Vs. Mohd. Shakil Saifi

FIR No.: 656/2020

P.S.: Nihal Vihar

U/s: 307/506 IPC r/w Section 25/27 of Arms Act

### 15.10.2020

Present: Sh. Subhash Chauhan, Ld. Addl. PP for the State.

Ms. Vandana Chouhan, Ld. DCW Counsel.

Sh. Devender Wohra, Ld. Counsel for the applicant/accused. SHO Mahavir Singh from PS Nihal Vihar along with SI Amit.

Charge-sheet has been filed against the co-accused which is yet to be committed.

Let the copy of the charge-sheet be summoned for

<u>17.10.2020.</u>

State Vs. Himanshu Tanwar

FIR No.: 0486/2020

P.S.: Mayapuri

U/s: 498-A/406/34 IPC

### 15.10.2020

Present: Sh. Subhash Chauhan, Ld. Addl. PP for the State.

Ms. Aarti Pandey Ld. Counsel from DCW

Sh. Rajesh Arya, Ld. Counsel for the applicant/accused.

Report has not been filed. Let the IO be summoned along

with report for **20.10.2020**.

(Ankur Jain) ASJ (SFTO-01) West

Delhi: 15.10.2020

State Vs. Sandeep Kumar

FIR No.: 0125/20

P.S.: Anand Parbat

U/s: 323/341/506/34 IPC r/w Section 308/34 IPC

### 15.10.2020

Present: Sh. Subhash Chauhan, Ld. Addl. PP for the State.

Ms. Vandana Chouhan, Ld. Counsel from DCW

Sh. Ayub Ahmed Quresh, Ld. Counsel for the applicant/

accused.

Reply has not been filed by the IO.

Let IO of the case be summoned for **20.10.2020**.

ASJ (SFTC+01) West Delhi: 15.10 2020

Bail Application No.: 2378/20

State Vs. Arun Sharma

FIR No.: 787/20

P.S.: Nangloi

U/s: 392/411 IPC

### THROUGH CISCO WEB EX.

15.10.2020

Present: Sh. Subhash Chauhan, Ld. Addl. PP for the State.

Sh. A.K. Sharma, Ld. Counsel for the applicant/accused.

Trial Court Record received.

Ld. Counsel for the applicant/accused submits that he wishes to withdraw the present bail application. Statement of the Ld. Counsel has been recorded in this regard.

In view of the statement of the Ld. Counsel for the applicant/accused, present bail application is dismissed as withdrawn.

TCR be sent back.

Bail Application No.: 2378/20

State Vs. Arun Sharma

FIR No.: 787/20

P.S.: Nangloi U/s: 392/411 IPC

15.1**0**.2020

Statement of Sh.A.K. Sharma, Ld. Counsel for the applicant/accused Enrollmnent No. D862/1991.

At Bar

I wish to withdraw the present bail application.

The same may be dismissed as withdrawn.

R.O. & A.C.

B. Fernand SO

(Ankur Jain)

ASJ (SFTC-01) West Delhi, 15.10.2020

State Vs. Sonu

FIR No.: 25/2020 P.S.: Anand Parbat U/s: 302/364/120B IPC

#### 15.10.2020

Present: Sh. Subhash Chauhan, Ld. Addl. PP for the State.

Ms. Vandana Chouhan, Ld. Counsel from DCW

None for the applicant/accused.

Reply filed.

Despite waiting till 10:50 am none has appeared for the applicant/accused either physically or through CISCO Web Ex.

Let IO of the case be summoned for 23.10.2020.

State Vs. Bahadur Singh

FIR No.: 800/2020

P.S.: Nihal Vihar

U/s: 336/392/394/397/34 IPC R/w Sec. 25/27/54/59 Arms Act

### 15.10.2020

Present: Sh. Subhash Chauhan, Ld. Addl. PP for the State.

Sh. S.P. Sharma, Ld. Counsel for the applicant/accused.

Reply filed. Copy supplied.

Let IO be summoned for 19.10.2020.

# IN THE COURT OF SH. ANKUR JAIN ASJ-01, SPECIAL FAST TRACK COURT (WEST):TIS HAZARI COURTS:DELHI

Bail Application No.: 2475

Sumita Vs. State

FIR No. : 774/2020

PS: Rajouri Garden U/s: 307/120B/34 IPC

& 25/27/29/54/59 Arms Act

15.10.2020

Fresh Bail application taken up for hearing in terms of Circular no.598/15675-15702/ Bail Power/Gaz./PDJ West/2020 dated 28.09.2020 of Hon'b'le District Judge (West). It be checked and registered.

Present:

Mr. Subhash Chauhan, Ld. Addl. PP for State.

Mr. Anand Sharma, Ld. Counsel for applicant/

accused.

Ms. Vandana Chauhan, Ld. DCW Counsel.

Reply filed. Copy supplied.

Ld. Counsel for accused submits that co-accused namely Bobby, Sunny, Mohd. Alam and one more person have been granted regular bail by the court. He submits that he does not have copy of the order. IO of the case be summoned for NDOH.

Put up on 17.10.2020.

(ANKUR JAIN)
ASJ(Special Fast Track Court)-01
West, THC, Delhi/15.10.2020