

## Bail Application

**State Vs Adil s/o Solam**  
**FIR No. 167/2020**  
**PS.: Nabi Karim**  
**U/s: 392, 397, 34 IPC**

**14.07.2020**

**Present: Mr. Pawan Kumar, learned Addl. PP for State through VC.**  
**Mr. Shailender Yadav, learned counsel for the applicant / accused through VC.**

Vide this order, the bail application under section 439 Cr.P.C. on behalf of accused dated 09/06/2020 filed through counsel is disposed of.

I have heard both the sides and have gone through the record.

The personal liberty is a priceless treasure for a human being. It is founded on the bed rock of constitutional right and accentuated further on human rights principle. The sanctity of liberty is the fulcrum of any civilized society. Deprivation of liberty of a person has enormous impact on his mind as well as body. Further article 21 Of the Constitution mandates that no person shall be deprived of his life or personal liberty except according to procedure established by law. Further India is a signatory to the International Covenant On Civil And Political Rights, 1966 and, therefore, Article 21 of the Constitution has to be understood in the light of the International Covenant On Civil And Political Rights, 1966. *Further* Presumption of innocence is a human right. Article 21 in view of its expansive meaning not only protects life and liberty ,but also envisages a fair procedure. Liberty of a person should not ordinarily be interfered with unless there

exist cogent grounds therefor. The fundamental principle of our system of justice is that a person should not be deprived of his liberty except for a distinct breach of law. If there is no substantial risk of the accused fleeing the course of justice, there is no reason why he should be imprisoned during the period of his trial. The basic rule is to release him on bail unless there are circumstances suggesting the possibility of his fleeing from justice or thwarting the course of justice. When bail is refused, it is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution.

Further it has been laid down from the earliest time that the object of Bail is to secure the appearance of the accused person at his trial by reasonable amount of Bail. The object of Bail is neither punitive nor preventive. Deprivation of liberty must be considered a punishment unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after convictions, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earlier times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial ,but in such case 'necessity' is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the constitution that any persons should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty under Article 21 of the Constitution upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances.

Apart from the question of prevention being the object of a refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and it would be improper for any court to refuse bail as mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an unconvicted person for the purpose of giving him a taste of imprisonment as a lesson. While considering an application for bail either under Section 437 or 439 CrPC, the court should keep in view the principle that grant of bail is the rule and committal to jail an exception. Refusal of bail is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution. Seriousness of the offence not to be treated as the only consideration in refusing bail : Seriousness of the offence should not to be treated as the only ground for refusal of bail. (Judgment of **Sanjay Chandra Vs. Central Bureau of Investigation, AIR 2012 SC 830** relied).

But, the liberty of an individual is not absolute. The Society by its collective wisdom through process of law can withdraw the liberty that it has sanctioned to an individual when an individual becomes a danger to the societal order. A society expects responsibility and accountability from the member, and it desires that the citizens should obey the law, respecting it as a cherished social norm. Therefore, when an individual behaves in a disharmonious manner ushering in disorderly thing which the society disapproves, the legal consequences are bound to follow.

Further discretionary jurisdiction of courts u/s 437 and 439 CrPC should be exercised carefully and cautiously by balancing the rights of the accused and interests of the



society. Court must indicate brief reasons for granting or refusing bail. Bail order passed by the court must be reasoned one but detailed reasons touching merits of the case, detailed examination of evidence and elaborate documentation of merits of case should not be done.

At this stage , it can also be fruitful to note that requirements for bail u/s 437 & 439 are different. Section 437 Cr.P.C. severally curtails the power of the Magistrate to grant bail in context of the commission of non-bailable offences punishable with death or imprisonment for life, the two higher Courts have only the procedural requirement of giving notice of the Bail application to the Public Prosecutor, which requirement is also ignorable if circumstances so demand. The regimes regulating the powers of the Magistrate on the one hand and the two superior Courts are decidedly and intentionally not identical, but vitally and drastically dissimilar. **(Sundeep Kumar Bafna Vs. State of Maharashtra, AIR 2014 SC 1745 )**.

Further at this stage it can be noted that interpreting the provisions of bail contained u/s 437 & 439 Cr.P.C., the Hon'ble Supreme Court in its various judgments has laid down various considerations for grant or refusal of bail to an accused in a non-bailable offence like, (i) Whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) Nature of accusation and evidence therefor, (iii) Gravity of the offence and punishment which the conviction will entail, (iv) Reasonable possibility of securing presence of the accused at trial and danger of his absconding or fleeing if released on bail, (v) Character and behavior of the accused, (vi) Means, position and standing of the accused in the Society, (vii) Likelihood of the offence being repeated, (viii) Reasonable



apprehension of the witnesses being tampered with, (ix) Danger, of course, of justice being thwarted by grant of bail, (x) Balance between the rights of the accused and the larger interest of the Society/State, (xi) Any other factor relevant and peculiar to the accused. (xii) While a vague allegation that the accused may tamper with the evidence or witnesses may not be a ground to refuse bail, but if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. Furthermore, in the landmark judgment of **Gurucharan Singh and others v. State** (AIR 1978 SC 179), it was held that there is no hard and fast rule and no inflexible principle governing the exercise of such discretion by the courts. It was further held that there cannot be any inexorable formula in the matter of granting bail. It was further held that facts and circumstances of each case will govern the exercise of judicial discretion in granting or refusing bail. It was further held that such question depends upon a variety of circumstances, cumulative effect of which must enter into the judicial verdict. Such judgment itself mentioned the nature and seriousness of nature, and circumstances in which offences are committed apart from character of evidence as some of the relevant factors in deciding whether to grant bail or not.

Further it may also be noted that it is also settled law that while disposing of bail applications u/s 437/439 Cr.P.C., courts should assign reasons while allowing or refusing an application for bail. But detailed reasons touching the merit of the matter should not be given which may prejudice the accused. What is necessary is that the order should not suffer from non-application of mind. At this stage a

detailed examination of evidence and elaborate documentation of the merit of the case is not required to be undertaken. Though the court can make some reference to materials but it cannot make a detailed and in-depth analysis of the materials and record findings on their acceptability or otherwise which is essentially a matter of trial. Court is not required to undertake meticulous examination of evidence while granting or refusing bail u/s 439 of the CrPC.

In the present case, it is argued on behalf of accused that he is the only bread earner of the family; it is further stated that he has been falsely implicated in the present case; no purpose would be served by keeping him in JC; that he will be fully cooperated with the investigation; infact there is no name in the FIR nor anybody is arrested from the place of alleged occurrence; that earlier he has moved bail application before Duty MM and the same was dismissed stating that offence u/s 397 is Session Triable matter; that present accused was arrested based on disclosure statement of co-accused only; that there is no recovery of any case property from the accused; further at most the offence u/s 356 IPC is made out and not 392/397 IPC; that there is no other criminal record of the present accused; that no purpose would be served to keep the accused in JC; it is further stated that despite request made, IO has failed to procure presence of alleged victim for the purpose of TIP proceedings. Hence, it is prayed that he be granted regular bail.

On the other hand, it is stated by the IO, as also argued by the learned Addl.PP for the state that there are allegations not only regarding 356 IPC but about offences u/s 392/397 IPC. It is further stated that TIP could not be conducted so far as victim has gone to Bihar at his native

place and now his TIP is fixed for 10/09/2020.

I find force in the arguments of learned Addl.PP for the state. Investigation is at the initial stage. Further prima facie there are allegations other than section 356 IPC against the present accused. As such, this court is not inclined to grant the relief as sought in the present application. Hence, the same is dismissed.

But having regard to the spirit of the directions of Hon'ble High Court passed from time to time and the fact that it is not the fault of the accused that TIP proceedings in his regard could not be completed so far, such accused is granted interim bail for a period of 45 days on furnishing personal bond and surety bond in the sum of Rs. 15,000/- each to the satisfaction of the trial court concerned. *After completion of the interim bail period applicant shall surrender before concerned Jail Superintendent.* **Necessary intimation be sent to concerned Jail Superintendent accordingly.**

***In the facts and circumstances of present case and the reply filed by the IO/SHO following conditions are also imposed on present accused for such interim bail :***

- i)*** Applicant shall not flee from the justice;
- ii)*** Applicant shall not tamper with the evidence;
- iii)*** Applicant shall not threaten or contact in any manner to the prosecution witnesses ,
- iv)*** Applicant shall not leave country without permission;
- v)*** Applicant shall convey any change of address immediately to the IO and the court;
- vi)*** Applicant shall also provide his/her mobile number to the IO;



*vii) Applicant shall mark his /her attendance before concerned IO (and if IO is not available then to concerned SHO) every alternative /second day through mobile by sharing his/her location with the SHO concerned;*

*viii) Applicant shall further make a call, preferably by audio plus video mode to concerned IO, (and if IO is not available then to concerned SHO) once a week, preferably on Monday between 10 a.m. to 5 p.m.*

*ix) Applicant shall keep his / her such mobile number 'Switched On' at all the time, particularly between 8 am to 8 pm everyday.*

With these observations present bail application is disposed of as dismissed. Learned counsel for the applicant / accused is at liberty to collect the order through electronic mode. Further a copy be sent to IO / SHO concerned. Copy of this order be also sent to concerned Jail Superintendent. Copy of order be uploaded on the website.

**(Naveen Kumar Kashyap)**  
**Additional Sessions Judge-04**  
**Central/THC/Delhi**  
**14/07/2020.**

**BAIL APPLICATION**

**FIR No. :47/2020**  
**PS: Kashmiri Gate**  
**STATE v. Manoj Rai s/o Mr. Ram Lalit Rai**  
**U/S: 33, 38 Delhi Excise Act**

**14.07.2020.**

Present: Sh. Pawan Kumar, Addl. PP for the State through VC.

Mr. S.P. Sharma, learned counsel for the accused through VC.

Anticipatory bail application on behalf of applicant / accused through counsel is filed.

Reply filed by the IO.

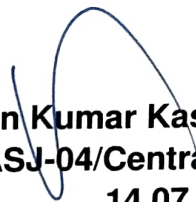
Part arguments heard.

Learned counsel for the accused wants to place on record the order of earlier bail application of accused.

Put up for clarification whether any application of such accused Manoj Rai was dismissed on 05/03/2020 or otherwise.

It is made clear that no interim protection is given to such accused. Copy of this order be sent to IO accordingly.

At request of learned counsel for accused a longer date i.e. **29/07/2020** is given in this application.

  
**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/THC**  
**14.07.2020**

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**BAIL APPLICATION**

**State V. Sunil @ Ajay**  
**FIR No. : 107/2020**  
**PS.: Nabi Karim**  
**U.S: 394,397,34 IPC**

**14.07.2020**

**Present:** Mr. Pawan Kumar, Learned Addl. PP for State through VC.  
Sh. Avnish Kumar, Ld. counsel for accused/ applicant through VC.

Reply filed by IO.

Part arguments heard.

It is stated that chargesheet is not filed. As such, arguments addressed regarding statutory bail also.

Put up for further reply from the IO whether chargesheet is filed or not.

**Put up on 18.07.2020.**

**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/THC**  
**14.07.2020**



## Bail Application

State Vs Mintoo @ Hosiyar  
FIR No. 109/2020  
PS.: Nabi Karim  
U/s: 380, 457, 120B, 34 IPC

14.07.2020

Present: Mr. Pawan Kumar, Learned Addl. PP for State  
through VC.  
Mr. P.K. Garg, learned counsel for accused through  
VC.

Today Further reply filed by the IO regarding details of  
bail granted / rejected to co-accused.

Further, arguments heard from both sides.

This order is in continuation of order already passed on  
08/07/2020. As such, the order and observations already made on  
08/07/2020 be read as part and parcel of this order on regular bail for  
the present accused.

In today's report it is submitted by the IO that interim bail  
of co-accused Sunita is already rejected on 01/07/2020 by this court,  
further, it is clarified that co-accused Chanchal and Ashwani are  
already granted interim bail for 45 days by learned MM / Trial Court. It  
is further stated that regular bail application of present accused is  
already rejected by learned Trial Court. That co-accused Sonu is in  
JC. It is further stated that present accused is involved in 4-5 other  
similar matters.

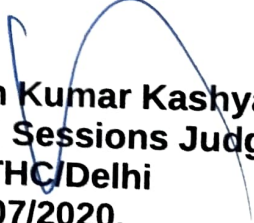
In this case, it appears that the present applicant has  
suppressed the material fact that co-accused are not granted regular

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bail but only granted interim bail whereas the present application is for regular bail. Even, otherwise, having regard to the nature of offence and the manner in which it is committed and the role played by present accused, this court is not inclined to grant regular bail to the present accused.

With these observations present bail application is disposed of as dismissed. Learned counsel for the applicant / accused is at liberty to collect the order through electronic mode. Further a copy be sent to IO / SHO concerned. Copy of this order be also sent to concerned Jail Superintendent. Copy of order be uploaded on the website.

  
**(Naveen Kumar Kashyap)**  
**Additional Sessions Judge-04**  
**Central/THC/Delhi**  
**14/07/2020.**

## BAIL APPLICATION

FIR No. :126/2020  
PS: Kashmere Gate  
STATE v. Nitin s/o Mr. Puran Chand  
U/S: 457, 380, 34 IPC

**14.07.2020.**

Present: Sh. Pawan Kumar, Addl. PP for the State through VC.  
Mr. Lalit Kumar, learned counsel for accused through VC.

Learned counsel for the accused seeks permission to withdraw the present bail application.

Heard.

In view of this, the present bail application is dismissed as withdrawn.

(Naveen Kumar Kashyap)  
ASJ-04/Central/THC  
14.07.2020



**Bail Application**

**State Vs Kalu @ Ajay Rajput**  
**FIR No. : 31/2017**  
**PS: Delhi Cantt Railway Station**  
**U/S: 302, 201, 34 IPC**

**14.07.2020**

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State  
through VC  
Mr. Neel Gulia learned Counsel from for  
Accused through VC.

Vide this order, the regular bail application dated 30/06/2020 under section 439 Cr.P.C. on behalf of accused filed through counsel is disposed of.

I have heard both the sides and have gone through the record.

The personal liberty is a priceless treasure for a human being. It is founded on the bed rock of constitutional right and accentuated further on human rights principle. The sanctity of liberty is the fulcrum of any civilized society. Deprivation of liberty of a person has enormous impact on his mind as well as body. Further article 21 Of the Constitution mandates that no person shall be deprived of his life or personal liberty except according to procedure established by law. Further India is a signatory to the International Covenant On Civil And Political Rights, 1966 and, therefore, Article 21 of the Constitution has to be understood in the light of the International Covenant On Civil And Political Rights, 1966. *Further* Presumption of innocence is a human right. Article 21 in view of its expansive meaning not only protects life and liberty ,but also envisages a fair procedure. Liberty of a person should not ordinarily be interfered with unless there exist cogent grounds therefor. The fundamental principle of our system of justice is that a person should not be deprived of his liberty

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PS: Delhi Cantt Railway Station  
U/S: 302, 201, 34 IPC

except for a distinct breach of law. If there is no substantial risk of the accused fleeing the course of justice, there is no reason why he should be imprisoned during the period of his trial. The basic rule is to release him on bail unless there are circumstances suggesting the possibility of his fleeing from justice or thwarting the course of justice. When bail is refused, it is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution.

Further it has been laid down from the earliest time that the object of Bail is to secure the appearance of the accused person at his trial by reasonable amount of Bail. The object of Bail is neither punitive nor preventive. Deprivation of liberty must be considered a punishment unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after convictions, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earlier times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial ,but in such case 'necessity' is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the constitution that any persons should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty under Article 21 of the Constitution upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances. Apart from the question of prevention being the object of a refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and it would be improper for any court to refuse bail as mark of disapproval of former

conduct whether the accused has been convicted for it or not or to refuse bail to an unconvicted person for the purpose of giving him a taste of imprisonment as a lesson. While considering an application for bail either under Section 437 or 439 CrPC, the court should keep in view the principle that grant of bail is the rule and committal to jail an exception. Refusal of bail is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution. Seriousness of the offence not to be treated as the only consideration in refusing bail : Seriousness of the offence should not to be treated as the only ground for refusal of bail. (Judgment of **Sanjay Chandra Vs. Central Bureau of Investigation, AIR 2012 SC 830** relied).

But, the liberty of an individual is not absolute. The Society by its collective wisdom through process of law can withdraw the liberty that it has sanctioned to an individual when an individual becomes a danger to the societal order. A society expects responsibility and accountability from the member, and it desires that the citizens should obey the law, respecting it as a cherished social norm. Therefore, when an individual behaves in a disharmonious manner ushering in disorderly thing which the society disapproves, the legal consequences are bound to follow.

Further discretionary jurisdiction of courts u/s 437 and 439 CrPC should be exercised carefully and cautiously by balancing the rights of the accused and interests of the society. Court must indicate brief reasons for granting or refusing bail. Bail order passed by the court must be reasoned one but detailed reasons touching merits of the case, detailed examination of evidence and elaborate documentation of merits of case should not be done.

At this stage , it can also be fruitful to note that requirements for bail u/s 437 & 439 are different. Section 437 Cr.P.C. severally curtails the power of the Magistrate to grant bail in context of the commission of non-bailable offences punishable with death or imprisonment for life, the two higher



Courts have only the procedural requirement of giving notice of the Bail application to the Public Prosecutor, which requirement is also ignorable if circumstances so demand. The regimes regulating the powers of the Magistrate on the one hand and the two superior Courts are decidedly and intentionally not identical, but vitally and drastically dissimilar. (**Sundeep Kumar Bafna Vs. State of Maharashtra, AIR 2014 SC 1745** ).

Further at this stage it can be noted that interpreting the provisions of bail contained u/s 437 & 439 Cr.P.C., the Hon'ble Supreme Court in its various judgments has laid down various considerations for grant or refusal of bail to an accused in a non-bailable offence like, (i) Whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) Nature of accusation and evidence therefor, (iii) Gravity of the offence and punishment which the conviction will entail, (iv) Reasonable possibility of securing presence of the accused at trial and danger of his absconding or fleeing if released on bail, (v) Character and behavior of the accused, (vi) Means, position and standing of the accused in the Society, (vii) Likelihood of the offence being repeated, (viii) Reasonable apprehension of the witnesses being tampered with, (ix) Danger, of course, of justice being thwarted by grant of bail, (x) Balance between the rights of the accused and the larger interest of the Society/State, (xi) Any other factor relevant and peculiar to the accused. (xii) While a vague allegation that the accused may tamper with the evidence or witnesses may not be a ground to refuse bail, but if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. Furthermore, in the landmark judgment of **Gurucharan Singh and others v. State** (AIR 1978 SC 179), it was held that there is no hard and fast rule and no inflexible principle governing the exercise of such discretion

by the courts. It was further held that there cannot be any inexorable formula in the matter of granting bail. It was further held that facts and circumstances of each case will govern the exercise of judicial discretion in granting or refusing bail. It was further held that such question depends upon a variety of circumstances, cumulative effect of which must enter into the judicial verdict. Such judgment itself mentioned the nature and seriousness of nature, and circumstances in which offences are committed apart from character of evidence as some of the relevant factors in deciding whether to grant bail or not.

Further it may also be noted that it is also settled law that while disposing of bail applications u/s 437/439 Cr.P.C., courts should assign reasons while allowing or refusing an application for bail. But detailed reasons touching the merit of the matter should not be given which may prejudice the accused. What is necessary is that the order should not suffer from non-application of mind. At this stage a detailed examination of evidence and elaborate documentation of the merit of the case is not required to be undertaken. Though the court can make some reference to materials but it cannot make a detailed and in-depth analysis of the materials and record findings on their acceptability or otherwise which is essentially a matter of trial. Court is not required to undertake meticulous examination of evidence while granting or refusing bail u/s 439 of the CrPC.

In the present case, it is submitted on behalf of the accused that he is in JC since 27/04/2017; that he is falsely implicated in the present case; that present case is based only on last seen together evidence; that nothing incriminating is recovered from his possession; that trial is likely to take sometime due to outbreak of corona pandemic; that he is permanent resident of Delhi and has deep roots in society. As such, it is prayed that he be granted regular bail.

On the other hand, it is stated in the reply filed by

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PS: Delhi Cantt Railway Station  
U/S: 302, 201, 34 IPC

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IO / SHO, as also argued by the learned Addl.PP for the state, that CDR of mobile phone of present accused is found near the place of occurrence; that at his instance blood stained clothes of accused and deceased were recovered; even DNA profile of the deceased blood matched with DNA profile of blood found on the clothes of present accused; that earlier also he is involved in robbery cases; he may threaten the witnesses if released on bail. Further his previous conviction / involvement report is also filed. It is further stated that the present offence is very serious in nature. As such, present application is opposed.

I have heard both the sides and gone through the record. It is rightly pointed out by the learned Addl. PP for the State that offence is serious in nature. Further, material public witnesses are yet to be examined. There are specific and scientific evidence / material against the present accused. Further even interim bail of such accused was not granted recently on 22/06/2020 by this court. As such, this court is not inclined to grant regular bail to accused at this stage.

**With these observations present bail application is disposed of as dismissed. Learned counsel for the applicant / accused is at liberty to collect the order dasti or through electronic mode. Copy of order be uploaded on the website.**

**(Naveen Kumar Kashyap)**  
**Additional Sessions Judge-04**  
**Central/THC/Delhi**  
**14/07/2020**

**INTERIM BAIL APPLICATION**

**State Vs. Kishan Kumar**  
**FIR No. :339/2016**  
**PS: Darya Ganj**  
**U/S: 395,397,412,201,120B,34 IPC &**  
**25,27,54,59 Arms Act**

**14.07.2020**

Present: Mr. Manoj Garg, Ld. Addl. PP for the State through VC  
Mr. Himanshu Saxena, learned Counsel for the Accused through VC.

1. *Observations given by Hon'ble High Court of Delhi in W.P.(C) No. 2945/2020 dated 23.03.2020 in case titled as "Shobha Gupta and Ors. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Moto W.P.(C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020 have been issued by Ld. District & Sessions Judge (HQ) read with other directions received from time to time including on 28.03.2020, 07.04.2020, 18.04.2020, 05.05.2020, 18.05.2020 and 20.06.2020 from Hon'ble High Court as a result of various meetings of Delhi State Legal Services Authority, present application is taken up.*

2. Arguments heard. Further, I have gone through the the trial record and order passed earlier regarding bail/interim bail of the present accused.

3. In nutshell, in the present interim bail application, it is submitted that earlier interim bail application was dismissed as withdrawn on 02.07.2020. That another interim bail application



dismissed by learned Bail duty Judge vide order dated 23.04.2020. Further, regular bail application was also dismissed by learned Bail Duty Judge, ASJ-02 on 15.05.2020. It is further stated that investigation regarding the accused is already complete and case is pending trial thereafter. That no incriminating case property is recovered from possession of the accused. That he is entitled to benefit of relaxed interim bail criteria dated 18.05.2020. That other learned Sessions Court are granting interim bail on similar grounds. It is further submitted that whole family is dependent upon him. That he does not have any previous conviction record. As such, it is prayed that he be granted two months interim bail.

4. On the other hand, it is further argued by learned Addl. PP for the state that present offence is very serious in nature and offences charged against the accused are punishable upto imprisonment for life. That specific role is assigned to the present accused. It is further stated that no sufficient ground is stated in the present bail application for granting interim bail. It is further stated that he is not covered in the relaxed interim bail criteria of Hon'ble High Court dated 18.04.2020. As such, present bail application is strongly opposed.

5. The type of cases/offences with which accused is charged are discussed by **Hon'ble High Court in its meeting dated 18.04.2020**. For the present type of offences, a relaxed criteria for interim bail is recommended by Hon'ble High Court on such date but it was further subject to such accused is suffering from HIV,cancer, chronic kidney dysfunction (requiring dialysis) ,

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Hepatitis B or C, Ashtma and T.B.

It is not the case of accused that he himself is suffering from any of the disease. As such, the case of the present accused does not fall under the relaxed criteria given by the Hon'ble High Court. In fact, his interim bail application in this regard is already dismissed vide order dated 23.04.2020.

6. Even otherwise on merit, the ground raised by the accused are vague and general in nature and in any case not sufficient to admit him to interim bail. Further, it is not the case that he is or anybody in his barrack is suffering from corona virus. Further, offence is very serious in nature. As such, this court is not inclined to grant interim bail to the present accused. **With these observations, present interim bail application is dismissed.**

7. Counsel for accused/applicant is at liberty to collect the order through electronic mode. A copy of this order be sent to Jail Superintendent concerned.

(Naveen Kumar Kashyap)  
ASJ-04/Central/THC  
14.07.2020.

**BAIL APPLICATION**

FIR No. :01/2019

PS: Darya Ganj

**STATE v. Manish @ Monish s/o Surender Singh**

**U/S: 392, 397, 34 IPC & 25, 54, 59 Arms Act**

**14.07.2020.**

Present: Sh. Pawan Kumar, Ld. Addl. PP for the State through VC.  
Mr. Vimal Puggal, Ld. Counsel for applicant through VC.

An application dated 11/07/2020 for extension of interim bail is filed by accused through counsel.

It is stated in such application that he was granted interim bail for 45 days vide order dated 01/06/2020 passed by Learned ASJ / Special Judge NDPS Mr. Deepak Dabas, Central District. As such present application is moved for extension of the same praying that his mother is not well and he be granted extension of the same for another 45 days.

On perusal of the original interim bail order dated 01/06/2020 read with minutes of meeting of Hon'ble High Court dated 07/04/2020, read with finding regarding interim bail given to co-accused Tarun vide order dated 20/06/2020, it is held that present accused was granted interim bail based on the relaxed interim bail criteria by Hon'ble High Court.

At this stage, it is noted that Hon'ble High Court of

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PS: Darya Ganj

STATE v. Manish @ Monish s/o Surender Singh

U/S: 392, 397, 34 IPC & 25, 54, 59 Arms Act

Delhi in W.P.(C) 3080/2020 titled as "Court on its own motion v. Govt. of NCT of Delhi & Anr., is applicable to the interim bail granted under the relaxed criteria for interim bail given by Hon'ble High Court.

Heard.

In view of the same, there is no need to pass any specific order in the present application for extension. Same is disposed off accordingly.

Copy of this order be given dasti to counsel for applicant or through electronic mode.

**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/THC**  
**14.07.2020**



Bail Application

State Vs. Salman @ Guru  
FIR No. : 329/2017  
PS: Subzi Mandi  
U S: 392,394,397,34 IPC

14.07.2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State  
through VC.  
Mr. Sandeep Yadav, learned Counsel for  
Accused through VC.

Vide this order, the regular bail application under section 439 Cr.P.C. on behalf of accused dated 06.07.2020 filed through counsel is disposed of.

I have heard both the sides and have gone through the record.

The personal liberty is a priceless treasure for a human being. It is founded on the bed rock of constitutional right and accentuated further on human rights principle. The sanctity of liberty is the fulcrum of any civilized society. Deprivation of liberty of a person has enormous impact on his mind as well as body. Further article 21 Of the Constitution mandates that no person shall be deprived of his life or personal liberty except according to procedure established by law. Further India is a signatory to the International Covenant On Civil And Political Rights, 1966 and, therefore, Article 21 of the Constitution has to be understood in the light of the International Covenant On Civil And Political Rights, 1966. *Further* Presumption of innocence is a human right. Article 21 in view of its expansive meaning not

only protects life and liberty ,but also envisages a fair procedure. Liberty of a person should not ordinarily be interfered with unless there exist cogent grounds therefor. The fundamental principle of our system of justice is that a person should not be deprived of his liberty except for a distinct breach of law. If there is no substantial risk of the accused fleeing the course of justice, there is no reason why he should be imprisoned during the period of his trial. The basic rule is to release him on bail unless there are circumstances suggesting the possibility of his fleeing from justice or thwarting the course of justice. When bail is refused, it is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution.

Further it has been laid down from the earliest time that the object of Bail is to secure the appearance of the accused person at his trial by reasonable amount of Bail. The object of Bail is neither punitive nor preventive. Deprivation of liberty must be considered a punishment unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after convictions, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earlier times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial ,but in such case 'necessity' is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the constitution that any persons should be punished in respect of

any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty under Article 21 of the Constitution upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances. Apart from the question of prevention being the object of a refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and it would be improper for any court to refuse bail as mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an unconvicted person for the purpose of giving him a taste of imprisonment as a lesson. While considering an application for bail either under Section 437 or 439 CrPC, the court should keep in view the principle that grant of bail is the rule and committal to jail an exception. Refusal of bail is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution. Seriousness of the offence not to be treated as the only consideration in refusing bail : Seriousness of the offence should not to be treated as the only ground for refusal of bail. (Judgment of **Sanjay Chandra Vs. Central Bureau of Investigation, AIR 2012 SC 830** relied).

But, the liberty of an individual is not absolute. The Society by its collective wisdom through process of law can withdraw the liberty that it has sanctioned to an individual when an individual becomes a danger to the societal order. A society expects responsibility and accountability from the member, and it desires that the citizens should obey the law, respecting it as a cherished social norm. Therefore, when an individual behaves in a disharmonious manner ushering in disorderly thing which the

society disapproves, the legal consequences are bound to follow.

Further discretionary jurisdiction of courts u/s 437 and 439 CrPC should be exercised carefully and cautiously by balancing the rights of the accused and interests of the society. Court must indicate brief reasons for granting or refusing bail. Bail order passed by the court must be reasoned one but detailed reasons touching merits of the case, detailed examination of evidence and elaborate documentation of merits of case should not be done.

At this stage , it can also be fruitful to note that requirements for bail u/s 437 & 439 are different. Section 437 Cr.P.C. severally curtails the power of the Magistrate to grant bail in context of the commission of non-bailable offences punishable with death or imprisonment for life, the two higher Courts have only the procedural requirement of giving notice of the Bail application to the Public Prosecutor, which requirement is also ignorable if circumstances so demand. The regimes regulating the powers of the Magistrate on the one hand and the two superior Courts are decidedly and intentionally not identical, but vitally and drastically dissimilar. (**Sundeep Kumar Bafna Vs. State of Maharashtra, AIR 2014 SC 1745** ).

Further at this stage it can be noted that interpreting the provisions of bail contained u/s 437 & 439 Cr.P.C., the Hon'ble Supreme Court in its various judgments has laid down various considerations for grant or refusal of bail to an accused in a non-bailable offence like, (i) Whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) Nature of accusation and evidence



therefor, (iii) Gravity of the offence and punishment which the conviction will entail, (iv) Reasonable possibility of securing presence of the accused at trial and danger of his absconding or fleeing if released on bail, (v) Character and behavior of the accused, (vi) Means, position and standing of the accused in the Society, (vii) Likelihood of the offence being repeated, (viii) Reasonable apprehension of the witnesses being tampered with, (ix) Danger, of course, of justice being thwarted by grant of bail, (x) Balance between the rights of the accused and the larger interest of the Society/State, (xi) Any other factor relevant and peculiar to the accused. (xii) While a vague allegation that the accused may tamper with the evidence or witnesses may not be a ground to refuse bail, but if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. Furthermore, in the landmark judgment of **Gurucharan Singh and others v. State** (AIR 1978 SC 179), it was held that there is no hard and fast rule and no inflexible principle governing the exercise of such discretion by the courts. It was further held that there cannot be any inexorable formula in the matter of granting bail. It was further held that facts and circumstances of each case will govern the exercise of judicial discretion in granting or refusing bail. It was further held that such question depends upon a variety of circumstances, cumulative effect of which must enter into the judicial verdict. Such judgment itself mentioned the nature and seriousness of nature, and circumstances in which offences are committed apart from character of evidence as some of the relevant factors in deciding whether to grant bail or

not.

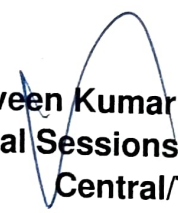
Further it may also be noted that it is also settled law that while disposing of bail applications u/s 437/439 Cr.P.C., courts should assign reasons while allowing or refusing an application for bail. But detailed reasons touching the merit of the matter should not be given which may prejudice the accused. What is necessary is that the order should not suffer from non-application of mind. At this stage a detailed examination of evidence and elaborate documentation of the merit of the case is not required to be undertaken. Though the court can make some reference to materials but it cannot make a detailed and in-depth analysis of the materials and record findings on their acceptability or otherwise which is essentially a matter of trial. Court is not required to undertake meticulous examination of evidence while granting or refusing bail u/s 439 of the CrPC.

In the present case, it is argued that first and second regular bail application was dismissed as withdrawn and thereafter interim bail application was dismissed on 20.06.2020. It is further stated that he is falsely implicated in the present case. That he is in JC since 13.02.2018 and no useful purpose would be served by keeping him in further custody. That nothing to connect the present accused with the present case. That in fact complainant has already expired on 13.05.2018. That one of the co-accused Salman @ Saddam is already granted regular bail. That there is no witness to whom accused can threaten and remaining witnesses are police witnesses only. That seriousness of the offence is not the only criteria in granting or refusing regular bail. As such, it is prayed that he be granted regular bail.

On the other hand, it is stated in reply by the IO dated 14.07.2020, as also argued by the learned Addl.PP for the state that there are serious and specific allegations against the present accused; that present accused alongwith other co-accused as committed the present offence and robbed scooty from the complainant. The complainant was beaten with the butt of the pistol. That a CCTV footage of the incident in question showing presence of the accused on the place of crime. That he is involved in other similar cases also. As such, present bail application is strongly opposed.

I find force in the arguments of learned Addl.PP for the state. The offence is serious in nature and is nuisance to public at large. There are specific and serious allegations against the accused, including CCTV footage. As it is a application for bail, evidence is not discussed in detail. Having regard to the nature of the case and the role assigned to the present accused, this court is not inclined to grant the relief as sought in the present application. **Hence, the same is dismissed.**

**With these observations present bail application is disposed of as dismissed. Learned counsel for the applicant/accused is at liberty to collect the order through electronic mode. Copy of this order be sent to Jail Superintendent concerned.**

  
**(Naveen Kumar Kashyap)**  
**Additional Sessions Judge-04**  
**Central/THC/Delhi**  
**14.07.2020**

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## Bail Application

State V. Vikas Kaushik @ Sunny

FIR no.: 524/2014

PS: Burari

U/s: 364,302,201,120B,34 IPC &

U/s 25,27,54,59 Arms Act

14.07.2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State  
through VC  
Mr. Mukesh Kumar Sharma, learned Counsel for the  
Accused through VC.

Vide this order, the regular bail application dated 07.03.2020 under section 439 Cr.P.C. on behalf of accused filed through counsel is disposed of. Such application is taken up as now only the accused has moved an application for early hearing of such bail application, and such early hearing application was allowed and file is taken up accordingly today regarding disposal of such bail application accordingly.

I have heard both the sides and have gone through the record.

The personal liberty is a priceless treasure for a human being. It is founded on the bed rock of constitutional right and accentuated further on human rights principle. The sanctity of liberty is the fulcrum of any civilized society. Deprivation of liberty of a person has enormous impact on his mind as well as body. Further article 21 Of the Constitution mandates that no person shall be deprived of his life or personal liberty except according to procedure established by law. Further India is a signatory to the International Covenant On Civil And Political Rights, 1966 and, therefore, Article 21 of the Constitution has to be understood in the light of the International Covenant On Civil

22/07



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And Political Rights, 1966. *Further* Presumption of innocence is a human right. Article 21 in view of its expansive meaning not only protects life and liberty, but also envisages a fair procedure. Liberty of a person should not ordinarily be interfered with unless there exist cogent grounds therefor. The fundamental principle of our system of justice is that a person should not be deprived of his liberty except for a distinct breach of law. If there is no substantial risk of the accused fleeing the course of justice, there is no reason why he should be imprisoned during the period of his trial. The basic rule is to release him on bail unless there are circumstances suggesting the possibility of his fleeing from justice or thwarting the course of justice. When bail is refused, it is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution.

Further it has been laid down from the earliest time that the object of Bail is to secure the appearance of the accused person at his trial by reasonable amount of Bail. The object of Bail is neither punitive nor preventive. Deprivation of liberty must be considered a punishment unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after convictions, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earlier times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial, but in such case 'necessity' is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the constitution that any persons should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty under Article 21 of the Constitution upon only

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the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances. Apart from the question of prevention being the object of a refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and it would be improper for any court to refuse bail as mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an unconvicted person for the purpose of giving him a taste of imprisonment as a lesson. While considering an application for bail either under Section 437 or 439 CrPC, the court should keep in view the principle that grant of bail is the rule and committal to jail an exception. Refusal of bail is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution. Seriousness of the offence not to be treated as the only consideration in refusing bail : Seriousness of the offence should not to be treated as the only ground for refusal of bail. (Judgment of **Sanjay Chandra Vs. Central Bureau of Investigation, AIR 2012 SC 830** relied).

But, the liberty of an individual is not absolute. The Society by its collective wisdom through process of law can withdraw the liberty that it has sanctioned to an individual when an individual becomes a danger to the societal order. A society expects responsibility and accountability from the member, and it desires that the citizens should obey the law, respecting it as a cherished social norm. Therefore, when an individual behaves in a disharmonious manner ushering in disorderly thing which the society disapproves, the legal consequences are bound to follow.

Further discretionary jurisdiction of courts u/s 437 and 439 CrPC should be exercised carefully and cautiously by balancing the rights of the accused and interests of the society. Court must indicate brief reasons for granting or refusing bail. Bail order passed by the court must be reasoned one but detailed reasons touching

merits of the case, detailed examination of evidence and elaborate documentation of merits of case should not be done.

At this stage , it can also be fruitful to note that requirements for bail u/s 437 & 439 are different. Section 437 Cr.P.C. severally curtails the power of the Magistrate to grant bail in context of the commission of non-bailable offences punishable with death or imprisonment for life, the two higher Courts have only the procedural requirement of giving notice of the Bail application to the Public Prosecutor, which requirement is also ignorable if circumstances so demand. The regimes regulating the powers of the Magistrate on the one hand and the two superior Courts are decidedly and intentionally not identical, but vitally and drastically dissimilar. (**Sundeep Kumar Bafna Vs. State of Maharashtra, AIR 2014 SC 1745** ).

Further at this stage it can be noted that interpreting the provisions of bail contained u/s 437 & 439 Cr.P.C., the Hon'ble Supreme Court in its various judgments has laid down various considerations for grant or refusal of bail to an accused in a non-bailable offence like, (i) Whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) Nature of accusation and evidence therefor, (iii) Gravity of the offence and punishment which the conviction will entail, (iv) Reasonable possibility of securing presence of the accused at trial and danger of his absconding or fleeing if released on bail, (v) Character and behavior of the accused, (vi) Means, position and standing of the accused in the Society, (vii) Likelihood of the offence being repeated, (viii) Reasonable apprehension of the witnesses being tampered with, (ix) Danger, of course, of justice being thwarted by grant of bail, (x) Balance between the rights of the accused and the larger interest of the Society/State, (xi) Any other factor relevant and peculiar to the accused. (xii) While a vague allegation that the accused may tamper with the evidence or witnesses may not be a ground to refuse bail, but



if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. Furthermore, in the landmark judgment of **Gurucharan Singh and others v. State** (AIR 1978 SC 179), it was held that there is no hard and fast rule and no inflexible principle governing the exercise of such discretion by the courts. It was further held that there cannot be any inexorable formula in the matter of granting bail. It was further held that facts and circumstances of each case will govern the exercise of judicial discretion in granting or refusing bail. It was further held that such question depends upon a variety of circumstances, cumulative effect of which must enter into the judicial verdict. Such judgment itself mentioned the nature and seriousness of nature, and circumstances in which offences are committed apart from character of evidence as some of the relevant factors in deciding whether to grant bail or not.

Further it may also be noted that it is also settled law that while disposing of bail applications u/s 437/439 Cr.P.C., courts should assign reasons while allowing or refusing an application for bail. But detailed reasons touching the merit of the matter should not be given which may prejudice the accused. What is necessary is that the order should not suffer from non-application of mind. At this stage a detailed examination of evidence and elaborate documentation of the merit of the case is not required to be undertaken. Though the court can make some reference to materials but it cannot make a detailed and in-depth analysis of the materials and record findings on their acceptability or otherwise which is essentially a matter of trial. Court is not required to undertake meticulous examination of evidence while granting or refusing bail u/s 439 of the CrPC.

In the present case, it is submitted on behalf of the accused that he is in JC since 24.09.2019; that he is in Bagpat Jail in



some other case. It is further stated that now he is granted bail in matter pending at Baghpat. It is further stated that there is no previous convict record of present accused. It is further stated that co-accused are already granted bail. It is further stated that his address is wrongly mentioned in chargesheet and he was never served at correct address of D-34. That he is no more required for the purpose of investigation. That production warrant of the present accused was issued in order to ensure his presence before this court. But the police official concerned did not produce him before this court for the reasons best known to them. It is further stated that he be granted regular bail in the present case.

Arguments addressed in detail from both sides.

**Put up for appropriate orders/clarifications, if any at 4 pm.**

(Naveen Kumar Kashyap)  
Additional Sessions Judge-04  
Central/THC/Delhi

**At 4 pm**

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC

Certain clarifications required whether present accused is arrested at all in present case or not and consequently whether present bail matter is maintainable or not.

**Put up on 18.07.2020.**

IO to file reply including whether accused is ever arrested in present case or not. Issue notice to IO accordingly. Further a copy of this order be sent alongwith notice.

(Naveen Kumar Kashyap)  
Additional Sessions Judge-04  
Central/THC/14.07.2020

**BAIL APPLICATION**

**FIR No. : 327/2016**

**PS: Roop Nagar**

**STATE v. Ram Nawal s/o Ram Naresh**

**U/S: 302 IPC**

**14.07.2020.**

Present: Sh. Pawan Kumar, Addl. PP for the State through VC.  
Mr. Sunil Kumar, learned counsel for the accused through VC.

Reply filed by the IO. But it is not in terms of para 3 of the last order dated 08/07/2020.

As such, IO to file further report including regarding previous conviction / involvement of the present accused. Further copy of order dated 08/07/2020 be sent for his ready reference.

Put up for reply, arguments and appropriate order for **22/07/2020**.

**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/THC**  
**14.07.2020**

**BAIL APPLICATION**

**State V. Deepesh @ Deepu S/o Rakesh**  
**FIR No. : 303/2014**  
**PS.: Subzi Mandi**  
**U.S: 302,307,34 IPC & 25,27,59 Arms Act**

**14.07.2020**

**Present:** Mr. Pawan Kumar, Learned Addl. PP for State  
through VC.  
Sh. Vikrant Chowdhary, Ld. counsel for accused/  
applicant through VC.

Reply filed by IO.

Part arguments heard.

Put up for further arguments including regarding  
date of operation/surgery of the wife of the accused, if any, on  
**26.07.2020 with file.**

**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/THC**  
**14.07.2020**

**EXTENSION OF INTERIM BAIL APPLICATION**

**State Vs Surender s/o Karan Singh**  
**FIR No. 303/2014**  
**PS.: Subzi Mandi**  
**U.S: 302, 307, 120B, 34 IPC & 25, 27 Arms Act**

**14.07.2020**

**Present:** Mr. Pawan Kumar, Learned Addl. PP for State through VC.  
Mr. Hemant Chaudhary, learned counsel for accused through VC.

1. Vide this order, application dated 11.07.2020 filed by accused through counsel for extension of interim bail for 60 days is disposed of.
2. Arguments heard in detail from both sides. Further trial court record perused.
3. In nutshell, it is submitted on behalf of the accused that this is an application for extension of interim bail for 60 days. It is further stated that same is sought as applicant's wife is not well. It is further stated that vide interim bail order dated 18/05/2020, he was released on 21/05/2020, therefore, he got his wife admitted and treated in hospital on 28/05/2020 and she was suffering from Asthma of lungs, Anemia, Chest infection. He further got his corona test and isolated for two weeks. It is further stated that interim bail of the applicant is expiring on 15/06/2020; that there are two minor children under the age of 4. As such, present application for extension of interim bail filed to take care of children and ailing wife. It is further claimed that on 10/07/2020, his wife accidentally slipped in the stairs and sustained injury and was taken to Baba Saheb Ambedkar Hospital and she got knee fracture and she is on rest for 17 days. Various other grounds which were taken on merits in the original interim bail application and otherwise are also argued on behalf of the accused.
4. On the other hand present application for extension is

State Vs Surender s/o Karan Singh  
FIR No. 303/2014  
PS.: Subzi Mandi  
U.S: 302, 307, 120B, 34 IPC & 25, 27 Arms Act



strongly opposed by the prosecution. It is further stated by the learned Addl.PP for the State that on one ground or the other they are seeking extension of interim bail. It is further stated that earlier he was granted interim bail on merit and not based on criteria of Hon'ble High Court and he has already availed the same.

5. I have heard both the sides and gone through the record, including interim bail order dated 18.05.2020 and further order of extension by Learned ASJ-03 Central dated 12/06/2020.

6. On a bare reading of such order, it is clear that such interim bail was **not granted in terms of** criteria of High Power Committee of Hon'ble High Court of Delhi regarding relaxed condition read with judgment of Shobha Gupta Vs Union of India, but on merit on the facts of the present case.

7. It may further be specifically noted that the case of the present accused is not covered by the order of Hon'ble High Court of Delhi in its Division Bench order dated 22.06.2020 in W.P.(C) 3080/2020 titled as "Court on its own motion v. Govt. of NCT of Delhi & Anr., as it is clear from a bare reading of such order that *the same is applicable only to the interim bail granted under the relaxed criteria for interim bail given by Hon'ble High Court.*

8. Likewise, it may further be specifically noted that the case of the present accused is not covered even by the order of Hon'ble High Court of Delhi in its full bench order dated 15.06.2020 in W.P.(C) 3037/2020 titled as "Court on its own motion v. state & Ors. in re. *Extension of Interim Orders, as such order is applicable only to the extension of interim bail / stay granted before lockdown during regular hearing by court concerned. Same is not the case of the present accused.*

9. Further, for reasons stated in interim bail application, the accused is already granted and enjoyed liberty of interim bail for 45 days. No further leniency is required in the considered view of this court. As

ed by the learned  
they are seeking  
he was granted

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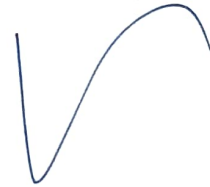
such, having regard to the nature of the case and he has already given opportunity to avail interim bail and same was even extended by the Learned Bail Duty Judge for another 30 days, this court is not inclined to extend the same. **With these observations, present application is dismissed.**

10. Accordingly, accused is directed to surrender before the Jail Superintendent concerned in terms of earlier interim bail order.

11. The present application stands disposed off accordingly. Both side are at liberty to collect the order through electronic mode.

***Further a copy of this order be sent to the Jail Superintendent concerned through electronic mode.***

(Naveen Kumar Kashyap)  
ASJ-04/Central/THC  
14.07.2020



**EXTENSION OF INTERIM BAIL APPLICATION**

**State Vs Karan @ Raj Karan  
FIR No. 303/2014  
PS.: Subzi Mandi  
U.S: 302, 307, 120B, 34 IPC**

**14.07.2020**

**Present:** Mr. Pawan Kumar, Learned Addl. PP for State through VC.  
Mr. Saurabh Sharma , learned counsel for accused through VC / electronic mode.

1. Vide this order, application dated 13.07.2020 filed by accused through counsel for extension of interim bail for 30 days is disposed of.

2. Arguments heard in detail from both sides. Further trial court record perused.

3. In nutshell, it is submitted on behalf of the accused that earlier he was granted interim bail vide order dated 16/06/2020 till 15/07/2020. It is further stated that he was granted such extension in view of order of Hon'ble High Court in WP(c) 3037 / 2020 dated 15/06/2020. It is further stated that such accused was granted interim bail vide order dated 18/04/2020 and 18/05/2020. It is stated that he was in JC in some other matter, FIR No. 415/15 PS Subzi Mandi and he was not granted bail in that other matter by this court. Thereafter, present accused moved before Hon'ble High Court in that matter and vide order dated 13/05/2020, hon'ble High Court was pleased to grant interim bail to present accused in that matter for 30 days and he was ultimately granted interim bail for 30 days from the date of release in the present case. That he is not keeping well and was scheduled to undergo surgery. As such, he again approached Hon'ble High Court seeking extension of order dated 13/05/2020 and vide order dated 23/06/2020, his interim bail was extended for a period of 30 days. It is further stated that his mother had to

undergo surgery on 25/04/2020 and she was exhibiting the symptoms of Covid-19, as such, she needed support of present applicant in taking medical care of the mother. It is further claimed that surgery of mother could not be performed due to outbreak of Covid-19 infection and same was postponed and such surgery could not be conducted so far including in any government hospital. As such, it is prayed that his interim bail be further extended in the present case for another 30 days.

4. On the other hand present application for extension is strongly opposed by the prosecution. It is further stated by the learned Addl.PP for the State that on one ground or the other they are seeking extension of interim bail. It is further stated that earlier he was granted interim bail on merit and not based on criteria of Hon'ble High Court and he has already availed the same.

5. I have heard both the sides and gone through the record, including earlier interim bail order.

6. On a bare reading of such order, it is clear that such interim bail was **not granted in terms of** criteria of High Power Committee of Hon'ble High Court of Delhi regarding relaxed condition read with judgment of Shobha Gupta Vs Union of India, but on merit on the facts of the present case.

7. In fact, he was initially granted interim bail on 18/04/2020 and that time Hon'ble High Power Committee did not even laid down the criteria for relaxed interim bail and the same was laid down later on on 18/05/2020.

8. It may further be specifically noted that the case of the present accused is not covered by the order of Hon'ble High Court of Delhi in its Division Bench order dated 22.06.2020 in W.P.(C) 3080/2020 titled as "Court on its own motion v. Govt. of NCT of Delhi & Anr., as it is clear from a bare reading of such order that *the same is applicable only to the interim bail granted under the relaxed criteria for interim bail given by Hon'ble High Court.* In fact admittedly accused is involved in another



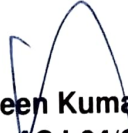
criminal case.

9. Likewise, it may further be specifically noted that the case of the present accused is not covered even by the order of Hon'ble High Court of Delhi in its full bench order dated 15.06.2020 in W.P.(C) 3037/2020 titled as "Court on its own motion v. state & Ors. in re. *Extension of Interim Orders, as such order is applicable only to the extension of interim bail / stay granted before lockdown during regular hearing by court concerned. Same is not the case of the present accused. Thus, so far even extension of such accused was not just based on criteria of Hon'ble High Court but on merit only.*

10. Further, for reasons stated in interim bail application, the accused is already granted and enjoyed liberty of interim bail and even extension of the same. No further leniency is required in the considered view of this court. As such, having regard to the nature of the case and he has already given opportunity to avail interim bail and same was even extended, this court is not inclined to extend the same. **With these observations, present application is dismissed.**

11. Accordingly, accused is directed to surrender before the Jail Superintendent concerned in terms of earlier interim bail order.

12. The present application stands disposed off accordingly. Both side are at liberty to collect the order through electronic mode. ***Further a copy of this order be sent to the Jail Superintendent concerned through electronic mode.***

  
(Naveen Kumar Kashyap)  
ASJ-04/Central/THC  
14.07.2020

**BAIL APPLICATION**

**FIR No. :130/2014**  
**PS: Kamla Market**  
**STATE v. Sanjay @ Dharamvir**  
**U/S: 419, 420, 365, 392, 395, 412, 120B, 34 IPC**

**14.07.2020.**

Present: Sh. Pawan Kumar, Addl. PP for the State through VC.  
Mr. Rajan Bhatia, learned counsel for the accused through VC.

It is submitted by the learned counsel for the accused that an application on behalf of accused Sanjay @ Dharamvir in present FIR No. 130/2014 has already been moved and is pending for hearing for 16/07/2020.

As such, at request, present application is dismissed as withdrawn as the same is bonafidely moved again.

**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/THC**  
**14.07.2020**

**EXTENSION OF INTERIM BAIL APPLICATION**

**State Vs Ravi Dhika s/o Late Hans Raj  
FIR No. 303/2014  
PS.: Subzi Mandi  
U.S: 302, 307, 120B IPC**

**14.07.2020**

**Present:** Mr. Pawan Kumar, Learned Addl. PP for State through VC.  
Mr. Jitender Sethi, learned counsel for accused through VC / electronic mode.

1. Vide this order, application filed by accused through counsel for extension of interim bail for 45 days is disposed of.

2. Arguments heard in detail from both sides. Further trial court record perused.

3. In nutshell, it is submitted on behalf of the accused that no role is assigned to the present applicant nor he has been named as assailant in FIR. As such, his involvement in the present case is highly doubtful. It is further stated that accused seeks extension of interim bail on the ground that his wife Mrs. Kusum is diagnosed with suffering from acute lower back ache with severe radiating to the lower limbs and despite medication, her condition is worsening and now doctor has advised surgery for PIVD for 21/07/2020 and she will be admitted to hospital on 20/07/2020. Further doctor has advised for arranging two units of blood. Earlier, she reported for admission on 22/06/2020 but her surgery was postponed as her blood pressure was high and she was advised to undergo Covid-19 test and she was advised home isolation for two weeks. That there is no other adult male members to take care of wife. That he has never misused the concession of interim bail and duly surrendered after availing the same. It is further stated that there is spread of corona virus and there are certain directions by Hon'ble High Court also in this regard, regarding prayer of present nature.

State Vs Ravi Dhika s/o Late Hans Raj  
FIR No. 303/2014  
PS.: Subzi Mandi  
U.S: 302, 307, 120B IPC

hearing  
accused

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As such, it is prayed that his interim bail be extended in the present case for another 45 days.

4. On the other hand present application for extension is strongly opposed by the prosecution. It is further stated by the learned Addl.PP for the State that on one ground or the other they are seeking extension of interim bail. It is further stated that earlier he was granted interim bail on merit and not based on criteria of Hon'ble High Court and he has already availed the same. It is further stated that IO has verified the medical papers. It is further stated that there is three other criminal involvements apart from the present case.

5. I have heard both the sides and gone through the record, including earlier interim bail order.

6. On a bare reading of such order, it is clear that such interim bail was **not granted in terms of** criteria of High Power Committee of Hon'ble High Court of Delhi regarding relaxed condition read with judgment of Shobha Gupta Vs Union of India, but on merit on the facts of the present case.

7. It may further be specifically noted that the case of the present accused is not covered by the order of Hon'ble High Court of Delhi in its Division Bench order dated 22.06.2020 in W.P.(C) 3080/2020 titled as "Court on its own motion v. Govt. of NCT of Delhi & Anr., as it is clear from a bare reading of such order that *the same is applicable only to the interim bail granted under the relaxed criteria for interim bail given by Hon'ble High Court.* In fact present accused is involved in other criminal case.

8. Likewise, it may further be specifically noted that the case of the present accused is not covered even by the order of Hon'ble High Court of Delhi in its full bench order dated 15.06.2020 in W.P.(C) 3037/2020 titled as "Court on its own motion v. state & Ors. in re. *Extension of Interim Orders, as such order is applicable only to the extension of interim bail / stay granted before lockdown during regular*



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*hearing by court concerned. Same is not the case of the present accused.*

9. Further, for reasons stated in interim bail application, the accused is already granted and enjoyed liberty of interim bail and even extension of the same. No further leniency is required in the considered view of this court. As such, having regard to the nature of the case and he has already given opportunity to avail interim bail, this court is not inclined to extend the same. **With these observations, present application is dismissed.**

10. Accordingly, accused is directed to surrender before the Jail Superintendent concerned in terms of earlier interim bail order.

11. The present application stands disposed off accordingly. Both side are at liberty to collect the order through electronic mode. ***Further a copy of this order be sent to the Jail Superintendent concerned through electronic mode.***

(Naveen Kumar Kashyap)  
ASJ-04/Central/THC  
14.07.2020

**Bail Application**

**State V. Rakesh S/o Shankar Lal**  
**FIR No. : 236/2019**  
**PS: Subzi Mandi**  
**U/S: 308, 34 IPC**

**14.07.2020**

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State  
through VC  
Mr. Shivendra Singh, learned Counsel for  
Accused through VC.

Vide this order, the regular bail application dated  
07.07.2020 under section 439 Cr.P.C. on behalf of accused filed  
through counsel is disposed of.

I have heard both the sides and have gone through  
the record.

The personal liberty is a priceless treasure for a  
human being. It is founded on the bed rock of constitutional right  
and accentuated further on human rights principle. The sanctity  
of liberty is the fulcrum of any civilized society. Deprivation of  
liberty of a person has enormous impact on his mind as well as  
body. Further article 21 Of the Constitution mandates that no  
person shall be deprived of his life or personal liberty except  
according to procedure established by law. Further India is a  
signatory to the International Covenant On Civil And Political  
Rights, 1966 and, therefore, Article 21 of the Constitution has to  
be understood in the light of the International Covenant On Civil  
And Political Rights, 1966. *Further* Presumption of innocence is  
a human right. Article 21 in view of its expansive meaning not

only protects life and liberty ,but also envisages a fair procedure. Liberty of a person should not ordinarily be interfered with unless there exist cogent grounds therefor. The fundamental principle of our system of justice is that a person should not be deprived of his liberty except for a distinct breach of law. If there is no substantial risk of the accused fleeing the course of justice, there is no reason why he should be imprisoned during the period of his trial. The basic rule is to release him on bail unless there are circumstances suggesting the possibility of his fleeing from justice or thwarting the course of justice. When bail is refused, it is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution.

Further it has been laid down from the earliest time that the object of Bail is to secure the appearance of the accused person at his trial by reasonable amount of Bail. The object of Bail is neither punitive nor preventive. Deprivation of liberty must be considered a punishment unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after convictions, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earlier times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial ,but in such case 'necessity' is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the constitution that any persons should be punished in respect of

any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty under Article 21 of the Constitution upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances. Apart from the question of prevention being the object of a refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and it would be improper for any court to refuse bail as mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an unconvicted person for the purpose of giving him a taste of imprisonment as a lesson. While considering an application for bail either under Section 437 or 439 CrPC, the court should keep in view the principle that grant of bail is the rule and committal to jail an exception. Refusal of bail is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution. Seriousness of the offence not to be treated as the only consideration in refusing bail : Seriousness of the offence should not to be treated as the only ground for refusal of bail. (Judgment of **Sanjay Chandra Vs. Central Bureau of Investigation, AIR 2012 SC 830** relied).

But, the liberty of an individual is not absolute. The Society by its collective wisdom through process of law can withdraw the liberty that it has sanctioned to an individual when an individual becomes a danger to the societal order. A society expects responsibility and accountability from the member, and it desires that the citizens should obey the law, respecting it as a cherished social norm. Therefore, when an individual behaves in a disharmonious manner ushering in disorderly thing which the



society disapproves, the legal consequences are bound to follow.

Further discretionary jurisdiction of courts u/s 437 and 439 CrPC should be exercised carefully and cautiously by balancing the rights of the accused and interests of the society. Court must indicate brief reasons for granting or refusing bail. Bail order passed by the court must be reasoned one but detailed reasons touching merits of the case, detailed examination of evidence and elaborate documentation of merits of case should not be done.

At this stage , it can also be fruitful to note that requirements for bail u/s 437 & 439 are different. Section 437 Cr.P.C. severally curtails the power of the Magistrate to grant bail in context of the commission of non-bailable offences punishable with death or imprisonment for life, the two higher Courts have only the procedural requirement of giving notice of the Bail application to the Public Prosecutor, which requirement is also ignorable if circumstances so demand. The regimes regulating the powers of the Magistrate on the one hand and the two superior Courts are decidedly and intentionally not identical, but vitally and drastically dissimilar. (**Sundeep Kumar Bafna Vs. State of Maharashtra, AIR 2014 SC 1745** ).

Further at this stage it can be noted that interpreting the provisions of bail contained u/s 437 & 439 Cr.P.C., the Hon'ble Supreme Court in its various judgments has laid down various considerations for grant or refusal of bail to an accused in a non-bailable offence like, (i) Whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) Nature of accusation and evidence

therefor, (iii) Gravity of the offence and punishment which the conviction will entail, (iv) Reasonable possibility of securing presence of the accused at trial and danger of his absconding or fleeing if released on bail, (v) Character and behavior of the accused, (vi) Means, position and standing of the accused in the Society, (vii) Likelihood of the offence being repeated, (viii) Reasonable apprehension of the witnesses being tampered with, (ix) Danger, of course, of justice being thwarted by grant of bail, (x) Balance between the rights of the accused and the larger interest of the Society/State, (xi) Any other factor relevant and peculiar to the accused. (xii) While a vague allegation that the accused may tamper with the evidence or witnesses may not be a ground to refuse bail, but if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. Furthermore, in the landmark judgment of **Gurucharan Singh and others v. State** (AIR 1978 SC 179), it was held that there is no hard and fast rule and no inflexible principle governing the exercise of such discretion by the courts. It was further held that there cannot be any inexorable formula in the matter of granting bail. It was further held that facts and circumstances of each case will govern the exercise of judicial discretion in granting or refusing bail. It was further held that such question depends upon a variety of circumstances, cumulative effect of which must enter into the judicial verdict. Such judgment itself mentioned the nature and seriousness of nature, and circumstances in which offences are committed apart from character of evidence as some of the relevant factors in deciding whether to grant bail or

not.

Further it may also be noted that it is also settled law that while disposing of bail applications u/s 437/439 Cr.P.C., courts should assign reasons while allowing or refusing an application for bail. But detailed reasons touching the merit of the matter should not be given which may prejudice the accused. What is necessary is that the order should not suffer from non-application of mind. At this stage a detailed examination of evidence and elaborate documentation of the merit of the case is not required to be undertaken. Though the court can make some reference to materials but it cannot make a detailed and in-depth analysis of the materials and record findings on their acceptability or otherwise which is essentially a matter of trial. Court is not required to undertake meticulous examination of evidence while granting or refusing bail u/s 439 of the CrPC.

In the present case, it is submitted on behalf of the accused that he is in JC since 10.10.2019. That case is at the stage of arguments on charge; that he is falsely implicated in the present case ; that there is spread of corona virus and as such, case is not likely to proceed further on merit in near future. That originally case was registered u/s 308 IPC but later on it was converted to section 307 IPC. That two of the co-accused are already on bail. As such, accused on parity ground also seeks regular bail.


On the other hand, in the reply filed by IO, as also argued by the learned Addl.PP for the state, that there are serious and specific allegations against the present accused; it is further stated that accused is pressurizing the complainant for

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settlement. That he attacked the victim on head with sharp weapon. That he is having eleven other criminal cases against him. It is further submitted by learned APP that his regular bail on merit was dismissed by a reasoned order dated 25.02.2020 and there is no material change in circumstances since then. It is further stated that his interim bail based on relaxed criteria of Hon'ble High court was also dismissed vide order dated 03.07.2020. As such, present application is opposed.

I have heard both the sides and gone through the record. It is rightly pointed out by the learned Addl. PP for the State that offence is serious in nature. Further, there is no material change in circumstances since dismissal of previous bail on 25.02.2020. even otherwise, for reasons stated in such previous bail order dated 25.02.2020, this court is not inclined to grant regular bail to accused at this stage. **With these observations present bail application is disposed of as dismissed.**

**Learned counsel for the applicant / accused is at liberty to collect the order through electronic mode. Copy of order be uploaded on the website.**

  
**(Naveen Kumar Kashyap)**  
**Additional Sessions Judge-04**  
**Central/THC/Delhi**  
**14.07.2020**



**Crl. Appeal: 58/2019  
Rajender Kumar v. State**

**14.07.2020**

**File taken up today in terms of order No. Endst. No. 1734-66/DHC/2020 dated 27.06.2020 r/w other earlier order passed in this regard as mentioned in this order itself.**

**Present: Sh. Anand Maheshwari, learned counsel for Appellant through electronic mode(mobile no. 9310121346)  
Sh. Pawan Kumar, Ld. Addl. PP for the State/ respondent.**

*This court is also discharging emergency Roster bail duty since 20.05.2020 and on an average hearing 15-20 matters through VC.*

This case is pending at the stage of final arguments. As such, same is proposed to be taken up today for hearing.

As per the report of Reader of this court, he was told by counsel for Appellant that he could not contact the parties, hence could not argue.

As such, matter could not be proceeded further on merits.

Parties are directed to download Webex and get familiar with the same by NDOH so that hearing can be held through Webex/electronic mode.

**Put up for purpose fixed/arguments on 14.09.2020.**

**(Naveen Kumar Kashyap)  
ASJ-04/Central/14.07.2020**

Crl. Appeal: 335/2018  
Sateesh Jain v. Income Tax Office

14.07.2020  
File taken up today in terms of order No. Endst. No. 1734-66/DHC/2020 dated 27.06.2020 r/w other earlier order passed in this regard as mentioned in this order itself.

Present: Sh. Ashish Aggarwal, learned counsel for Appellant through electronic mode(mobile no. 9810034337)  
None for Respondent.

*This court is also discharging emergency Roster bail duty since 20.05.2020 and on an average hearing 15-20 matters through VC.*

This case is pending at the stage of final arguments.

As such, same is proposed to be taken up today for hearing. As per the report of Reader of this court, when he contacted counsel for Appellant, he submitted that case file is not with him, hence could not argue the matter. Further, counsel for respondent Sh. Arpit Batra, Ld. Spl. PP for I.T. department (Mobile no. 991111176) did not pick up the phone.

As such, matter could not be proceeded further on merits.

Parties are directed to download Webex and get familiar with the same by NDOH so that hearing can be held through Webex/electronic mode.

**Put up for purpose fixed/arguments on 14.09.2020.**

(Naveen Kumar Kashyap)  
ASJ-04/Central/14.07.2020

Crl. Appeal: 329/2018  
H.S. Chowdhary v. The state

14.07.2020

File taken up today in terms of order No. Endst. No. 1734-66/DHC/2020 dated 27.06.2020 r/w other earlier order passed in this regard as mentioned in this order itself.

**Present:** Sh. Mukesh Kalia, learned counsel for Appellant  
through electronic mode(mobile no. 9810238722)  
None for State/CBI.

*This court is also discharging emergency Roster bail duty since 20.05.2020 and on an average hearing 15-20 matters through VC.*

This case is pending at the stage of final arguments. As such, same is proposed to be taken up today for hearing.

As per the report of Registrar of this court, he could not contact counsel for Appellant Sh. Mukesh Kalia on his mobile number as the same does not exist. Further, details of Sh. Amit Kumar, Ld. PP for CBI/respondent is not available on record.

As such, matter could not be proceeded further on merits.

Parties are directed to download Webex and get familiar with the same by NDOH so that hearing can be held through Webex/electronic mode.

**Put up for purpose fixed/arguments on 14.09.2020.**

(Naveen Kumar Kashyap)  
ASJ-04/Central/14.07.2020

CrI. Revision : 721/2019  
Krishan Pal @ Neetu Tyagi v. The State

14.07.2020

File taken up today in terms of order No. Endst. No. 1734-66/DHC/2020 dated 27.06.2020 r/w other earlier order passed in this regard as mentioned in this order itself.

Present: Sh. Ritesh Bahri, learned counsel for Revisionist  
through electronic mode(mobile no. 9811251442)  
Sh. Pawan Kumar, Ld. Addl. PP for the State  
through VC.

*This court is also discharging emergency Roster bail duty since 20.05.2020 and on an average hearing 15-20 matters through VC.*

This case is pending at the stage of final arguments.  
As such, same is proposed to be taken up today for hearing.

As per the report of Reader of this court, Sh. Ajay Kumar Bansal picked up the phone of Sh. Ritesh Bahri, counsel for Revisionist and submitted that he was not aware that matter is listed for today, so unable to argue the matter.

As such, matter could not be proceeded further on merits.

Parties are directed to download Webex and get familiar with the same by NDOH so that hearing can be held through Webex/electronic mode.

**Put up for purpose fixed/arguments on 14.09.2020.**

(Naveen Kumar Kashyap)  
AS-J-04/Central/14.07.2020



CrI. Revision : 369/2019  
Buffalo Networks P. Ltd. v. State of NCT

14.07.2020

File taken up today in terms of order No. Endst. No. 1734-66/DHC/2020 dated 27.06.2020 r/w other earlier order passed in this regard as mentioned in this order itself.

Present: Sh. Rajeev Sharma, learned counsel for  
Revisionist through electronic mode(mobile no. 9910844633)  
Sh. Pawan Kumar, Ld. Addl. PP for State through  
VC.

*This court is also discharging emergency Roster bail duty since 20.05.2020 and on an average hearing 15-20 matters through VC.*

This case is pending at the stage of final arguments. As such, same is proposed to be taken up today for hearing.

As per the report of Reader of this court, when he contacted with counsel for Revisionist, he submitted that case file is not with him, hence would not be able to argue the matter.

As such, matter could not be proceeded further on merits.

Parties are directed to download Webex and get familiar with the same by NDOH so that hearing can be held through Webex/electronic mode.

**Put up for purpose fixed/arguments on 14.09.2020.**

(Naveen Kumar Kashyap)  
ASJ-04/Central/14.07.2020

CrI. Revision : 430/2019  
Subrata Roy Sahara v. Income Tax Officer

14.07.2020

File taken up today in terms of order No. Endst. No. 1734-66/DHC/2020 dated 27.06.2020 r/w other earlier order passed in this regard as mentioned in this order itself.

Present:

Ms. Neha Gupta, learned counsel for  
Revisionist through electronic mode(mobile no.  
9873574763)  
None for respondent.

*This court is also discharging emergency Roster ball duty since 20.05.2020 and on an average hearing 15-20 matters through VC.*

This case is pending at the stage of final arguments  
As such, same is proposed to be taken up today for hearing

As per the report of Reader of this court, when he contacted with counsel for Revisionist, she submitted that case file is not with her, hence would not be able to argue the matter  
Further, **Sh. Arpit Batra, Ld. Spl. PP for I.T. Department (Mobile no. 9911111176)** did not pick up the phone

As such, matter could not be proceeded further on merits.

Parties are directed to download Webex and get familiar with the same by NDOH so that hearing can be held through Webex/electronic mode.

**Put up for purpose fixed arguments on 14.09.2020.**

(Naveen Kumar Kashyap)  
ASJ-04 Central/14.07.2020

Crl. Revision : 429/2019  
Ranoj Das Gupta v. Income Tax Office

14.07.2020

File taken up today in terms of order No. Endst. No. 1734-66/DHC/2020 dated 27.06.2020 r/w other earlier order passed in this regard as mentioned in this order itself.

**Present:** Ms. Neha Gupta, learned counsel for  
Revisionist through electronic mode(mobile no. 9873574763)  
None for respondent.

*This court is also discharging emergency Roster bail duty since 20.05.2020 and on an average hearing 15-20 matters through VC.*

This case is pending at the stage of final arguments. As such, same is proposed to be taken up today for hearing.

As per the report of Reader of this court, when he contacted with counsel for Revisionist, she submitted that case file is not with her, hence would not be able to argue the matter. Further, **Sh. Arpit Batra, Ld. Spl. PP for I.T. Department (Mobile no. 9911111176)** did not pick up the phone.

As such, matter could not be proceeded further on merits.

Parties are directed to download Webex and get familiar with the same by NDOH so that hearing can be held through Webex/electronic mode.

**Put up for purpose fixed/arguments on 14.09.2020.**

(Naveen Kumar Kashyap)  
ASJ-04/Central/14.07.2020

Crl. Revision : 446/2019  
Sahara India Commercial Corporation Ltd.

v.  
Income Tax Officer

14.07.2020

File taken up today in terms of order No. Endst. No. 1734-66/DHC/2020 dated 27.06.2020 r/w other earlier order passed in this regard as mentioned in this order itself.

**Present:** Ms. Neha Gupta, learned counsel for  
Revisionist through electronic mode(mobile no.  
9873574763)  
None for respondent.

*This court is also discharging emergency Roster bail duty since 20.05.2020 and on an average hearing 15-20 matters through VC.*

This case is pending at the stage of final arguments. As such, same is proposed to be taken up today for hearing.

As per the report of Reader of this court, when he contacted with counsel for Revisionist, she submitted that case file is not with her, hence would not be able to argue the matter. Further, **Sh. Arpit Batra, Ld. Spl. PP for I.T. Department (Mobile no. 9911111176)** did not pick up the phone.

As such, matter could not be proceeded further on merits.

Parties are directed to download Webex and get familiar with the same by NDOH so that hearing can be held through Webex/electronic mode.

**Put up for purpose fixed/arguments on 14.09.2020.**

(Naveen Kumar Kashyap)  
ASJ-04/Central/14.07.2020



CrI. Revision : 445/2019  
J.B. Roy v. Income Tax Officer

14.07.2020

File taken up today in terms of order No. Endst. No. 1734-66/DHC/2020 dated 27.06.2020 r/w other earlier order passed in this regard as mentioned in this order itself.

**Present:** Ms. Neha Gupta, learned counsel for  
Revisionist through electronic mode(mobile no. 9873574763)  
None for respondent.

*This court is also discharging emergency Roster bail duty since 20.05.2020 and on an average hearing 15-20 matters through VC.*

This case is pending at the stage of final arguments. As such, same is proposed to be taken up today for hearing.

As per the report of Reader of this court, when he contacted with counsel for Revisionist, she submitted that case file is not with her, hence would not be able to argue the matter. Further, **Sh. Arpit Batra, Ld. Spl. PP for I.T. Department (Mobile no. 9911111176)** did not pick up the phone.

As such, matter could not be proceeded further on merits.

Parties are directed to download Webex and get familiar with the same by NDOH so that hearing can be held through Webex/electronic mode.

**Put up for purpose fixed/arguments on 14.09.2020.**

(Naveen Kumar Kashyap)  
ASJ-04/Central/14.07.2020

Crl. Revision : 431/2019  
O.P. Srivastava v. Income Tax Officer

14.07.2020

File taken up today in terms of order No. Endst. No. 1734-66/DHC/2020 dated 27.06.2020 r/w other earlier order passed in this regard as mentioned in this order itself.

**Present:** Ms. Neha Gupta, learned counsel for  
Revisionist through electronic mode(mobile no.  
9873574763)  
None for respondent.

*This court is also discharging emergency Roster bail duty since 20.05.2020 and on an average hearing 15-20 matters through VC.*

This case is pending at the stage of final arguments.  
As such, same is proposed to be taken up today for hearing.

As per the report of Reader of this court, when he contacted with counsel for Revisionist, she submitted that case file is not with her, hence would not be able to argue the matter. Further, **Sh. Arpit Batra, Ld. Spl. PP for I.T. Department (Mobile no. 9911111176)** did not pick up the phone.

As such, matter could not be proceeded further on merits.

Parties are directed to download Webex and get familiar with the same by NDOH so that hearing can be held through Webex/electronic mode.

**Put up for purpose fixed/arguments on 14.09.2020.**

(Naveen Kumar Kashyap)  
ASJ-04/Central/14.07.2020

**BAIL APPLICATION**

**State V. Aryan Dass @ Bhagi Dhar Dass**  
**FIR No. : 518/2016**  
**PS.: Sarai Rohilla**  
**U.S: 302 IPC**

**14.07.2020**

**Present:** Mr. Pawan Kumar, Learned Addl. PP for State  
through VC.  
Sh. Dalip Mishra, Ld. counsel for accused/  
applicant through VC.

It is submitted by counsel for accused that such  
Accused Aryan Dass is already released, as such, present  
application be disposed of as being infructuous.

Heard. Allowed.

In view of submissions of counsel for applicant,  
present application is disposed of as infructuous.

(Naveen Kumar Kashyap)  
ASJ-04/Central/THC  
14.07.2020

**INTERIM BAIL APPLICATION**

**State Vs. Yogesh Kashyap s/o Mr. N.R. Kashyap**  
**FIR No. : 02/2014**  
**PS: Kamla Market**  
**U/S: 302, 34 IPC**

**14.07.2020.**

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State  
through VC  
Mr. S.K.Sharma, Ld. Counsel for Accused  
through VC.

1. *Observations given by Hon'ble High Court of Delhi in W.P.(C) No. 2945/2020 dated 23.03.2020 in case titled as "Shobha Gupta and Ors. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Moto W.P.(C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020 have been issued by Ld. District & Sessions Judge (HQ) read with other directions received from time to time including on 28.03.2020, 07.04.2020, 18.04.2020, 05.05.2020, 18.05.2020 and 20.06.2020 from Hon'ble High Court as a result of various meetings of Delhi State Legal Services Authority, present application is taken up.*

2. Reply filed by the IO.

3. Arguments heard.

4. Present application dated 25.05.2020 is filed through counsel. It is stated that accused is in JC since for more than **two years** (which fact is now even verified by IO in his report).

5. Further, a report is filed by IO/SHO concerned. It is further stated that there is no previous conviction / involvement record of such accused. **Further, it is stated**

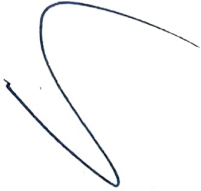


**that offences alleged against accused is under section 302, 34 IPC.**

6. In view of report by IO and direction by Hon'ble High Court of Delhi, case of the accused is covered under directions as passed by Hon'ble High Court, as mentioned above. Further, accused is in JC since more than **two years** at present.

As such, in the above position, facts and circumstances of present case and the directions by Hon'ble High Court, applicant/accused is admitted to interim bail for a period of 45 days from the date of release on furnishing personal bond **in the sum of Rs. 10,000/- to the satisfaction of the Jail Superintendent concerned**. After completion of the interim bail period applicant shall surrender before concerned Jail Superintendent. Necessary intimation be sent to concerned Jail Superintendent accordingly.

**6.1. In the facts and circumstances of present case and the reply filed by the IO/SHO following conditions are also imposed on present accused for such interim bail :**

- 
- i)** Applicant shall not flee from the justice;
  - ii)** Applicant shall not tamper with the evidence;
  - iii)** Applicant shall not threaten or contact in any manner to the prosecution witnesses ,
  - iv)** Applicant shall not leave country without permission;
  - v)** Applicant shall convey any change of address immediately to the IO and the court;
  - vi)** Applicant shall also provide his/her mobile

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number to the IO;

**vii)** Applicant shall mark his /her attendance before concerned IO (and if IO is not available then to concerned SHO) every alternative /second day through mobile by sharing his/her location with the SHO concerned;

**viii)** Applicant shall further make a call, preferably by audio plus video mode to concerned IO, (and if IO is not available then to concerned SHO) once a week, preferably on Monday between 10 a.m. to 5 p.m.

**ix)** Applicant shall keep his / her such mobile number 'Switched On' at all the time , particularly between 8 am to 8 pm everyday.

**7.** The present application stands disposed off accordingly. Both side are at liberty to collect the order through electronic mode.

**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/THC**  
**Central District/14.07.2020**

**BAIL APPLICATION**

**State V. Vasudev Prasad S/o Sh. Gaya Prasad**  
**FIR No. : 130/2014**  
**PS.: Kamla Market**  
**U.S: 419,420,365,392,395,412,120B,34 IPC**

**14.07.2020**

**Present:** Mr. Pawan Kumar, Learned Addl. PP for State through VC.  
Sh. Rajan Bhatia, Ld. counsel for accused/ applicant through VC.

1. Heard from both sides.

2. It is pointed out by learned counsel for accused that SI Giriraj has filed a reply/reply regarding medical condition of the accused. Let copy of the same be supplied through Electronic Mode to the accused side at least one day before next date of hearing.

3. Further, in view of the directions received from time to time from Hon'ble High Court of Delhi regarding hearing and conducting proceeding in urgent matter through electronic mode, and to streamline and ensure consistency, let in future copy of all bail applications received through electronic mode in this court from the concerned accused/counsel for accused be supplied by electronic mode by this court staff to a dedicated e-mail of the public prosecutor.

3.1 As such, learned Chief Public Prosecutor is requested to create a specific e-mail for the public prosecutor appointed in this court so that there is a consistency smoothness in supplying electronic copy of the bail application, and other urgent applications to the prosecution and further that overlapping with other can be avoided.

4. Further, it is expected that the concerned SHO/IO file

State V. Vasudev Prasad S/o Sh. Gaya Prasad, FIR No. : 130/2014, PS.: Kamla Market, U.S: 419,420,365,392,395,412,120B,34 IPC

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their reply only by electronic mode to the the public prosecutor only, through such dedicated e-mail of the public prosecutor i.e. for onwards filing in this court e-mail made for this purpose.

4.1. It is made clear that no reply be sent by the IO/SHO directly to this court. It is stated at the cost of repetition that same be filed through learned public prosecutor through electronic mode only till further order by Hon'ble High Court.

4.2. Further, concerned IO/SHO to file such reply through electronic mode through learned PP well in advance as per the order passed in particular case, and in any case a day before of the day of hearing.

5. Further, as and when such reply of IO/public prosecutor through e-mail is received from their e-mail ID [chiefprosecutorcentral@gmail.com](mailto:chiefprosecutorcentral@gmail.com) to the e-mail created for this court for this purpose, the concerned court staff on duty to supply a copy thereof to the learned counsel for accused/accused online through electronic mode.

6. **Accordingly, put up for compliance on 23.07.2020.**

7. **In view of such order passed in this case, which is to be adopted till further order by Hon'ble High Court, a copy of this order be sent to (i) learned DCP(Central), (ii)DCP (North), (iii) Incharge (EOW), (iv)DCP (Crime Branch-Central), DCP(Railway), for their information and compliance and for onwards intimation to the concerned SHOs/IOs under them as well as to concerned Jail Superintendent.**

(Naveen Kumar Kashyap)  
ASJ-04/Central/THC  
14.07.2020



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**IN THE COURT OF SH. NAVEEN KUMAR KASHYAP**  
**ADDITIONAL SESSIONS JUDGE-04: CENTRAL:**  
**TIS HAZARI COURTS: DELHI**

**BAIL APPLICATION**

**State Vs Sanjay Tiwari & Ors (Amar Nath S/o Sh. Shyam Lal)**  
**FIR No. 478/2018**  
**P. S. : Burari**  
**U/s: 452,306,506,324,427,34 IPC**

**14.07.2020**

Present: Mr. Pawan Kumar, Learned Addl. PP for State through VC.  
Mr Awdhesh Kumar Singh, Learned counsel for applicant / accused Amar Nath S/o Sh. Shyam Lal through electronic mode.

Vide this order, regular bail application u/s 439 Cr.PC filed by applicant Amar Nath s/o Sh. Shyam Lal through counsel is disposed of.

It is stated in the application, as also argued by learned counsel for accused that he is in JC since 22.10.2018, that all the material witnesses are already examined and cross-examined. It is further argued that in view of directions by Hon'ble Supreme Court the matter was taken up on priority basis and evidence was completely accordingly and matter was fixed for statement of accused and in the meanwhile due to lock-down matter could not be proceeded further on merit. It is further stated that there are many material contradictions in the evidence of the witnesses who are none other than mother and father of the deceased. That all the remain co-accused are granted bail. It is further stated that in any case no legally tenable material has come on record showing abatement of suicide on the part of present accused or anyone else, as it is argued that no offence u/s 306 IPC or otherwise is made out. It is further stated that such accused is not involved in any other case. It is further stated that in view of directions by Hon'ble High Court, the present accused is granted interim bail

from he concerned jail itself. It is further stated that he has not misused his liberty while on interim bail at present nor it is so alleged by the prosecution. Further, it is stated hat there is spread of corona virus pandemic which is even spreading inside the jail. It is further stated that bail is the rule, jail is exception as per settled law. It is further stated that due to lock-down and closing of courts work, trial is likely to take time, without any fault on the part of the accused. As such, it is stated that right of the accused for speedy trial is also compromised under such lock-down condition. As such, it is prayed that he be granted regular bail.

On the other hand, it is argued on behalf of the state that at the time of bail, evidence need not to be gone into detail. It is further stated tat co-accused was granted bail not during investigation itself. it is further argued that case is at the fad end of the trial. That case was put up by this court on day to day trial but due to lock-down, it is pending at the stage of statement of accused.

Further, Sh. Daya Shanker, father of the victim also participated in present bail application and he is strongly opposed the present bail application. He further stated that present accused is having intimidating attitude towards him and his family while on interim bail. Even otherwise on facts, he strongly opposed his present bail application stating that there are ample evidence against the present accused. As such, he strongly opposed the present bail application.

I have heard both the sides.

The personal liberty is a priceless treasure for a human being. It is founded on the bed rock of constitutional right and accentuated further on human rights principle. The sanctity of liberty is the fulcrum of any civilized society. Deprivation of liberty of a person has enormous impact on his mind as well as body. Further article 21 Of the Constitution mandates that no person shall be deprived of his life or personal liberty except according to procedure established by law. Further India is a signatory to the International Covenant On Civil And Political Rights, 1966 and, therefore, Article 21 of the Constitution has to be understood in the light of the International Covenant On Civil And Political Rights,

1966. *Further* Presumption of innocence is a human right. Article 21 in view of its expansive meaning not only protects life and liberty, but also envisages a fair procedure. Liberty of a person should not ordinarily be interfered with unless there exist cogent grounds therefor. The fundamental principle of our system of justice is that a person should not be deprived of his liberty except for a distinct breach of law. If there is no substantial risk of the accused fleeing the course of justice, there is no reason why he should be imprisoned during the period of his trial. The basic rule is to release him on bail unless there are circumstances suggesting the possibility of his fleeing from justice or thwarting the course of justice. When bail is refused, it is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution.

Further it has been laid down from the earliest time that the object of Bail is to secure the appearance of the accused person at his trial by reasonable amount of Bail. The object of Bail is neither punitive nor preventive. Deprivation of liberty must be considered a punishment unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after convictions, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earlier times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial, but in such case 'necessity' is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the constitution that any persons should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty under Article 21 of the Constitution upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances. Apart from the question of prevention being the object of a refusal of bail, one must not lose sight of the fact



that any imprisonment before conviction has a substantial punitive content and it would be improper for any court to refuse bail as mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an unconvicted person for the purpose of giving him a taste of imprisonment as a lesson. While considering an application for bail either under Section 437 or 439 CrPC, the court should keep in view the principle that grant of bail is the rule and committal to jail an exception. Refusal of bail is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution. Seriousness of the offence not to be treated as the only consideration in refusing bail : Seriousness of the offence should not to be treated as the only ground for refusal of bail. (Judgment of **Sanjay Chandra Vs. Central Bureau of Investigation, AIR 2012 SC 830** relied).

But, the liberty of an individual is not absolute. The Society by its collective wisdom through process of law can withdraw the liberty that it has sanctioned to an individual when an individual becomes a danger to the societal order. A society expects responsibility and accountability from the member, and it desires that the citizens should obey the law, respecting it as a cherished social norm. Therefore, when an individual behaves in a disharmonious manner ushering in disorderly thing which the society disapproves, the legal consequences are bound to follow.

Further discretionary jurisdiction of courts u/s 437 and 439 CrPC should be exercised carefully and cautiously by balancing the rights of the accused and interests of the society. Court must indicate brief reasons for granting or refusing bail. Bail order passed by the court must be reasoned one but detailed reasons touching merits of the case, detailed examination of evidence and elaborate documentation of merits of case should not be done.

At this stage , it can also be fruitful to note that requirements for bail u/s 437 & 439 are different. Section 437 Cr.P.C. severally curtails the power of the Magistrate to grant bail in context of the commission of non-



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bailable offences punishable with death or imprisonment for life, the two higher Courts have only the procedural requirement of giving notice of the Bail application to the Public Prosecutor, which requirement is also ignorable if circumstances so demand. The regimes regulating the powers of the Magistrate on the one hand and the two superior Courts are decidedly and intentionally not identical, but vitally and drastically dissimilar. (**Sundeep Kumar Bafna Vs. State of Maharashtra, AIR 2014 SC 1745** ).

Further at this stage it can be noted that interpreting the provisions of bail contained u/s 437 & 439 Cr.P.C., the Hon'ble Supreme Court in its various judgments has laid down various considerations for grant or refusal of bail to an accused in a non-bailable offence like, (i) Whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) Nature of accusation and evidence therefor, (iii) Gravity of the offence and punishment which the conviction will entail, (iv) Reasonable possibility of securing presence of the accused at trial and danger of his absconding or fleeing if released on bail, (v) Character and behavior of the accused, (vi) Means, position and standing of the accused in the Society, (vii) Likelihood of the offence being repeated, (viii) Reasonable apprehension of the witnesses being tampered with, (ix) Danger, of course, of justice being thwarted by grant of bail, (x) Balance between the rights of the accused and the larger interest of the Society/State, (xi) Any other factor relevant and peculiar to the accused. (xii) While a vague allegation that the accused may tamper with the evidence or witnesses may not be a ground to refuse bail, but if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. Furthermore, in the landmark judgment of **Gurucharan Singh and others v. State** (AIR 1978 SC 179), it was held that there is no hard and fast rule and no inflexible principle governing the exercise of such discretion by the

courts. It was further held that there cannot be any inexorable formula in the matter of granting bail. It was further held that facts and circumstances of each case will govern the exercise of judicial discretion in granting or refusing bail. It was further held that such question depends upon a variety of circumstances, cumulative effect of which must enter into the judicial verdict. Such judgment itself mentioned the nature and seriousness of nature, and circumstances in which offences are committed apart from character of evidence as some of the relevant factors in deciding whether to grant bail or not.

Further it may also be noted that it is also settled law that while disposing of bail applications u/s 437/439 Cr.P.C., courts should assign reasons while allowing or refusing an application for bail. But detailed reasons touching the merit of the matter should not be given which may prejudice the accused. What is necessary is that the order should not suffer from non-application of mind. At this stage a detailed examination of evidence and elaborate documentation of the merit of the case is not required to be undertaken. Though the court can make some reference to materials but it cannot make a detailed and in-depth analysis of the materials and record findings on their acceptability or otherwise which is essentially a matter of trial. Court is not required to undertake meticulous examination of evidence while granting or refusing bail u/s 439 of the CrPC.

In the present case, the maximum punishment of the offences alleged against the present accused is 10 years. It is a matter of record that accused is in JC since 22.10.2018. Further, all the witnesses are already examined and the case is at the stage of statement of accused persons, therefore, at this stage, there is no possibility of tampering with evidence or threatening the witnesses. Further, due to lock-down, further trial is likely to take some time. Further, it is settled law that non-grant of bail during trial cannot be a mode of punishment. Further, for offences punishable upto ten years, Hon'ble High court has even given some relaxed criteria for interim bail. Further, as far as present accused is concerned, nothing remains to be recovered at his instance. In

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fact, the period for seeking police remand is already over way back. Further, there is no other criminal record of present accused. In above facts and circumstances, present accused is granted bail subject to furnishing of personal bond in the sum of **Rs. 25,000/- with one sound surety of like amount**, subject to the satisfaction of the court and the following additional conditions:

***i) That he will appear before IO / Trial Court as and when called as per law.***

***ii) He will not indulge in any kind of activities which are alleged against him in the present case.***

***iii) That he will not leave India without permission of the Court.***

***iv) He shall convey any change of address immediately to the IO and the court;***

***v) He shall also provide his mobile number to the IO;***

It is clarified that in case if the applicant/ accused is found to be violating any of the above conditions, the same shall be a ground for cancellation of bail and the State shall be at liberty to move an application for cancellation of bail.

***Copy of this order be sent to State, accused, Jail superintendent concerned, complainant, IO/SHO concerned.***

**(NAVEEN KUMAR KASHYAP)**  
**ASJ-04(Central/Delhi/14.07.2020)**

**Crl. Revision : 188/2020  
Avdhes Kumar Goel v. State**

**14.07.2020**

**File taken up today in terms of order No. Endst. No. 1734-66/DHC/2020 dated 27.06.2020 r/w other earlier order passed in this regard as mentioned in this order itself.**

**Present: Sh. Keshav Saini, learned counsel for Revisionist through electronic mode(mobile no. 9717591162).  
Sh. Pawan Kumar, Ld. Addl. PP for the State through VC.**

**Arguments in detail heard.**

**At request, put up for further arguments, clarifications, if any/orders on this revision petition on 21.07.2020.**

**(Naveen Kumar Kashyap)  
ASJ-04/Central/14.07.2020**