

FIR No. 243/2018
PS: Nabi Karim
State Vs. Pawan @ Anand
U/s 302/34 IPC

17.07.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)

Sh. Naveen Gaur, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of bail on behalf of accused-applicant Pawan @ Anand in case FIR No. 243/2018.

Ld. Counsel for the accused-applicant submits that accused-applicant is falsely implicated and is in custody in connection with the present case since 13.12.2018. That as per the history recorded in the MLC, that is as per version given by the deceased himself to the doctor, he was stabbed by two persons. That it is the own case of the prosecution that Aman and Akash had stabbed the deceased and the MLC of these two accused is also on record which shows that they had also suffered injuries. Further as per the MLC, deceased was brought to the hospital by his friend and not by his father, the complainant, who is alleged to be the eye witness of the incident. That it is highly improbable that father would not have brought the injured son to the hospital but some friends and had got him admitted in the hospital. That accused-applicant has no connection

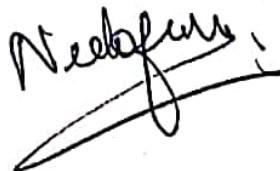
Naveen Gaur

whatsoever with the offence and was not even present at the place of occurrence at the time of occurrence as on the same day the engagement ceremony of the brother of the accused-applicant was scheduled and he was attending the same at Gurugram. That only role attributed to the accused-applicant is that he had pushed the father of the deceased. No other role is attributed to him in the assault. That accused-applicant on earlier occasions has been granted interim bail and he has not misused the concession.

Ld. Addl. PP, on the other hand, submits that father of the deceased, eye witness has now been examined and confirmed the presence of the accused-applicant at the place of occurrence and has stated that it is accused-applicant who had pushed him away when he was trying to save his son from assault though the deceased was stabbed by the accused and not by the accused-applicant. That it is also in the statement of the father of the deceased that from the spot he had removed his son in injured condition and on the way to the hospital he had met other persons who had helped him to take his son to the hospital.

Heard.

The present Fir is registered on the statement of the father of the deceased that on 08.07.2018 at about 10.30PM some friends of his son namely Pawan, Vishal and Deewakar had called him and around 11 PM his wife told him that near Siddharth Basti Nabi Karim a quarrel had taken place between Honey, the son of the complainant (the deceased) and his friends at which he reached Siddharth Basti and saw that Pawan, Vishal

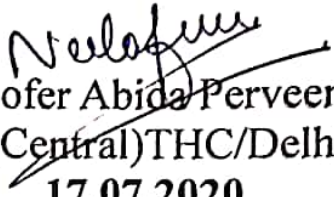


and Diwakar were surrounding Honey while Vinay and Shiva had caught hold to Honey while Akash and Aman were stabbing Honey. When he tried to save his son Honey then Pawan-accused-applicant, Vishal and Deewakar pushed him away, and when he raised alarm, they all were fled away from spot. His son Honey fell down in front of the House bearing No.C-2, Siddharth Basli to whom, and he with the help of Birju and Mahesh sent his son Honey to Lady Harding Hospital on their scooty and he and his Wife Babita also reached at said Hospital, where during the treatment Honey breathed his last.

The applicant accused was arrested on 13.12.18 and it is stated in the reply filed by the IO that the accused applicant was evading arrest for about 05 months. Accused-applicant is not alleged to be the offender who had inflicted the fatal injuries on the person of the deceased, however, the name of the accused-applicant is found mentioned in the FIR itself and the presence of the accused-applicant at the place of occurrence is also affirmed by the complainant and it is not that no overt act has been attributed to him for it is alleged against accused-applicant that as the complainant was trying to approach his son in order to save him from being inflicted with the fatal injuries, the complainant was pushed away by the accused-applicant thereby preventing him from being able to save his son. At this stage, the paramount consideration is that the house of the accused-applicant and residence of the complainant falls in the same locality and the complainant is yet to be examined. Taking into consideration the grave nature of the offence, and as the complainant is yet

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to be examined and complainant and accused applicant being residents of the same vicinity, at this stage, it is not a fit case for grant of regular bail, Application under Section 439 CrPC for grant of regular bail on behalf of accused-applicant Pawan @ Anand in case FIR No. 243/2018 is therefore dismissed.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
17.07.2020

FIR No. 288/2019
PS: Sarai Rohilla
State Vs. Pawan @ Jaat
U/s 394/397/411/34 IPC

17.07.2020

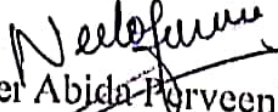
Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)
Sh. Gaurav Tyagi, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application on behalf of accused-applicant Pawan @ Jaat for grant of parole under The Prisons Act, 1894 (IX of 1894) in case FIR NO. 288/2019.

Ld. Counsel for the accused-applicant submits that inadvertently, the present application has been filed under the Prisons Act and that the same may be dismissed as withdrawn. It is ordered accordingly.

The application on behalf of accused-applicant Pawan @ Jaat for grant of parole under The Prisons Act, 1894 (IX of 1894) in case FIR NO. 288/2019 is dismissed as withdrawn.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
17.07.2020

FIR No. 165/2018
PS: Crime Branch
State Vs. Sri Niwas
U/s 21/29 NDPS Act

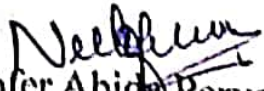
17.07.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)
Counsel for accused-applicant (through video conferencing)
Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of interim bail of 45 days invoking guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020.

Ld. Counsel submits that as per guidelines issued by High Powered Committee of Hon'ble the High Court of Delhi, accused-applicant is entitled for 45 days interim bail.

When it is pointed out to ld. Counsel for accused-applicant that cases under NDPS Act pertaining to intermediate/ commercial quantity of contraband have been specifically excluded from all the guidelines issued from time to time by High Powered Committee of Hon'ble the High Court of Delhi for release of the UTPs on interim bail of 45 days in order to decongest the prisons in Delhi, Ld. Counsel for accused-applicant submits that if such is the case, he does not press the application for interim bail and that same may be dismissed as withdrawn. It is ordered accordingly. **Application for grant of interim bail of 45 days invoking guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020 is dismissed as withdrawn.**


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
17.07.2020

FIR No. 32/2019

PS: Prasad Nagar

State Vs. Hemant Kumar

U/s 302/323/341/147/148/149 IPC and 25 Arms Act

17.07.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)

Sh.Brij Ballabh Tiwari, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of interim bail for six weeks on behalf of the accused-applicant Hemant Kumar in case FIR No. 32/2019.

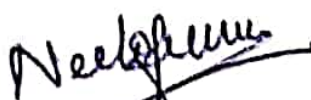
Ld. Counsel for the accused-applicant submits that father of the accused-applicant after hospitalization has been discharged on 13.07.2020, however, has been advised medication and follow up visits initially on weekly basis and thereafter on monthly basis. That there is no one in the family to take father of the accused-applicant for follow up visits to the hospital as the brother of the accused-applicant does not live in Delhi and one married sister of the accused-applicant is living in Lucknow and one married sister is living in Saket, Delhi with her matrimonial family and is not in a position to take care of father of the accused-applicant.

It has been verified that father of the accused-applicant has now been discharged from hospital on 13.07.2020 in stable condition. It further has been verified that the father of the accused-applicant is



presently living at D-8/20, Ankur Vihar, in Delhi, which house belongs to one Smt. Kusum and is taken on rent by the younger brother of the accused-applicant at the rate of Rs.5000/- per month. That father of the accused-applicant is living there with the brother of accused-applicant and sister of the accused-applicant also lives close by and it is both the brother and sister of the accused-applicant who are taking care of the father of the accused-applicant.

Interim bail can alone be granted in compelling circumstances and in such extraordinary exigencies where personal presence of the accused would be absolutely indispensable. In the case in hand, however, the personal presence of the accused-applicant is not absolutely necessary as the father of the accused-applicant is no longer hospitalized, no further period of hospitalization has been suggested, as the brother and sister of the accused-applicant are capable of taking care of the father of the accused-applicant for follow up visits, no ground is made out to grant interim bail to the accused-applicant Hemant Kumar in the present case. **Application for grant of interim bail for six weeks on behalf of the accused-applicant Hemant Kumar in case FIR No. 32/2019 is therefore dismissed.**


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
17.07.2020

FIR No. 194/2020
PS: Subzi Mandi
State Vs. Vehicle DL-1VC-2168
U/s 20/25/29 NDPS Act

17.07.2020

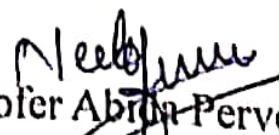
Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)
Sh.Aman Goyal, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application on behalf of the registered owner/applicant for release of vehicle bearing no. DL 1VC 2168 (Tempo Traveller EURO III P/S).

SI Parveen has submitted reply to application for release of vehicle on superdari. It is submitted that vehicle is verified to be registered in the name of applicant Raj Kumar of Shiva Travels and that applicant is cited as one of the witnesses in the present case for prosecution.

The prosecution has no objection if the vehicle is released to the applicant, being registered owner with the directions to produce the same in the course of trial. In view thereof, vehicle bearing no. DL 1VC 2168 (Tempo Traveller EURO III P/S) is ordered to be released on superdari to the applicant Sh. Raj Kumar on furnishing *superdarinama in the sum of Rs.50,000/-* to the satisfaction of SHO/IO, undertaking to produce the same as and when required by this court in the course of the trial. At the same time, SHO/IO to get prepared two sets of photographs of the vehicle. One set of which shall be placed before the court and other to be retained by police. Photographs shall be taken at the expense of the applicant.


(Neelofer Abrid Perveen)
ASJ (Central) PHC/Delhi
17.07.2020

FIR No. 125/2018
PS: Chandni Mahal
State Vs Sadiq
U/s 304B/498A/406/34 IPC

17.07.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)

Sh.Anil Thomas, Counsel for accused-applicant (through video conferencing)


Hearing conducted through Video Conferencing.

This is an application for grant of interim bail on behalf of accused Sadiq in case FIR No.125/18 invoking guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020.

Reply is filed by the IO. As per report received from the IO, accused-applicant is not involved in any other case.

Let custody certificate and conduct report of the accused-applicant Sadiq be also called for from Jail Superintendent.

For report and consideration, put up on **24.07.2020**.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
17.07.2020

FIR No. 149/2018
PS: Crime Branch
State Vs. Asif Ali
U/s 21/25/29 NDPS Act


17.07.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)
Sh. Vasu Kukreja, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application for grant of interim bail for 30 days on behalf of accused Asif Ali in case FIR No.149/18.

Ld. Counsel for the accused-applicant submits that interim bail is being sought on the ground of illness of the wife of the accused-applicant. When it is put to the Ld. Counsel for the accused-applicant that no any kind of medical record is annexed with application in support of the ground raised, Ld. Counsel submits that he does not want to press upon this application and that same may be dismissed as withdrawn. It is ordered accordingly. **Application for grant of interim bail for 30 days on behalf of accused Asif Ali in case FIR No.149/18 is dismissed as withdrawn.**


(Neelofar Abida Perveen)
ASI (Central) IIC/Delhi
17.07.2020

FIR No. 32/2019
PS: Prasad Nagar
State Vs. Kamal Kishore
U/s 302/323/341/147/148/149 IPC and 25 Arms Act

17.07.2020

Fresh application received. Be registered.

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)
Sh. Vineet Jain, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of interim bail for 30 days on behalf of the accused-applicant namely Kamal Kishore in case FIR No. 32/2019 on the ground of illness of the sister of accused-applicant.

Ld. Counsel for the accused-applicant submits that doctor had advised for x-ray on 07.07.2020 and as per medical advice, x-ray was also got done and the same is annexed alongwith the application.

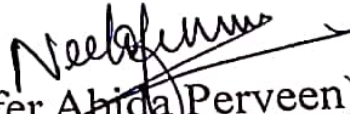
Ld. Addl. PP submits that Dr. Nutan on whose report, previous application for extension of interim bail was dismissed has re-affirmed that she had advised for x-ray but patient did not come to her with x-ray.

Ld. Counsel for accused-applicant submits that most likely the accused-applicant and his sister had misunderstood and after getting x-ray done did not revert to the doctor for further medical advise and opinion.

In such facts and circumstances, Ld. Counsel for accused-

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applicant seeks leave of the Court to withdraw the present application for interim bail. It is ordered accordingly. **Application for grant of interim bail for 30 days on behalf of the accused-applicant Kamal Kishore in case FIR No. 32/2019 is dismissed as withdrawn.**


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
17.07.2020