

Bail Matter No.: 1829, 1830, 1857, & 1858/2020

FIR No: 231/2020

PS: Rajender Nagar

State v Seema Chawla, Sanjeev Chawla, Mirgna Chawla, Anshul Chawla

25.11.2020

Present: **Today this court is holding physically hearing as per directions.**
Mr. Pawan Kumar, learned Addl.PP for State.

Mr. Maninder Singh, learned counsel for complainant through VC.

Ms. Ekta Vats in person with counsel in Court.

Mr. Sanjeev Nassiar, learned counsel for the applicants in Court.

SI Mahipal Singh on behalf of W SI Sonil Lal who is on leave.

Part aguments heard.

Put up for further arguments including regarding further status report of the IO, articles which as per investigation and proceedings so far are in the custody of the applicant side and if so in whose custody such articles are. Further which of the articles are not given or part of Stridhan at all.

It is stated that such IO is on leave till 02/12/2020. **As per the cases already pending in this Court including bail roster matters put up for further arguments, further status report and appropriate orders for 16/12/2020.** In the meanwhile, all the applicants are granted interim protection till the next date of hearing only, IO not to take any coercive action provided they will fully cooperate with the investigation. Further IO is directed to comply with the directions in the Arnesh Kumar case passed by the Hon'ble Superme Court of India.

(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020

**State v Ashu @ Atta
(Misc Application)
FIR No: 210/2018
PS: Prasad Nagar**

25.11.2020

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
None for applicant.

Put up for appropriate orders for 14/12/2020.

**(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020**

State v Sanjy Tiwari & others
(Misc. application)
FIR No: 478/2018
PS: Burari

25.11.2020

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Learned counsel for applicants.

An application for summoning of witness is filed.

Put up for appropriate orders for **01/12/2020**.

(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020

State v Ajay Nathu
(Application for extension of interim bail)
FIR No: 48/2015
PS: Nabi Karim

25.11.2020

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Mr. Deepak Sharma, learned counsel for the applicant through VC.

Vide order dated 20/10/2020 Hon'ble High Court of Delhi was pleased not to extend such interim bail vide para No.7 (i) of such order. Further, certain liberty was given to the accused person to approach the court concerned under para 7 (ii) for extension of interim bail.

But thereafter, Hon'ble Supreme Court in SLP (C) Diary No. 23367 / 2020 titled as "*National Forum on prison reforms vs Government of NCT of Delhi & others*" vide order dated 29/10/2020 was pleased to stay the operation of such para 7(i) & 7(ii) and put up the matter for further hearing for 26/11/2020.

In view of such development, as para 7 (ii) is also stayed by hon'ble Supreme Court, put up for further proceedings / appropriate orders on the present application for **08/12/2020**.


(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020

State v Pooja & others
(Application for bail of accused Munni @ Moni)
FIR No: 292/2014
PS: Rajinder Nagar

25.11.2020

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Mr. Chirag Khurana, learned counsel for applicant alongwith applicant /
accused is present on interim bail.

Put up for further arguments on this regular bail application for 27/11/2020.

(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020

25.11.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

Present: Appellant in person with counsel MR. Deepak through VC.

Mr. Rishi Manchanda, learned counsel for the respondent.

At request of appellant side, the matter is fixed for settlement, if any, / arguments in terms of previous order for **09/12/2020**.

(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020

Bail Matter No.: 1287, 1288 & 1290/2020

FIR No: 180/2019

PS: Rajinder Nagar

State v Rajeev Sharma, Ashok Kumar Sharma & Krishna Sharma @ Krishna Devi

25.11.2020

Today this court is holding physically hearing as per directions.

Present: Mr. Pawan Kumar, learned Addl.PP for State.

Mr. Sanjeev Sharma, learned counsel for the applicants.

It is stated that settlement is not yet complied with.

At request, put up for compliance, arguments and appropriate orders for

15/12/2020. Interim protection to continue till the next date of hearing.

(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020

25.11.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

Present: Mr. Kunal Mehra, learned counsel for the appellant.

Mr. Pawan Kumar, learned Addl.PP for the State.

In view of the circular No. 1167/M&C/DHC/2020 dated 17/11/2020 & Endst. No. 15386-15418, dated 17/11/2020 of the Registrar General, Hon'ble High Court of Delhi, no adverse order is passed in the present case.

Issue Court notice to appellant for 02/04/2021.

(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020

25.11.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

Present: Revisionist in person through VC with counsel Mr. Jagdish Singh Rajpoot.

Mr. Pawan Kumar, learned Addl.PP for the State / respondent no.1.

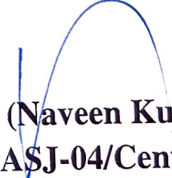
None for other respondents.

In view of the *circular No. 1167/M&C/DHC/2020 dated 17/11/2020 & Endst.*

No. 15386-15418, dated 17/11/2020 of the Registrar General, Hon'ble High Court of Delhi, no adverse order is passed in the present case.

Let Court notice be issued to the respondents as well as to their counsel through electronic mode as well as physically for the next date of hearing.

Revisionist is a senior citizen. As such, earliest possible next date of hearing is given for **29/01/2021**.


(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020

25.11.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

Present: None for the revisionist.

Mr. Pawan Kumar, learned Addl.PP for the State.

In this case stay was granted to revisionist and thereafter it appears that he has stopped appearing. Still in the interest of justice and in view of the circular No. 1167/M&C/DHC/2020 dated 17/11/2020 & Endst. No. 15386-15418, dated 17/11/2020 of the Registrar General, Hon'ble High Court of Delhi, no adverse order is passed in the present case.

Let Court notice be issued to the revisionist as well as to his counsel through electronic mode as well as physically for the next date of hearing.

Put up for arguments and orders for **19/01/2021**. It is made clear that no further opportunity will be granted to the counsel for the revisionist.

(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020

At this stage, Mr. Rajeev Sharma, learned counsel for revisionist through VC alongwith revisionist appeared through VC. They are apprised with the orders passed in the morning. As such, there is no need to issue Court notice to revisionist. Put up on the date already fixed.

(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020

SC No. 27737/2016
FIR No. 292/2014
PS Sadar Bazar
State Vs Mohd. Ashfaq & others

25.11.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

Present: Mr. Pawan Kumar, learned Addl.PP for the State.

None for the accused persons.

In view of the circular No. 1167/M&C/DHC/2020 dated 17/11/2020 & Endst. No. 15386-15418, dated 17/11/2020, no adverse order is passed in the present case.

Issue Court notice to all the accused persons as well as to their counsel for

01/04/2021.

(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020

25.11.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

Present: Mr. Snobar Ali, learned counsel for the revisionist through VC.

He seeks permission to withdraw the present revision as per the instructions from his client.

Heard. Allowed.

In view of the submissions, present revision is dismissed as withdrawn. File be consigned to Record Room.


(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020

25.11.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

Present: None.

It is again clarified that it is already mentioned in order dated 22/01/2020 that there is no stay by this Revision Court in the present matter. Copy of this order be sent to Trial Court. Ahlmad is directed to do the needful.

Put up for appearance of revisionist and for further appropriate proceedings and for arguments for **01/04/2021**.

(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020



SC No.: 29102/2016
FIR No. 215/16
PS Chandni Mahal
State Vs Naeem @ Chuha

25.11.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

Present: Mr. Pawan Kumar, learned Addl.PP for the State.

None for accused.

Report regarding production warrant perused.

As per such report, accused Naeem @ Chuha is granted interim bail and thereafter he has not surrendered so far.

Put up for appearance of accused and for PE in terms of previous orders for

01/04/2021.

(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020

25.11.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

Present: Mr. Snobar Ali, learned counsel for the revisionist through VC.

He seeks permission to withdraw the present revision as per the instructions from his client.

Heard. Allowed.

In view of the submissions, present revision is dismissed as withdrawn. File be consigned to Record Room.

(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020

Bail Matter No.: 1967/2020
FIR No: 436/2020
PS: Karol Bagh
State v Radhika Mittal

25.11.2020

Present:

Today this court is holding physically hearing as per directions.

Mr. Pawan Kumar, learned Addl.PP for State.

Mr. Sarfaraz Asif, learned counsel for the applicant through VC.

Mr. Yogesh Kumar Gupta alongwith Mr. Dalpreet Singh, learned counsel for complainant alongwith complainant in person in Court.

IO SI Mohit Asiwali PS Karol Bagh is present in Court.

Reply filed by the IO. Copy of the same be supplied to the counsel through electronic mode as well as to complainant.

Arguments heard in detail.

Learned counsel for the complainant wants to place on record certain documents. The same be placed through electronic mode so that the same be supplied to the counsel for the accused during the course of the day.

Put up for further arguments and orders for tomorrow i.e. 26/11/2020.


(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020

Bail Matter No.: 1966/2020
FIR No: 436/2020
PS: Karol Bagh
State v Gaurav Mittal

25.11.2020

Present:

Today this court is holding physically hearing as per directions.

Mr. Pawan Kumar, learned Addl.PP for State.

Mr. Sarfaraz Asif, learned counsel for the applicant through VC.

Mr. Yogesh Kumar Gupta alongwith Mr. Dalpreet Singh, learned counsel for complainant alongwith complainant in person in Court.

IO SI Mohit Asiwali PS Karol Bagh is present in Court.

Reply filed by the IO. Copy of the same be supplied to the counsel through electronic mode as well as to complainant.

Arguments heard in detail.

Learned counsel for the complainant wants to place on record certain documents. The same be placed through electronic mode so that the same be supplied to the counsel for the accused during the course of the day.

Put up for further arguments and orders for tomorrow i.e. **26/11/2020**.

(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020

25.11.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

Present: Proxy counsel for the appellants.

Heard.

Issue notice to respondents as per latest directions. Steps be taken within 2 days. It is stated that main counsel Mr. Devender Grover is suffering from Covid-19 infection.

Put up for 10/02/2021. In the meanwhile interim protection to continue till the next date of hearing under these circumstances.

(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020

25.11.2020

Present:

Today this court is holding physically hearing as per directions.

Mr. Pawan Kumar, learned Addl.PP for State.

Mr. Dinesh Kumar, learned counsel for the applicant through VC.

SI Ramvir Singh IO in person.

Reply filed by the IO.

Part arguments heard in detail.

Put up for further proceedings. Let notice be issued to the victim family through IO for the next date of hearing. Put up for further arguments including regarding ingredients of section 306 IPC. In the meanwhile, accused / applicant is directed to join investigation as and when is directed by the IO provided he shall join the investigation and IO is directed not to take any coercive action against the applicant till next date of hearing only.

Put up for **16/12/2020**.


(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020

25.11.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

Present: Revisionist Baljeet Singh and Vipin are in person.

Mr. Kapil Yadav, learned counsel for respondents no.3 & 5.

Mr. Pawan Kumar, learned Addl.PP for the State.

Ct. Sandeep record clerk from SEM North District Ms. Alka Azad, is also present.

As per order dated 10/11/2020 the matter is already disposed off by Learned SEM.

Learned counsel for the revisionist is not available.

At his request, put up for arguments and appropriate order for 14/12/2020.

Original TCR is returned. Diet money be paid as per rules.

(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020

BAIL BOND of GAURAV CHAUHAN

**State v. Gaurav Chauhan
FIR No.: 199/2009
PS: Kashmere Gate**

25.11.2020

This court is holding physically today as per directions.

Undersigned is also working as link court of Ms. Neelofer Abida Parveen, Ld. ASJ, Central.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Sh. Animesh Pandit, Ld. Counsel for applicant.

In view of report dated 25.11.2020 filed by SI Pankaj Thakran PS Kashmere Gate, addresses as well as FD of both sureties verified. In view of the same Bail Bond accepted.

Intimation be sent to Jail Superintendent concerned accordingly. As such, copy of this order be sent to Jail Superintendent concerned.


**(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020**

SC:29027/16
State v. Aryan Dass @ Bhagi Dhar Dass
FIR No: 518/2016
PS: Sarai Rohilla

25.11.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing.

This court is holding physically today as per directions.

This court is also discharging Bail Roster duty.

Undersigned is also working as link court of Ms. Neelofer Abida Parveen, Ld. ASJ, Central.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Sh. Dalip Mishra, Ld. Counsel for accused through VC.
Accused is on interim bail.

Further there are certain orders passed by Hon'ble Supreme Court regarding stay of order of surrender of accused released on interim bail passed on criteria.

As such, put up for consideration/further appropriate orders on 20.12.2020.

Further, issue court notice to the accused as well as to his counsel as none is present today. Further, in view of submissions made by learned counsel for accused, issue B/w in the sum of Rs. 5000/- against the accused and notice to his surety for next date of hearing.

(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020

25.11.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing.

This court is holding physically today as per directions.

This court is also discharging Bail Roster duty.

Undersigned is also working as link court of Ms. Neelofer Abida Parveen, Ld. ASJ, Central.

Present: Sh. Sunny Dagar, proxy counsel for Sh. Puneet Goel, Ld.
Counsel for revisionist Alok Gupta.
Mr. Pawan Kumar, learned Addl.PP for State/R-1.

At request of proxy counsel for Appellant, **put up for further proceedings/appropriate orders on 27.01.2021.**

(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020



**Crl. Rev. : 564/2019
Alok Gupta v. State**

25.11.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing.

This court is holding physically today as per directions.

This court is also discharging Bail Roster duty.

Undersigned is also working as link court of Ms. Neelofer Abida Parveen, Ld. ASJ, Central.

Present: Sh. Sunny Dagar, proxy counsel for Sh. Puneet Goel, Ld.
Counsel for revisionist Alok Gupta.
Mr. Pawan Kumar, learned Addl.PP for State/R-1.
Sh. Rishi Vohra, Id. Counsel for R-2/Anjani Gupta.

It is stated that connected matter is pending before Hon'ble High Court for 04.12.2020. It is further stated that main counsel for both sides are not available today. As such, at joint request, matter is adjourned.

**Put up for further proceedings/appropriate orders on
27.01.2021.**

**(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020**

Crl. Rev. : 565/2019
Imran Ghauri v. Mohd. Israil & Ors.

25.11.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing.

This court is holding physically today as per directions.

This court is also discharging Bail Roster duty.

Undersigned is also working as link court of Ms. Neelofer Abida Parveen, Ld. ASJ, Central.

Present: Sh. Mukesh Kumar, Ld. Counsel for revisionist alongwith revisionist Imran Ghauri in person.
None for respondent.

Arguments in detail heard from the revisionist side.

On the last date of hearing, Respondent no.1 and 2 were present through VC. As such, despite having notice of today's date, no one appeared on behalf of respondent. Still in the interest of justice, one more opportunity is granted to respondent to address arguments.

Put up for arguments from respondent, clarifications, if any and orders on present revision petition on 09.12.2020 at 12 noon.


(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020

Crl. Rev. : 647/2019
Amin-ur-Rehman v. State & etc.

25.11.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing.

This court is holding physically today as per directions.

This court is also discharging Bail Roster duty.

Undersigned is also working as link court of Ms. Neelofer Abida Parveen, Ld. ASJ, Central.

Present: Sh.Dhananjay Singh Shehrawat, Ld. Counsel for revisionist.
Revisionist is present through VGC.
Mr. Pawan Kumar, learned Addl.PP for State/R-1.
None for respondent no.2 Mohd. Idrish.

In view of circular No. 15386-15418 dated 17.11.2020, notice be issued to such respondent in physical form as well as in electronic form.

Arguments in detail heard from revisionist including regarding whether order in question is without assigned reason or not.

Put pup for further arguments from respondent side on 16.12.2020.


(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020

Crl. Rev. :222/2019
Mahinder Kr Agarwal v. Jinender Jain & Anr.

25.11.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing.

This court is holding physically today as per directions.

This court is also discharging Bail Roster duty.

Undersigned is also working as link court of Ms. Neelofer Abida Parveen, Ld. ASJ, Central.

Present: Ms. Meenakshi Aggarwal, Ld. Counsel for revisionist.
Sh. Diwakar Vats having mobile No. 9810220183 also present for respondent no.1.

Put up for filing of reply, if any, arguments and orders on the application for condonation of delay.

TCR be summoned only one day prior to next date.

Put up on 02.02.2021.


(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020

MISC APPLICATION

State v. Deepak @ Deepu
(Application for release of NOC of surety Roma)
FIR No.: 77/2013
PS: Kamla Market
U/s:392,411 IPC

25.11.2020

This court is holding physically today as per directions.

Undersigned is also working as link court of Ms. Neelofer Abida Parveen, Ld. ASJ, Central.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
None for the applicant.

As per report, file is pending before Hon'ble High Court.

As such, put up for further proceedings and appropriate orders
fro 20.01.2021.


(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020

BAIL APPLICATION NO.:

State v. Suhail @ Sunny
FIR No.: 201/2020
PS: Kamla Market

25.11.2020

This court is holding physically today as per directions.

Undersigned is also working as link court of Ms. Neelofer Abida Parveen, Ld. ASJ, Central.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Sh. Ashok Kumar, Ld. Counsel for the applicant.

Reply filed. Copy supplied.

Issue notice to Ahlmad of Learned Trial court to file chargesheet at the time of final arguments and orders on 08.12.2020.

(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020



BAIL APPLICATION

**State v. Sunil
(application fo Sunil Rathore)
FIR No.: 415/2015
PS: Kotwali**

25.11.2020

This court is holding physically today as per directions.

**Undersigned is also working as link court of Ms.
Neelofer Abida Parveen, Ld. ASJ, Central.**

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Sh. Ravinder Aggarwal, Ld. Counsel for the applicant.

Arguments heard.

Put up for orders on 01.12.2020.


**(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020**

BAIL APPLICATION NO.: 1020/2020

**State v. Inder Prakash and Anr.
FIR No.: 368/2019
PS: Sarai Rohilla**

25.11.2020

This court is holding physically today as per directions.

Undersigned is also working as link court of Ms. Neelofer Abida Parveen, Ld. ASJ, Central.


Present: Mr. Pawan Kumar, learned Addl.PP for State.
Complainant with counsel Sh. Sanjeev Kumar.
IO SI Vikas Tomar in person.
Sh. Shashank, Ld. Counsel for the applicant through VC.

Further arguments in detail heard from all the sides.

It is stated that the remaining jewellery and furniture etc. item from accused side is ready to hand over as they are admitted facts.

At joint request, put up for further arguments on 15.12.2020.

Interim protection, if any to continue till next date of hearing.


**(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020**

CR: 253/2019
Punit Chadha v. State

25.11.2020

This court is holding physically today as per directions.

This court is also discharging Bail Roster duty.

Undersigned is also working as link court of Ms. Neelofer Abida Parveen, Ld. ASJ, Central.

Present: None.

Put up for appearance and further appropriate proceedings for 16.12.2020.

(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020



SC:397/2020
FIR No: 257/2020
PS: Chandni Mahal
State v. Aamir

25.11.2020

This court is holding physically today as per directions.

This court is also discharging Bail Roster duty.

Undersigned is also working as link court of Ms. Neelofer Abida Parveen, Ld. ASJ, Central.

This is a fresh case received after committal. Same be checked and registered.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
None for accused.

Put up for appearance of accused and further appropriate proceedings on **04.02.2021**.

(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020



CA: 323/2019
Rajni v. The State

25.11.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing.

This court is holding physically today as per directions.

This court is also discharging Bail Roster duty.

Undersigned is also working as link court of Ms. Neelofer Abida Parveen, Ld. ASJ, Central.

Present: None for Appellant.
Mr. Pawan Kumar, learned Addl.PP for State.

Put up for appearance of Appellant or his counsel and arguments in terms of previous order for 02.04.2021.

(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020



25.11.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In the present case, last regular date of hearing was 08.04.2020,12.05.2020,08.07.2020.

On 08.07.2020, matter was adjourned for 25.11.2020.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing.

This court is holding physically today as per directions.

This court is also discharging Bail Roster duty.

Undersigned is also working as link court of Ms. Neelofer Abida Parveen, Ld. ASJ, Central.

Present: None for Appellant.
None for respondent.

In view of circular No. 15386-15418 dated 17.11.2020, before passing any adverse order against the Appellant, let court notice be issued to him as well as to his counsel as per current directions.

Put up on 01.04.2021.


(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020

AT 2.30 PM

At this stage, Sh. Gaurav Arora, Ld. Counsel for respondent through VC. He is apprised of the order passed in the morning. As such, there is no need to issue court notice to the respondent side for the next date.

Put up on date already fixed.


(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020

SC:28296/2016
FIR No: 292/2014
PS: Rajinder Nagar
State v. Pooja

25.11.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing.

This court is holding physically today as per directions.

This court is also discharging Bail Roster duty.

Undersigned is also working as link court of Ms. Neelofer Abida Parveen, Ld. ASJ, Central.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
LAC for accused no.1 and 2.
Ms. Preeti Srivastava, Ld. Counsel for accused Munni.
Sh. Anang Pal Singh, Ld. Counsel for accused no. 4 Mohit
alongwith accused no.4 Mohit on bail.

Part final arguments heard.

Put up on 02.12.2020 for further final arguments.


(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020

**Crl. Revision : 96/2020
Deepak Talwar v. ITO**

25.11.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing.

**This court is holding physically today as per directions.
This court is also discharging Bail Roster duty.
Undersigned is also working as link court of Ms.
Neelofer Abida Parveen, Ld. ASJ, Central.**

Present: Sh. Tanvir Ahmad Mir, Ld. Counsel for Revisionist alongwith
Sh. Prabhav Ralli, Ld. Counsel through VC.
Sh. Anish Dhingra, Ld., counsel for respondent/ITO through VC.

Today again adjournment sought by learned counsel for revisionist on the ground that file is not available with him. Same is strongly opposed by counsel for respondent including on the aspect that earlier also they were given option to address arguments through VC on the physical hearing day also. It is further stated that on one ground or the other in this matter and in other connected matter they are seeking adjournment. It is further stated that under these circumstances the stay granted be vacated.

Heard.

Case is adjourned for 14.12.2020.

It is made clear that no in case, learned counsel for revisionist failed to submit arguments on next date, the stay granted wold stand vacated.

Interim order to continue till next date.

**(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020**

**Crl. Revision : 97/2020
Deepak Talwar v. ITO**

25.11.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing.

**This court is holding physically today as per directions.
This court is also discharging Bail Roster duty.
Undersigned is also working as link court of Ms.
Neelofer Abida Parveen, Ld. ASJ, Central.**

Present: Sh. Tanvir Ahmad Mir, Ld. Counsel for Revisionist alongwith
Sh. Prabhav Ralli, Ld. Counsel through VC.
Sh. Anish Dhingra, Ld., counsel for respondent/ITO through VC.

Today again adjournment sought by learned counsel for revisionist on the ground that file is not available with him. Same is strongly opposed by counsel for respondent including on the aspect that earlier also they were given option to address arguments through VC on the physical hearing day also. It is further stated that on one ground or the other in this matter and in other connected matter they are seeking adjournment. It is further stated that under these circumstances the stay granted be vacated.

Heard.

Case is adjourned for 14.12.2020.

It is made clear that no in case, learned counsel for revisionist failed to submit arguments on next date, the stay granted wold stand vacated.

Interim order to continue till next date.

**(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020**

**Crl. Revision : 98/2020
Deepak Talwar v. ITO**

25.11.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing.

This court is holding physically today as per directions.

This court is also discharging Bail Roster duty.

Undersigned is also working as link court of Ms.

Neelofer Abida Parveen, Ld. ASJ, Central.

Present: Sh. Tanvir Ahmad Mir, Ld. Counsel for Revisionist alongwith
Sh. Prabhav Ralli, Ld. Counsel through VC.
Sh. Anish Dhingra, Ld., counsel for respondent/ITO through VC.

Today again adjournment sought by learned counsel for revisionist on the ground that file is not available with him. Same is strongly opposed by counsel for respondent including on the aspect that earlier also they were given option to address arguments through VC on the physical hearing day also. It is further stated that on one ground or the other in this matter and in other connected matter they are seeking adjournment. It is further stated that under these circumstances the stay granted be vacated.

Heard.

Case is adjourned for 14.12.2020.

It is made clear that no in case, learned counsel for revisionist failed to submit arguments on next date, the stay granted wold stand vacated.

Interim order to continue till next date.


**(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020**

BAIL APPLICATION NO.: 1963/2020

**State v. Gaurav Yadav
E-FIR No.: 000174/2020
PS: Rajinder Nagar
U/s:379,411 IPC**

25.11.2020

This court is holding physically today as per directions.


Undersigned is also working as link court of Ms. Neelofer Abida Parveen, Ld. ASJ, Central.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Sh. Atul Chaturvedi, Ld. Counsel for the applicant through VC.

Reply not filed.

Issue court notice to IO to file reply.

Put up for reply, arguments and orders on 15.12.2020.


**(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020**

BAIL APPLICATION NO.: 1959/2020

**State v. Gaurav Yadav
E-FIR No.: 000169/2020
PS: Rajinder Nagar
U/s:379,411 IPC**

25.11.2020

This court is holding physically today as per directions.

Undersigned is also working as link court of Ms. Neelofer Abida Parveen, Ld. ASJ, Central.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Sh. Atul Chaturvedi, Ld. Counsel for the applicant through VC.

Reply not filed.

Issue court notice to IO to file reply.

Put up for reply, arguments and orders on 15.12.2020.


**(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020**

BAIL APPLICATION NO.: 1961/2020

**State v. Gaurav Yadav
E-FIR No.: 000171/2020
PS: Rajinder Nagar
U/s:379,411 IPC**

25.11.2020

This court is holding physically today as per directions.

Undersigned is also working as link court of Ms. Neelofer Abida Parveen, Ld. ASJ, Central.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Sh. Atul Chaturvedi, Ld. Counsel for the applicant through VC.

Reply filed through electronic mode. Copy of the same be supplied to counsel for applicant during course of the day through electronic mode.

Put up for arguments and orders with connected matter on 15.12.2020.


**(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020**

BAIL APPLICATION NO.: 1960/2020

**State v. Gaurav Yadav
E-FIR No.: 000170/2020
PS: Rajinder Nagar
U/s:379,411 IPC**

25.11.2020

This court is holding physically today as per directions.

Undersigned is also working as link court of Ms. Neelofer Abida Parveen, Ld. ASJ, Central.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Sh. Atul Chaturvedi, Ld. Counsel for the applicant through VC.

Reply filed through electronic mode. Copy of the same be supplied to counsel for applicant during course of the day through electronic mode.

Put up for arguments and orders with connected matter on 15.12.2020.

**(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020**



BAIL APPLICATION NO.: 1964/2020

**State v. Gaurav Yadav
E-FIR No.: 000176/2020
PS: Rajinder Nagar
U/s:379,411 IPC**

25.11.2020

This court is holding physically today as per directions.

Undersigned is also working as link court of Ms. Neelofer Abida Parveen, Ld. ASJ, Central.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Sh. Atul Chaturvedi, Ld. Counsel for the applicant through VC.

Reply filed through electronic mode. Copy of the same be supplied to counsel for applicant during course of the day through electronic mode.

Put up for arguments and orders with connected matter on 15.12.2020.

**(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020**

BAIL APPLICATION NO.: 1962/2020

**State v. Gaurav Yadav
E-FIR No.: 000173/2020
PS: Rajinder Nagar
U/s:379,411 IPC**

25.11.2020

This court is holding physically today as per directions.

Undersigned is also working as link court of Ms. Neelofer Abida Parveen, Ld. ASJ, Central.

**Present: Mr. Pawan Kumar, learned Addl.PP for State,
Sh. Atul Chaturvedi, Ld. Counsel for the applicant through VC.**

Reply filed through electronic mode. Copy of the same be supplied to counsel for applicant during course of the day through electronic mode.

Put up for arguments and orders with connected matter on 15.12.2020.

**(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020**

BAIL APPLICATION NO.: 1965/2020

**State v. Anjari
E-FIR No.: 463/2020
PS: Sarai Rohilla
U/s:307,34 IPC**

25.11.2020

This court is holding physically today as per directions.

Undersigned is also working as link court of Ms. Neelofer Abida Parveen, Ld. ASJ, Central.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Sh. Nagender Singh, Ld. Counsel for the applicant.

Reply filed. Copy of the same be supplied to counsel for applicant during course of the day.

Put up for arguments and orders on 15.12.2020.

**(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020**



BAIL APPLICATION NO.: 1245/2020

**State v. Barun Kumar Dutta
FIR No.: 181/2019
PS: Prasad Nagar
U/s:498A/406/34 IPC**

25.11.2020

This court is holding physically today as per directions.

Undersigned is also working as link court of Ms. Neelofer Abida Parveen, Ld. ASJ, Central.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Sh. Prashant Ghai, Ld. Counsel for the applicant.

Heard.

Issue fresh notice to IO and SHO to appear with case file in terms of order dated 07.11.2020.

Interim protection, if any to continue in terms of previous order.

Put up on 17.12.2020.

**(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020**



SC:287/2019
FIR No: 478/2018
PS: Burari
State v. Sanjay Tiwari & Ors.

25.11.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing.

This court is holding physically today as per directions.

This court is also discharging Bail Roster duty.

Undersigned is also working as link court of Ms. Neelofer Abida Parveen, Ld. ASJ, Central.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Sh. B.S. Tiwari, Ld. Counsel for accused alongwith all four accused on bail.

Put up for consideration/appropriate orders regarding DE on 01.12.2020.


(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020

25.11.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In the present case, last regular date of hearing was 08.04.2020,12.05.2020,08.07.2020.

On 08.07.2020, matter was adjourned for 25.11.2020.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing.

This court is holding physically today as per directions.

This court is also discharging Bail Roster duty.

Undersigned is also working as link court of Ms. Neelofer Abida Parveen, Ld. ASJ, Central.

Present: Proxy counsel for Appellant.

Previous order not complied. Same be complied afresh for 01.04.2021.


(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020

SC No.: 687/2017
FIR No.: 25/2017
PS Maurice Nagar
State Vs Shahnawaj @ Shanu & Anr

25.11.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

Present: Mr. Pawan Kumar, learned Addl.PP for the State.

None for accused.

Today again accused is not present. Further warrant issued against such accused through SHO as well as DCP concerned received back unexecuted with the report that he is not found at the address.

Issue fresh NBWs against such accused through SHO PS Maurice Nagar for the next date of hearing. SHO concerned is directed to appear with the report of such NBWs on the next date of hearing.

Put up for 15/12/2020.

(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020

Bail Matter No.: 3409/2020
FIR No: 340/2020
PS: Wazirabad
State v Naimuddin
U/s 420 IPC

25.11.2020

Today this court is holding physically hearing as per directions.
File is put up before the undersigned as Ms. Neelofer Abida Perveen,
learned ASJ(Central) is stated to be on leave.

Present: Mr. Pawan Kumar, learned Addl.PP for State.

Mr. Mohd. Bilal, learned counsel for applicant through VC.

Mr. Varun Dhingra, learned counsel for complainant through VC.

It is stated that there is settlement arrived in between the parties.

At request, put up before the Court concerned for tomorrow i.e. **26/11/2020**.

Interim order if any, be continue till the next date of hearing only.


(Naveen Kumar Kashyap)
First Link / ASJ-04/Central/25.11.2020

Bail Matter No.: 1449/2020

FIR No: 340/2012

PS: Sarai Rohilla

State v Rajesh Barfi

25.11.2020

Today this court is holding physically hearing as per directions.

Present: Mr. Pawan Kumar, learned Addl.PP for State.

Mr. Zia Afroz, learned counsel for applicant.

Arguments already heard and today the case is fixed for orders on this regular bail application dated 01/10/2020.

It is argued by learned counsel for the accused that he is falsely implicated in this case; that he is in JC since 13/08/2020; that he undertakes to appear before the Court on each and every date; that he was declared PO and thereafter was produced before the Trial Court after arrest and remanded to JC; his regular bail application is already dismissed by learned Trial Court on 26/09/2020.

On the other hand, it is argued by learned Addl.PP for the State that there are a number of criminal cases pending against the accused; that he was declared PO earlier also; that in the present case he jumped the bail and was arrested later on and he was declared PO. As such, it is argued that his presence may not be secured for trial, if he is granted regular bail. As such, present bail application is strongly opposed.

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

I find force in the arguments of learned Addl.PP for the State. Having regard to the conduct of the accused, his presence may not be secured for trial, if he is released on bail.


With these observations, present application is dismissed at this stage. The observations made

Contd..../-

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*FIR No. 340/2012
PS- Sarai Rohilla
State v Rajesh Barfi*

in the present interim bail application order are for the purpose of deciding of present application and do not affect the factual matrix of the investigation of the present case which is separate issue as per law. **Both the sides are at liberty to collect order through electronic mode. Further, a copy of this order be sent to concerned IO / SHO. Further copy of this order be sent to concerned Jail Superintendent.**


(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020

State v Govind Kumar
(Application For bail)
FIR No: 215/2014
PS: NDRS

25.11.2020

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Mr. S.N. Shukla, learned LAC for accused.

Put up for further arguments, order / clarification including regarding previous bail moved by this accused for **14/12/2020**.


(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020

State v Sanjay & others
(Application for bail of accused Akshay)
FIR No: 231/2016
PS: Sadar Bazar

25.11.2020

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

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

It is argued by learned counsel for accused on this regular bail application 06/11/2020 that such accused was on bail in present case but later on he could not appear in Court and declared PO, as he has threat to his life in other case and as such was not available at his home. It is further stated that he is falsely implicated in the present case.

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

In this case, public witness is not fully examined so far. Further, the fact remains that such accused stopped appearing in this case and arrested only after declaring PO. As such, his presence may not be secured for trial if he is released on bail. With these observations, present application is dismissed.

The observations made in the present interim bail application order are for the purpose of deciding of present application and do not affect the factual matrix of the investigation of the present case which is separate issue as per law. **Both the sides are at liberty to collect order through electronic mode. Further, a copy of this order be sent to concerned IO / SHO. Further copy of this order be sent to concerned Jail Superintendent.**


(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020

Bail Matter No.: 1680/2020
FIR No:292/2016
PS: Karol Bagh
State v Vikram Thakur

25.11.2020

Today this court is holding physically hearing as per directions.

Present: Mr. Pawan Kumar, learned Addl.PP for State.

Mr. Manoj Kumar Goswami, learned counsel for the accused.

IO Mohit Asiwali in person.

Vide this order, bail application u/s 438 Cr.PC dated 12/11/2020 is disposed off.

It is argued that police officials of PS Karol Bagh are regularly calling applicant on phone and threatening to implicate in false case; that there are baseless allegations made by the applicant; that accused has not committed any offence; that he is the sole bread earner of his family and has roots in the society. It is further argued by the counsel for the applicant that applicants and complainant are known to each other; that there are even transactions of money paid by the accused to the complainant side.

On the other hand, in reply dated 10/11/2020 filed by SI Mohit Asiwali, as also argued by the learned Addl.PP for the State that complainant was looking for a job outside India and for this purpose he met with one Karan @ Rahul Thakur who promised him to get job abroad provided he will pay a sum of Rs. 5 lacs. As such, complainant made a payment of Rs. 1 lac in cash and another Rs.1,30,000/- and further they went to Thailand. But complainant was deported back due to some documents problem. That accused interrogation is required and he is on the run. It is further stated that earlier also present accused is involved

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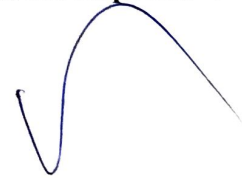
*FIR No:292/2016
PS: Karol Bagh
State v Vikram Thakur*

in FIR No. 233/15 U/s 384, 420 IPC PS Rajpura Distt. Patiala. But copy of the same could not be obtained so far. That his custodial interrogation is required including regarding recovery of money.

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

The manner in which investigation is being carried out is not satisfactory. It appears that IO is not paying due regard to the directions of Hon'ble Supreme Court in the case of Arnesh Kumar. He is warned to be careful in future.

Having noted so, having regard to the nature offence and the manner in which, it is committed, custody of the accused may be required for the purpose of interrogation. Further, prima facie it cannot be said, including having regard to the documentary evidence, that allegations made against him are baseless. This Court is not inclined to grant the relief sought in the such application. With these observations, present application is dismissed. **Both the sides are at liberty to collect order through electronic mode. Further, a copy of this order be sent to concerned IO / SHO. But before parting, it may be reiterating that IO / SHO concerned is duty bound to comply with the directions of Hon'ble Supreme Court in case Arnesh Kumar.**



(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020

Bail Matter No.: 1817/2020

FIR No: 54/2017

PS: Kamla Market

State v Radhey Shyam

25.11.2020

Today this court is holding physically hearing as per directions.

Present: Mr. Pawan Kumar, learned Addl.PP for State.

Mr. Hanish Saharawat, learned counsel for the applicant through VC.

IO also present in person.

Arguments in detail heard.

It is argued by counsel for accused on the present anticipatory bail application u/s 438 Cr.PC dated 07/11/2020 that the FIR is of the year 2017; that he is falsely implicated for the same; that he was provided cash credit facility after due diligence by the bank officials as per rules; that he is living separately with his two minor daughters after separating from the wife. That he is regularly visiting the Punjabi National Bank to settle the dispute. He received notice u/s 160 Cr.PC from the police officials of PS Kama Market. As such, he apprehends that he may be arrested in the present case. It is further stated that there are certain directions by the Hon'ble High Court in this pandemic time; that his earlier anticipatory bail was dismissed default. That it is prayed that he be released on bail in the event of arrest in the present case.

On the other hand, in reply filed IO it is submitted that bank in question granted them loan facility subject to deposit of title deeds / flat bearing No. 89, Ground Floor, Plot No.44, Vasundhra Cooperative Group Housing Society Sector-9 Rohini. But later on same was found to be forged and fabricated. Further, during investigation, it was found that

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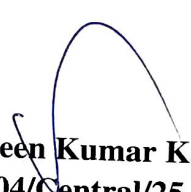
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FIR No: 54/2017
PS: Kamla Market
State v Radhey Shyam

such property was also sold to one Satyamurthy despite being already given as security to Bank. That NBWs against the accused were already obtained. In the further report, it is submitted by the IO that they have already moved application u/s 311A Cr.PC to get specimen signature of accused. It is further stated that his custodial interrogation is required.

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

Having regard to the nature offence and the manner in which, it is committed, custody of the accused may be required for the purpose of interrogation. Further, prima facie it cannot be said having regard to the fact that such title deed / flat was in the name of the applicant that allegations made against him are baseless. This Court is not inclined to grant the relief sought in the such application. With these observations, present application is dismissed. **Both the sides are at liberty to collect order through electronic mode. Further, a copy of this order be sent to concerned IO / SHO.**


(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020

State v Ashu @ Atta & others
(Application of Rahul @ Tyagi)
FIR No: 210/2018
PS: Prashad Nagar

25.11.2020

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Mr. Pankak Srivastava, learned counsel for the applicant.

Vide this order interim bail application dated 8/10/2020 is disposed off.

It is argued by the counsel for applicant Mr. Pankaj Srivastava that co-accused is also granted interim bail. That there is no specific allegations against the present accused; that mother of the accused is critically ill and suggested surgery by the doctor. That he is a young man in his 20. That there is corona virus including inside the jail. Further learned counsel also relied on certain directions issued by the Hon'ble Supreme Court and hon'ble High Courts as well as a number of judgments. It is further clarified / argued that other brothers of the applicant are living separately and not taking care of the mother.

On the other hand, learned Addl.PP for the State argued and as also stated in the report dated 21/10/2020 filed by the IO that present case is a most serious case u/s 302 IPC; that trial is still pending. Further there are other family members / brothers who were living separately but not far from the house of the mother. As such, present interim bail application is strongly opposed.

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

No doubt that illness of the mother is not disputed but the fact remains that the

Contd...../-

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(Application of Rahul @ Tyagi)

FIR No: 210/2018

PS: Prashad Nagar

two other brothers who are equally bound morely, socially and even legally in view of the law made for elderly persons. As such, present applicant cannot be heard saying that there is nobody to take care of elderly mother. As such, having regard to the nature of offence, role of accused and stage of trial, the reasons given for interim bail. This Court is not inclined to grant him interim bail. With these observations, present application is dismissed.

The observations made in the present interim bail application order are for the purpose of deciding of present application and do not affect the factual matrix of the investigation of the present case which is separate issue as per law. **Both the sides are at liberty to collect order through electronic mode. Further, a copy of this order be sent to concerned IO / SHO. Further copy of this order be sent to concerned Jail Superintendent.**

(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020



BAIL APPLICATION NO.:1863/2020

**State v. Shakira Begum
FIR No.: NA
PS: Darya Ganj**

25.11.2020

This court is holding physically today as per directions.

Undersigned is also working as link court of Ms. Neelofer Abida Parveen, Ld. ASJ, Central.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Sh. Nasir Aziz, Ld. Counsel for applicant.

Arguments in detail heard.

Ld. counsel for applicant argued that on the territorial jurisdiction of this court as well as on the merit.

On the other hand, it is argued by Id. Addl. PP for the state that there is judgment of Hon'ble Supreme court in "Sandeep Sunil Kumar Lohariya v. Jawahar Chelaram Bijlani @ suresh Bijlani" in SLP Crl. 4829/2013 dated 14.06.2013, in which Hon'ble Supreme Court observed that application for anticipatory bail in the nature of transit bail is not supported by any provision under Cr.P.C. Further, Hon'ble Supreme Court observed that Hon'ble High Court of Madhya Pradesh in that particular case granted such transit bail even without issuing notice to the State of Maharashtra. As such, it is argued that such transit anticipatory bail cannot be granted by this court.

In view of the observations made by Hon'ble Supreme Court in such judgment Sandeep Sunil Kumar (supra) before proceedings further, let notice of present application be issued to the State of UP through proper channel.

**Put up for further arguments and appropriate orders
for 14.12.2020.**

**(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020**

BAIL APPLICATION NO.: 1572/2020

**State v. Sumit Kumar
FIR No.: 188/2020
PS: Rajinder Nagar**

25.11.2020

This court is holding physically today as per directions.

Undersigned is also working as link court of Ms. Neelofer Abida Parveen, Ld. ASJ, Central.

**Present: Mr. Pawan Kumar, learned Addl.PP for State.
Ld. Counsel for the applicant.**

No time left.

Put up for orders tomorrow i.e. 26.11.2020.

Interim order to continue in terms of previous order.

**(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020**



BAIL APPLICATION

**State v. Ram Nawal
FIR No.: 327/2016
PS: Roop Nagar
U/s: 302 IPC**

25.11.2020

This court is holding physically today as per directions.

Undersigned is also working as link court of Ms. Neelofer Abida Parveen, Ld. ASJ, Central.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Ld. Counsel for the applicant.

In this case, accused was granted interim bail and certain proceedings regarding such aspect are pending before Hon'ble Supreme Court for 26.11.2020.

As such, put up for orders/clarifications, if any on this regular bail in the meanwhile for 14.12.2020.

**(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020**



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

Bail Application

State v. Fareed Ahmed
FIR No. : 266/2014
PS: Chandni Mahal
U/S: 302 IPC

25.11.2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State.
Ld. Counsel for accused.

Vide this order, present bail application dated 27.10.2020 moved on behalf of applicant/accused is disposed of.

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 for the last six years. That there is no other case pending against him and he is falsely implicated in the present case. That prosecution evidence is almost complete and only IO is remained to be examined. Further, due to present pandemic situation trial is likely to take some more time. That it is a settled rule that bail is rule and jail is exception. That there is delay in sending FSL samples to laboratory. It is further stated that he has roots in the society. That his conduct during interim bail has remained satisfactory. That he duly surrendered after availing the same. Further learned counsel for accused relied upon certain case laws in support of his arguments. As such, it is prayed that he be granted regular bail.

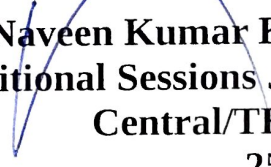
On the other hand, in reply filed by IO as also argued by Ld. Addl. PP for the state that there are public witness apart from relative of deceased to depose against the accused and there is incriminating evidence against the accused. That his blood stained clothes were recovered at his instance. That FSL result corresponds the oral testimony and other evidence. As such, present bail application is opposed.

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

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No doubt the accused has a right of speedy trial. Such right depends upon facts and circumstances also. There is no undue delay in the trial of present accused in the present circumstances. Further, there is incriminating evidence against the accused which is not discussed in detail as it is a bail application only. Having regard to the nature of the offence which carried a minimum punishment of imprisonment for life, and the allegations against the present accused, 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. Further a copy of this order be sent to SHO/IO concerned through electronic mode. Copy of this order be sent to Jail Superintendent concerned through electronic mode.


(Naveen Kumar Kashyap)
Additional Sessions Judge-04
Central/THC/Delhi
25.11.2020

State v Rahul Sharma & others
(Misc Application of applicant Kishan Kumar)
FIR No:339/2016
PS: Darya Ganj

25.11.2020

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Mr. Akhilesh Kamle, learned counsel for applicant through VC.

Arguments already heard on this application and today the case is fixed for orders. Put up for orders at 4:00 PM.


(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020

At 4:00 PM

It is reported by Ahlmad that concerned part of the present case is pending in CA Branch. As such, put up for orders on this application for release of vehicle for **01/12/2020**. File be called from the CA branch.


(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020

State v Rahul Sharma
(Interim bail application for accused Rahul Sharma)
FIR No:339/2016
PS: Darya Ganj

25.11.2020

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Mr. S.N. Shukla, learned LAC for accused.

Vide this order 3rd interim bail application dated 10/09/2020 filed by accused Rahul Sharma is disposed off.

Arguments in detail already heard.

From the report of JS concerned / MOI Jail No.4 dated 20/09/2020, necessary treatment is being provided to such accused from the Jail Visiting Dentist as well as by sending him to Maulana Azad Medical College including on 14/10/2019. Further, Jail Superintendent concerned can always be directed to take care of all necessary medical cares of such accused at the Jail itself which he is duty bound even otherwise. With these observation present application for interim bail is dismissed.

The observations made in the present interim bail application order are for the purpose of deciding of present application and do not affect the factual matrix of the investigation of the present case which is separate issue as per law. **Both the sides are at liberty to collect order through electronic mode. Further, a copy of this order be sent to concerned IO / SHO. Further copy of this order be sent to concerned Jail Superintendent.**


(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020

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

Bail Application

State v. Ritesh @ Kapil
FIR No. : 113/2018
PS: Pahar Ganj
U/S: 326A IPC

25.11.2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State.
Ld. Counsel for accused.

Vide this order, present bail application dated 07.11.2020 moved on behalf of applicant/accused is disposed of.

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 falsely implicated in the present case. That he is in JC since 06.05.2018. That chargesheet is already filed. That trial is pending. That no purpose would be served by keeping him in JC. That there is contradictions in the evidence of complainant/victim and her friend Nisha. As such, it is prayed that he be granted regular bail.

On the other hand, it is argued by Ld. Addl. PP for the state that it is a case of acid attack. That evidence of complainant is not yet over. That there is a every apprehension to threat witness. As such, present bail application is strongly opposed. As such, present bail 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. The evidence of complainant/victim is yet not over . Therefore, having regard to the nature of allegations and stage of trial, this court is not inclined to grant regular bail to the accused at this stage. **With these observations present bail application is disposed of as dismissed.**

Learned counsel for the applicant / accused is at liberty

: 6 :

to collect the order through electronic mode. Further a copy of this order be sent to SHO/IO concerned through electronic mode. Copy of this order be sent to Jail Superintendent concerned through electronic mode.

(Naveen Kumar Kashyap)
Additional Sessions Judge-04
Central/THC/Delhi
25.11.2020

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

Bail Application No.: 1695/2020

State v. Ravi @ Kangri
FIR No. : 448/2020
PS: Karol Bagh
U/S: 307 IPC

25.11.2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State.
Ld. Counsel for accused.

**Vide this order, present bail application dated
03.11.2020 moved on behalf of applicant/accused is disposed of.**

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.

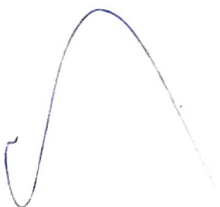
At this stage , it can also be fruitful to note that requirements for bail u/s 437 & 439 are different. Section 437 Cr.P.C. severally curtails the power of the Magistrate to grant bail in context of the commission of non-bailable offences punishable with death or imprisonment for life, the two higher 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 falsely implicated in the present case. That he is a young person of 30years of age. That place of accused and the complainant is about 1 km far away. The victim is drunken person. Further, his brother is also a renounced drunken person. That victim has a history of criminal cases. That further he has history of self inflicted injury for the purpose of implicating someone else in false criminal case. That it is the complainant who started abusing and fighting with the accused. That same is captured in CCTV footage also. There is no criminal record of the present accused. That he has a family to support. As such, it is prayed that he be granted regular bail.

On the other hand, in reply dated 04.11.2020, that on the issue of hanging the tiffins exchange of hot words took place between two sides. Later present accused broke quarter of a wine and inserted the sharp part of the same in the neck of the victim/complainant with the intention of causing his death. Further, MLC supports the same. As such, it is claimed that there is specific allegations against the accused and offence is very serious in nature. As such, present bail 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, investigation still on and at initial stage. The offence in question is punishable upto imprisonment for life. 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 through electronic mode. Further a copy of this order be sent to SHO/IO concerned through electronic mode. Copy of this order be sent to Jail Superintendent concerned through electronic mode.

(Naveen Kumar Kashyap)
Additional Sessions Judge-04
Central/THC/Delhi
25.11.2020

Crl. Rev.: 668/2019
Gurpreet Singh and Ors. v. The State & Ors.

25.11.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing.

This court is holding physically today as per directions.

This court is also discharging Bail Roster duty.

Undersigned is also working as link court of Ms. Neelofer Abida Parveen, Ld. ASJ, Central.

Present: Ld. Counsel for Revisionist.
Mr. Pawan Kumar, learned Addl.PP for State/respondent.

Written arguments filed by the parties.

Put up for orders/clarifications, if any on 26.11.2020.

(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020



Crl. Rev.: 678/2019
Gurvinder Singh and Ors. v. The State & Ors.

25.11.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

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This court is also discharging Bail Roster duty.

Undersigned is also working as link court of Ms. Neelofer Abida Parveen, Ld. ASJ, Central.

Present: Ld. Counsel for Revisionist.
Mr. Pawan Kumar, learned Addl.PP for State/respondent.

Written arguments filed by the parties.

Put up for orders/clarifications, if any on 26.11.2020.

(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020

CA: 281/2019
Mohd. Nawab and Ors. The Sate & Ors.

25.11.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing.

This court is holding physically today as per directions.

This court is also discharging Bail Roster duty.

Undersigned is also working as link court of Ms. Neelofer Abida Parveen, Ld. ASJ, Central.

Present: Ld. Counsel for Appellant for both the Appellants with one of the Appellant in person.
Ld. Counsel for original complainant is also present in person.
Mr. Pawan Kumar, learned Addl.PP for State/respondent.

Part judgment dictated.

Put up for further dictation and pronouncement of judgment through VC on **27.11.2020.**


(Naveen Kumar Kashyap)
ASJ-04/Central/25.11.2020