

BAIL APPLICATION NO.: 1861/2020

**State v. Chandra Shekhar
FIR No.: 349/2020
PS: Lahori Gate
U/s:420,406,34 IPC**

12.11.2020

This court is holding physically today as per directions.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Sh. Vikas Arora, Ld. Counsel for the applicant in person.
Sh. Rajesh Baweja, Ld counsel for complainant through VC.
IO SI Sandeep Singh in person.

In this case, earlier the matter of this accused was listed before this court on 06.11.2020 and due to personal reason, this court deemed fit to put this matter before Ld. Principal District & Sessions Judge (HQ), Central District, Tis Hazari and thereafter such matter was assigned to the court of Sh. Vidya Prakash, Ld. ASJ,(Electricity), Central district, Tis Hazari.

Certain documents filed by respondent side. At request, same is taken on record. Copy of the same be supplied by lunch time to the accused side.

Under these circumstances, let this bail application of the accused be also placed before **Ld. Principal District & Sessions Judge (HQ), Central District, Tis Hazari at 2 pm today itself.**


**(Naveen Kumar Kashyap)
ASJ-04/Central/12.11.2020**

BAIL APPLICATION NO.: 1860/2020

State v. Chandra Shekhar
FIR No.: 357/2020
PS: Lahori Gate
U/s:420,406,34 IPC

12.11.2020

This court is holding physically today as per directions.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Sh. Vikas Arora, Ld. Counsel for the applicant in person.
Sh. Rajesh Baweja, Ld counsel for complainant through VC.
IO SI Narender in person.

In this case, earlier the matter of this accused was listed before this court on 06.11.2020 and due to personal reason, this court deemed fit to put this matter before Ld. Principal District & Sessions Judge (HQ), Central District, Tis Hazari and thereafter such matter was assigned to the court of Sh. Vidya Prakash, Ld. ASJ, (Electricity), Central district, Tis Hazari.

Certain documents filed by respondent side. At request, same is taken on record. Copy of the same be supplied by lunch time to the accused side.

Under these circumstances, let this bail application of the accused be also placed before **Ld. Principal District & Sessions Judge (HQ), Central District, Tis Hazari at 2 pm today itself.**

(Naveen Kumar Kashyap)
ASJ-04/Central/12.11.2020

SC: 28592/16
State v. Mohd. Nazim
FIR no.: 275/2009
PS: Burari

12.11.2020

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.

This court is holding physically today as per directions.

This court is also discharging Bail Roster duty.

Present: Sh. Pawan Kumar, Ld. Addl. PP for the state.
Sh. Sagheer Ahmad, Ld. Counsel for all the accused with all the accused in person except accused Mohd. Yakub.
Accused Mohd. Yakub alongwith his counsel Sh. Pooran Sharma through VC.

Heard.

B/w issued against such accused are recalled. They are warned to be careful in future.

Part arguments heard at request of counsel for accused no. 1,2,3,5,6,7.

Put up for further arguments through VC.

Ld. Counsel for accused is at liberty to address arguments orally or through written arguments on behalf of such accused persons. Further, he is at liberty to submit his arguments through pendrive in audio or video mode also.

Put up on 01.12.2020 at 12.30 pm as well as on 09.12.2020.


(Naveen Kumar Kashyap)
ASJ-04/Central/12.11.2020

Cri. Rev.: 583/2018
Prem Lata Chauhan v. State

12.11.2020

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.

This court is holding physically today as per directions.

This court is also discharging Bail Roster duty.

Present: Pawan Kr. Sisodia, Ld. Counsel for Revisionist alongwith revisionist Prem Lata Chauhan in person.
Sh. Pawan Kumar, Ld. Addl. PP for the state/respondent no.1.
Sh. Raghav Goel, Ld. Counsel for Respondent no.2.
Sh. Anwar Ali, Ld. Counsel for Respondent no.13 Smt. Nazreen.
Sh. K.K. Singh, Ld. Counsel for Respdnen no. 9 and 10 Attar Singh and Sachin.
None for respondent no.3.
Respondent no.2,4,5,6,8,9 and 12 are present in person.

A fresh memo of parties filed dated 21.09.2020 by revisionist. Same is taken on record. Same be supplied to other side also.

Further, part arguments heard.

Put up for further arguments through VC or otherwise as per directions from higher authority for next date of hearing. Further, operation of impugned order dated 13.04.2018 is stayed till next date of hearing only.

Put up for further arguments on 12.01.2021. Earliest possible date is given in this matter.

Parties are at liberty to address oral arguments or they can file written arguments not exceeding three pages or they can file arguments through pendrive in audio and video mode.

(Naveen Kumar Kashyap)
ASJ-04/Central/12.11.2020

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

12.11.2020

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.

This court is holding physically today as per directions.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
All the four accused are on regular bail with counsel
Sh. B.S. Tiwari.

It is stated that summons to the defence witness is issued for
20.11.2020.

As such, put up for DE on 20.11.2020.


(Naveen Kumar Kashyap)
ASJ-04/Central/12.11.2020

CC:24/2017

Assistant Director(PMLA) v. Vineet Gupta & Ors.

12.11.2020

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.

This court is holding physically today as per directions.

This court is also discharging Bail Roster duty.

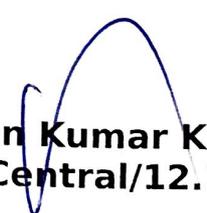
Present: Mr. Atul Kumar Tripathi, Ld. Spl. PP for ED in person.
Ld. Counsel for accused no. 1,2,3,12,13,14,16 to 19 and 20.
Accused no. 15 in person.

Submissions heard on supplementary chargesheet against accused no. 22 to 27.

Put up for appropriate order as per law on next date of hearing i.e. 16.12.2020.

It is stated by Ld. Addl. PP for the state that they are making further efforts to supply of CCTV footage through some other agency and at least one month time is needed for the same.

As such, put up for that purpose on 16.12.2020. Further, put up for orders on miscellaneous application u/s 91 Cr.P.C. also on next date of hearing.


(Naveen Kumar Kashyap)
ASJ-04/Central/12.11.2020

**Crl. Rev.: 11/2020, 12/2020,13/2020,14/2020,15/2020 and 16/2020
Deepak Talwar v. Income Tax Office**

12.11.2020

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.

This court is holding physically today as per directions.

This court is also discharging Bail Roster duty.

Present: None for Revisionist.
None for respondent.

Put up for arguments on 16.12.2020.

Last and final opportunity is given to both the parties.


**(Naveen Kumar Kashyap)
ASJ-04/Central/12.11.2020**

At this stage,

Sh. Prabhav Ralli, counsel for Revisionist appeared through VC.
He is apprised of the order.


**(Naveen Kumar Kashyap)
ASJ-04/Central/12.11.2020**

BAIL APPLICATION NO.: 692/2020

**State v. Sonu Kundra @ Amrit
FIR No.: 251/2019
PS: Prasad Nagar
U/s:201/304 IPC**

12.11.2020

This court is holding physically today as per directions.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Sh. Prabhat Kumar, Ld. Counsel for the applicant.
Sh. Ranjan , counsel for complainant alongwith complainant in person.

In this matter, interim bail was granted by my Ld. Predecessor. Now, in view of the order dated 28.10.2020 passed by Hon'ble Supreme Court coupled with earlier order dated 20.10.2020 passed by Hon'ble High Court in W.P.(c) 3037/2020, put up for further arguments/consideration on the main regular bail application after 26.11.2020 when the matter is listed before Hon'ble Supreme Court. It is stated by the learned counsel for complainant that interim bail should not be extended and it is stated that in fact he was not entitled to interim bail. In view of the said bail granted by Hon'ble Supreme court, this court cannot comment on this issue at present. It is further stated that matter be heard on merit of such facts and circumstances.

Put up for further arguments/consideration on

02.12.2020.


**(Naveen Kumar Kashyap)
ASJ-04/Central/12.11.2020**

BAIL APPLICATION NO.: 914/2020

State v. Shakir
FIR No.: 84/2019
PS: I.P.Estate
U/S:420,467,468,120bB IPC

12.11.2020

This court is holding physically today as per directions.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Sh. Narender Prabhakar, Ld. Counsel for the applicant through VC alongwith counsel Sh. Vishwajeet Sharma in person in court.
Sh. Surender Rathi, Ld. Counsel for complainant through VC.
IO Insp. Ashok is also present through VC.

Arguments in detail heard for half an hour.

Put up for orders/clarifications, if any on next physical day i.e. on 20.11.2020.

TCR also received and be sent back and be summoned against for next date of hearing.

At this stage, it is stated by learned counsel for complainant that connected matter of same FIR are listed for 27.11.2020 on physical hearing day. As such, this matter be also put up for orders/clarifications, if any on 27.11.2020.

Interim protection, if any to continue.

(Naveen Kumar Kashyap)
ASJ-04/Central/12.11.2020

BAIL APPLICATION NO.: 1880/2020

**State v. Virender Kalu
FIR No.: 88/2020
PS: Sarai Rohilla**

12.11.2020

This court is holding physically today as per directions.

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

Reply filed.

Arguments heard.

After some arguments, Ld. Counsel for applicant submits that he wants to withdrawn the present application.

Heard. Allowed.

In view of submissions, present application is disposed of as withdrawn.


**(Naveen Kumar Kashyap)
ASJ-04/Central/12.11.2020**

BAIL APPLICATION NO.: 1881/2020

**State v. Zahid
FIR No.: 265/2020
PS: Sarai Rohilla
U/s:307,341,34 IPC**

12.11.2020

This court is holding physically today as per directions.

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

Reply filed by IO. Copy supplied.

Put up for arguments/appropriate orders on

28.11.2020.

**(Naveen Kumar Kashyap)
ASJ-04/Central/12.11.2020**

**State v. Chander
FIR No.: 333/2020
PS: Sarai Rohilla
U/s:356,379 IPC**

12.11.2020

This court is holding physically today as per directions.

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

Reply filed by IO. Copy of the same be supplied to counsel for applicant.

Arguments heard.

It is stated by counsel that in the present case at best he is only owner of motorcycle 8790 which is allegedly in the offence in question. That he has nothing to do with offence in question.

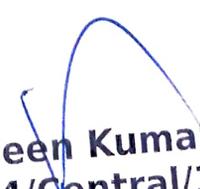
On the other hand, it is stated by Addl. PP for the state that he was called to join investigation but present applicant did not turn up. Further, anticipatory bail application of Bhanja of such accused Ritik is already dismissed by this court.

Accused is directed to join investigation. IO is directed not to take any coercive action against the accused provide he fully co-operate with investigation. Further IO to explain by what mode present accused/suspect was directed to join investigation and whether the provision of Cr.P.C. was followed or not.

Interim protection to the applicant is given till next date of hearing.

Put up on 28.11.2020.

Copy of this order be given to applicant through electronic mode.


**(Naveen Kumar Kashyap)
ASJ-04/Central/12.11.2020**

BAIL APPLICATION NO.: 1877/2020

**State v. Nago Bind
FIR No.: NA
PS: Lahori Gate
U/s:33,37,38 Delhi Excise Act**

12.11.2020

This court is holding physically today as per directions.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Sh. N.K. Dev, Ld. Counsel for the applicant Nago Bind.

Reply filed by IO.

Arguments heard.

Such accused is directed to join the investigation as and when directed by IO including on 15.11.2020 at 2 pm. In the meanwhile, IO is directed not to take any coercive action against the present applicant till next date.

Put up on 27.11.2020.

Copy of this order be given dasti through electronic mode.

**(Naveen Kumar Kashyap)
ASJ-04/Central/12.11.2020**

MISC APPLICATION

**State v. Vinod @ Dada
FIR No.: 39/2019
PS: Lahori Gate**

12.11.2020

This court is holding physically today as per directions.

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

Arguments heard.

Ld. Counsel relied inter alia the case law titled as Manjeet Singh passed by Hon'ble High Court of Delhi.

Put up for orders on 20.11.2020.

**(Naveen Kumar Kashyap)
ASJ-04/Central/12.11.2020**

MISC APPLICATION

Applicant Ashish kumar

State v. Imran @ Akhtar Khan & Ors.

FIR No.: 227/2020

PS: Wazirabad

12.11.2020

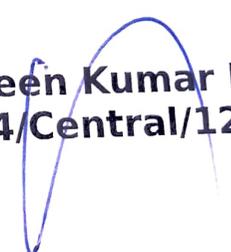
This court is holding physically today as per directions.

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

Further arguments heard.

Put up for orders/clarifications, if any on 27.11.2020.

(Naveen Kumar Kashyap)
ASJ-04/Central/12.11.2020



MISC. APPLICATION

Applicant : Sudhir Pal

**State v. Ajay Pal
FIR No.: 678/2015
PS: Subzi Mandi**

12.11.2020

This court is holding physically today as per directions.

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

Arguments in detail heard.

**Put up for orders/clarifications, if any with file on
20.11.2020.**


**(Naveen Kumar Kashyap)
ASJ-04/Central/12.11.2020**

12.11.2020

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.

This court is holding physically today as per directions.

This court is also discharging Bail Roster duty.

Present: Ld. Counsel for revisionist alongwith revisionist in person.
Mr. Pawan Kumar, learned Addl.PP for State/respondent no.1.
None for respondent no.2,3 and 4 either physically or through VC despite repeated calls.

Part arguments heard from revisionist on the issue under consideration and on merit. Last and final opportunity is given to the respondent no.2, 3 and 4 to address arguments in terms of previous order and on merit on present revision.

Put up for further arguments and orders on 19.01.2021.

**(Naveen Kumar Kashyap)
ASJ-04/Central/12.11.2020**

12.11.2020

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.

This court is holding physically today as per directions.

This court is also discharging Bail Roster duty.

Present: Appellant/convict Jai Bhagwan is present in person with counsel Sh. Girik Tolani.

Heard in detail .

In view of Section 389(1) Cr.P.C., the sentence is suspended during hearing of this appeal.

Further, as the accused is not in confinement at present, therefore, there is no question of releasing them on bail as otherwise stated in section 389(1) Cr.P.C.

Copy of of said appeal be supplied to State.

Put up for arguments and orders on 15.02.2021.

(Naveen Kumar Kashyap)
ASJ-04/Central/12.11.2020

12.11.2020

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.

This court is holding physically today as per directions.

This court is also discharging Bail Roster duty.

Present: Sh. Nand Lal Dogra, Ld. Counsel for revisionist.

Heard.

Notice of this revision petition to all these 14 respondents as well as to state be issued through electronic mode, through e-mail, SMS and other viable mode. Further, dasti service is also allowed. Steps be taken within one week.

Put up for 18.12.2020.


(Naveen Kumar Kashyap)
ASJ-04/Central/12.11.2020

12.11.2020

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.

This court is holding physically today as per directions.

This court is also discharging Bail Roster duty.

Present: None for Appellant Urmila.
Sh. Pawan Kumar, Ld. Addl. PP for Respondent no.1.
Sh. Sachin Bansal, Ld. Counsel for Respondent no.2.

Put up for arguments on issue raised on 23.01.2020, for 11.12.2020.

Further, issue court notice to Appellant through electronic mode as well as to her counsel for 11.12.2020.

(Naveen Kumar Kashyap)
ASJ-04/Central/12.11.2020

SC: 28517/2016
State v. Subhash Rai & Ors.
FIRNo.: 214/2015
PS: Civil Lines

12.11.2020

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.

This court is holding physically today as per directions.

This court is also discharging Bail Roster duty.

Present: Sh. Pawan Kumar, Ld. Addl. PP for the state.
None of the accused is present nor their counsel Sh. Yatender Kumar LAC is present.

Issue B/W in the sum of Rs. 5000/- against both the accused with notices to their sureties for next date.

Further, from record, it is seen that part arguments in detail heard from both the sides.

Today, case was fixed for further arguments.

As such, last and final opportunity is given to both sides to address further arguments, if any. Further, both sides are at liberty to file written arguments not exceeding three pages by next date of hearing.

Put up for further arguments, if any and appropriate orders through VC or otherwise as situation may be for 03.12.2020.

B/W be issued within three working days.

(Naveen Kumar Kashyap)
ASJ-04/Central/12.11.2020

MISC APPLICATION

**State v. Bablu Mathur
FIR No.: 221//15
PS: Karol Bagh**

12.11.2020

This court is holding physically today as per directions.

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

Further, arguments heard on the application for release of RC/security of surety Virender Kumar.

**Put up for further orders/clarifications, if any on
17.12.2020.**

**(Naveen Kumar Kashyap)
ASJ-04/Central/12.11.2020**



Bail Matters NO. 188, 354, 377, 406 & 498A
State Vs Kripal Singh, Angad Singh, Manjyot Singh & Sukhsharan Kaur
FIR No. : 188/2020
PS: Rajinder Nagar
U/S: 354, 354A, 377, 406 & 498A r/w 34 IPC IPC

12/11/2020
At 4:00 PM

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State.
None for applicants.
None for complainant.

Vide this common order, these four separate anticipatory bail applications filed by accused Manjyot Singh, Sukhsharan Kaur, Kripal Singh and Angad Singh under section 438 Cr.P.C. on behalf of accused filed through counsel is disposed off.

In the present case, in nutshell, it is argued on behalf of applicants that Manjyot Singh married the complainant on 20/04/2019; that complainant lived with the accused side till 08/03/2020 and thereafter she has filed present false and frivolous FIR to humiliate the accused side; that IO is not investigating the matter fairly; that on

PCR and a video of the same was also recorded; that such PCR was called at the instance of complainant side only; that behavior of the complainant with the accused side is always rude and cruel; that accused persons have roots in society; that there is no question of fleeing from justice; that they are ready to join investigation and infact joined investigation even during pendency of present case; that there is no need of custodial interrogation; that they apprehend their arrest in the present case. As such, it is prayed that to release the petitioners on bail in the event of their arrest or grant them seven days notice.

On the other hand, it is argued by the counsel for the complainant that that it is not a simplicitor case of dowry demand only. It is further stated that apart from specific instances of dowry demand and mental and physical cruelty by the applicants. There are offences u/s 354, 354A, & 377 IPC are also involved. It is further stated that despite opportunity given including interim protection in these bail applications, the accused persons did not fully cooperate and recovery of entire Istridhan is not complete.

Further, in reply filed by the IO as also argued by learned Addl.PP for the State it is stated that allegations against the accused persons are serioius in nature; that complainant supported her allegations in her statement u/s 164 Cr.PC; that recovery of Istridhan articles is not complete; that complainant and accused live in same locality and if anticipatory bail is granted in this early stage of investigation, they might

Bail Matters No.:985, 986, 987 & 988 /2020
State Vs Kripal Singh, Angad Singh, Manjyot Singh & Sukhsharan Kaur
FIR No. : 188/2020
PS: Rajinder Nagar
U/S: 354, 354A, 377, 406 & 498A r/w 34 IPC IPC

threaten the complainant and other witnesses. As such, present anticipatory bail is strongly opposed.

In the present case there are detailed and specific allegations regarding demand of dowry and mental cruelty. Further there are specific allegations against Sukhsharan Kaur that she received the jewelry items and did not return the same despite demand time and again. Further, there are specific allegations alongwith medical report related to section 377 IPC also against the husband Manjyot Singh. Further, there are allegations specifically falling under section 354, 354A, and 509 IPC against brother in law Angad Singh. Further, it is reported by the IO even during investigation that accused persons did not cooperate fully and provided only some articles of Istridhan and regarding rest of the articles they still claiming that complainant already took the same. That major portion of Istridhan is still in the possession of accused persons and there is need of custodial interrogation of the accused persons for recovery of the same.

As such, this court is not inclined to grant the relief sought in the present application as far as accused Manjyot Singh, Sukhsharan Kaur and Angad Singh are concerned. With these observation, their applications are dismissed.

But as far as accused / father in law Kripal Singh is concerned, there are only general allegations against him which is a matter of trial, he be released on bail in the event of his arrest on furnishing of personal bond and surety bond in the sum of Rs.

Bail Matters No. : 985, 986, 987 & 988 / 2020
State Vs Kripal Singh, Angad Singh, Manjyot Singh & Sukhsharan Kaur
FIR No. : 188/2020
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U/S: 354, 354A, 377, 406 & 498A r/w 34 IPC IPC

30,000/-, subject to further following conditions.

- i) That he will appear before Trial Court as and when called as per law.*
- ii) He will not indulge in any kind of activities which are alleged against him in the present case.*
- iii) That he will not leave India without permission of the Court.*
- iv) He will not contact or threaten the witness or tampering with evidence.*

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

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

The observations made in the present anticipatory 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.

Bail Matters No.:985, 986, 987 & 988 /2020
State Vs Kripal Singh, Angad Singh, Manjyot Singh & Sukhsharan Kaur
FIR No. : 188/2020
PS: Rajinder Nagar
U/S: 354, 354A, 377, 406 & 498A r/w 34 IPC IPC

(NAVEEN KUMAR KASHYAP)
ASJ-04(Central/Delhi/12/11/2020)

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

Application No.: 1575/1010
State Vs Jamshed
FIR No.24604/2020
P. S. Sarai Rohilla
U/s: 379, 411, 34 IPC

12/11/2020

Present: Mr. Pawan Kumar, Learned Addl. PP for State.
Mr. Zia Afroz, Learned counsel for the applicant.

Vide this order, bail application u/s 439 Cr.PC dated 20/10/2020 filed by applicant through counsel is disposed off.

It is stated in the application that he is in JC since 01/10/2020; he has been falsely implicated in this case; that he is innocent and belongs to a respectable family; that applicant has to do nothing with the commission of offence as alleged; he is the only earning member of his family; there is no one to support during such a period of pandemic disease of Covid-19; that his previous bail was dismissed by learned MM on 08/10/2020; that no useful purpose would be served by keeping him in JC; As such, it is prayed that he be granted regular bail.

On the other hand, in reply filed by the IO, as also argued by learned substitute Addl.PP for the State it is stated that stolen vehicle in question was being driven by co-accused Mohd. Danish and present accused was sitting in the same; that they disclosed that they had stolen the same from Muradabad Uttar Pradesh. As such present bail application is opposed.

I have heard both the sides.

The personal liberty is a priceless treasure for a human being. It is founded on the bed rock of constitutional right and accentuated

Application No.: 1575/1010
State Vs Jamshed
FIR No.24604/2020
P. S. Sarai Rohilla
U/s: 379, 411, 34 IPC

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 form 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, the maximum punishment of the offences alleged against the present accused is 3 years. It is a matter of record that accused is in JC since 01/10/2020. The allegations against the accused are u/s 411 IPC only. Further, as far as present accused is concerned, nothing remains to be recovered at his instance. In fact, the period for seeking police remand is already over. As such, no purpose would be served by keeping such accused in JC. Trial is likely to take time. Further, it may be noted that there is fundamental presumption of innocence in any criminal case of present nature. In present case, no previous conviction or even involvement in criminal cases is placed on record by the IO.

In above facts and circumstances, such accused is granted bail subject to furnishing of **personal bond in the sum of Rs. 20,000/- with one sound surety of like amount**, subject to the satisfaction of the learned Trial court and the following additional conditions:

- i) That he will appear before IO / Trial Court as and when called as per law.*
- ii) He will not indulge in any kind of activities which are alleged against him in the present case.*
- iii) That he will not leave Delhi without prior permission of the Trial Court concerned.*
- iv) He will not threaten the witness or tampering with evidence.*
- v) He shall convey any change of address immediately to the IO and the court;*
- vi) He shall also provide his mobile number to the IO and further share his location through mobile*

phone once in every week till filing of chargesheet and thereafter as may be directed by the learned Trial Court.

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

I may observe that certain guidelines had been laid down by the Hon'ble Delhi High Court in the case of ***“Ajay Verma Vs. Government of NCT of Delhi” WP (C) 10689/2017 dated 08.03.2018*** wherein it was observed and I quote as under:

“..... The trial courts should not only be sensitive but extremely vigilant in cases where they are recording orders of bail to ascertain the compliance thereof.....When bail is granted, an endorsement shall be made on the custody warrant of the prisoner, indicating that bail has been granted, along with the date of the order of bail.

- a) In case of inability of a prisoner to seek release despite an order of bail, it is the judicial duty of the trial courts to undertake a review for the reasons thereof.*
- b) Every bail order shall be marked on the file.*
- c) It shall be the responsibility of every judge issuing an order of bail to monitor its execution and enforcement.*
- d) In case a judge stands transferred before the execution, it shall be the responsibility of the successor judge to ensure execution.....”*

I note that in the present case the bail bonds have been directed to be furnished before the Ld. Trial Court/ Ld. MM and hence in terms of the above observations, the Ld. MM is impressed upon to inform this court about the following:

- a) *The date on which conditions imposed by this court are satisfied;*
- b) *The date of release of prisoner from jail;*
- c) *Date of ultimate release of prisoner in case the prisoner is in jail in some other case.*

The copy of this order be sent to **Ld. MM** and also to the **Superintendent Jail** who shall also inform this court about all the three aspects as contained in the para herein above. The Superintendent Jail is also directed to inform this court if the prisoner is willingly not furnishing the personal bond or in case if he is unable to furnish the surety or any other reason given by the prisoner for not filing the bonds. One copy of this order be also sent to the **SHO Concerned** to ensure compliance.

The bail application is accordingly disposed off. Learned counsel for applicant is at liberty to obtain through electronic mode. Copy of this order be sent to concerned Jail Superintendent. Copy of this order be sent to IO / SHO concerned.

The observations made in the present 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.

(NAVEEN KUMAR KASHYAP)
ASJ-04(Central/Delhi)
12.11.2020

Bail Matters No.:1882/2020
State Vs Karan Arora
FIR No.:--/2020
PS: Lahori Gate

12/11/2020

Present:

Mr. Pawan Kumar, Ld. Addl. PP for the State.
Mr. Suresh Chand Sharma, learned counsel for accused in person in court.
Mr. Sonal Anand, learned counsel for complainant through VC.

Reply filed by the IO but without argument, it is stated by the counsel for the accused that he wants to withdraw the present bail application with liberty to file afresh.

Heard. Allowed.

As such, the same is dismissed as withdrawn.

(Nayeen Kumar Kashyap)
ASJ-04/Central/12.11.2020

Bail Matters No.:1879/2020
State Vs Shailender Prasad
FIR No.:235/2020
PS: Kamla Market

12/11/2020

Present:

Mr. Pawan Kumar, Ld. Addl. PP for the State.
Ms. Archana Sharma, learned counsel for the applicant through VC.
Further victim is also present.

Reply filed by the IO. Copy be supplied to the counsel for the accused.

Part arguments heard.

Put up for further arguments and appropriate orders for 26/11/2020.

IO to also appear through VC on the next date of hearing.

Further victim has stated that she does not have any objection if bail is granted to the accused provided that he would not repeat his conduct and change his room and take his room somewhere else.

(Naveen Kumar Kashyap)
ASJ-04/Central/12.11.2020

State Vs Zeeshan Ahmad
FIR No.: 182/2018
PS: Hauz Qazi

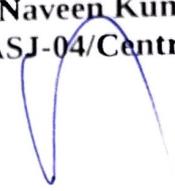
12/11/2020

This application is received by way of transferred. It be checked and registered separately.

Present: Mr. Pawan Kumar, L.d. Addl. PP for the State.
None for the applicant / accused.

Put up for arguments and appropriate orders for **19/11/2020**.

(Naveen Kumar Kashyap)
ASJ-04/Central/12.11.2020



Bail Matters No.:1319/2020
State Vs Varun Aggarwal
FIR No.:220/2020
PS: Prasad Nagar

12/11/2020

Present:

Mr. Pawan Kumar, Ld. Addl. PP for the State.
Mr. Inder Saini, learned counsel for the complainant through VC.
IO is also present through VC.

It is stated today that apart from offence u/s 498A, 406, 34 IPC, there are allegations of miscarriage also which are mentioned in the FIR itself. But no reply / response is given by the IO in this regard.

On perusal of reply filed by her only the offence 498A, 406, 34 IPC are mentioned. IO who is present today through VC has stated that investigation regarding miscarriage is still pending. Learned counsel for accused is not present.

As such, put up for further arguments / status report by the IO in this regard for **26/11/2020**. In the meanwhile, interim order to continue till the next date of hearing.


(Naveen Kumar Kashyap)
ASJ-04/Central/12.11.2020

**State Vs Raj Bahadur & others
(Application of Vasudev Prasad)
FIR No 130/2014
P. S. Kamla Market**

12.11.2020

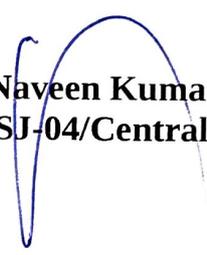
This court is also discharging bail roster duty.

Present: Mr. Pawan Kumar, learned Addl. PP for State.
Surety Rajni Devi in person with counsel Mr. Tushar Mokin.

Bail bond furnished. Report dated 29/10/2020 already filed by SI Sunil Kumar.

As per the same, address as well as two FDRs one of Rs. 15,000/- and another of Rs. 35,000/- already stand verified.

In view of such report, bail bonds are accepted. Original FDR be kept on record. FD of Rs. 15,000/- retained today on record. It is stated that FD of Rs. 35,000/- is already available on record. A copy of this order be sent to Jail Superintendent concerned for his information and record.


**(Naveen Kumar Kashyap)
ASJ-04/Central/12.11.2020**

SC No.:27302/2016
FIR :346/11
PS: Sarai Rohilla
State Vs Mahender & others

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.

12.11.2020

This court is also discharging bail Roster duty till further orders.

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

None for the accused.

In the interest of justice, no coercive action is taken against the accused persons who are on bail in this case.

Put up for statement of accused persons in terms of previous order for **21/01/2021**. Further, issue production warrant for the accused persons who are in JC, if any, for the next date of hearing.


(Naveen Kumar Kashyap)
ASJ-04/Central/12.11.2020

**State Vs Karan Bhardwaj
(Extension Application)
FIR No. 112/2019
P. S. Wazirabad**

12.11.2020

This court is also discharging bail roster duty.

Present: Mr. Pawan Kumar, learned Addl. PP for State.
Learned counsel for applicant / accused.

Learned counsel for accused has placed on record the copy of order dated 05/11/2020 in WP (C) No. 3080/2020 titled "*Court On its Own Motion Vs Govt. of NCT of Delhi & Anr*".

In view of such order, particularly para '6' thereof, put up for further appropriate orders / directions for **04/12/2020**.


**(Naveen Kumar Kashyap)
ASJ-04/Central/12.11.2020**

BAIL APPLICATION OF YADVENDER @ GUDDU YADAV

State v. Raj Bahadur

FIR No.: 130/2014

PS: Kamla Market

U/s:419,420,365,392,395,412,120B,34 IPC

12.11.2020

This court is holding physically today as per directions.

This court is also discharging bail roster duty.

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

Today, case was fixed for orders.

Put up for orders/clarifications, if any including regarding earlier bail application filed by this accused and result thereof.

Further, put up for clarifications regarding role of present accused Sanjay @ Dharamvir vis-a-vis role of co-accused Raj Bahadur and Vasudev who were granted bail by Hon'ble High Court of Delhi

Put up on 20.11.2020.

(Naveen Kumar Kashyap)
ASJ-04/Central/12.11.2020

BAIL APPLICATION OF SANJAY @DHARAMVIR

State v. Raj Bahadur

FIR No.: 130/2014

PS: Kamla Market

U/s:419,420,365,392,395,412,120B,34 IPC

12.11.2020

This court is holding physically today as per directions.

This court is also discharging bail roster duty.

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

Today, case was fixed for orders.

Put up for orders/clarifications, if any including regarding earlier bail application filed by this accused and result thereof.

Further, put up for clarifications regarding role of present accused Sanjay @ Dharamvir vis-a-vis role of co-accused Raj Bahadur and Vasudev who were granted bail by Hon'ble High Court of Delhi

Put up on 20.11.2020.

(Naveen Kumar Kashyap)
ASJ-04/Central/12.11.2020

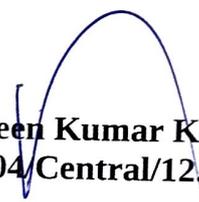
Bail Matter no. 990/2020
State Vs Manoj Kumar Sharma
FIR No.: 191/2019
PS: Lahori Gate

12/11/2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State.
None for the applicant / accused.

Certain clarifications required from the complainant side.

Put up for orders on **17/11/2020**.


(Naveen Kumar Kashyap)
ASJ-04/Central/12.11.2020

BAIL APPLICATION OF ARSHAD

Tehsin @ Kevda
State v. ~~Gaurav Chauhan~~ *N*
FIR No.: 20/2015
PS: Kamla Market
U/s:302,396,412,34 IPC

12.11.2020

This court is holding physically today as per directions.

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

Today, case was fixed for orders.

Put up for final arguments particularly regarding role of present accused Arshad vis-a-vis role of co-accused Tehsin @Kevda who is granted interim bail by Hon'ble High Court of Delhi vide order dated 25.09.2020.

Put up on 28.11.2020.

(Naveen Kumar Kashyap)
ASJ-04/Central/12.11.2020

BAIL APPLICATION OF ANKUR SINGH

**State v. Gaurav Chauhan
FIR No.: 199/2009
PS: Kashmere Gate
U/s:364A,506,120B IPC & 25 Arms Act**

12.11.2020

This court is holding physically today as per directions.

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

In this case, only part arguments are addressed by learned counsel for accused as per record.

**As such, put up for further arguments/orders on
21.11.2020.**

**(Naveen Kumar Kashyap)
ASJ-04/Central/12.11.2020**



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

BAIL APPLICATION

State v. Gaurav Chauhan
FIR NO.: 199/2009
PS: Kashmere Gate
U/S: 364A,506,120B IPC &
25 Arms Act

12.11.2020

At 4 pm

Present: None.

Arguments already heard. Today case was fixed for orders.

Vide this order, bail application u/s 439 Cr.PC filed by applicant Gaurav Chauhan through counsel is disposed of.

It is stated in the application that nothing material has come on record during evidence. That evidence of the witnesses is already over and matter is pending for final arguments since last one year and due to lock-down further arguments could not be addressed effectively. As such, it is further argued that at present there is no more the situation to threaten the witness or influence the witnesses. It is further stated that due to present pandemic condition disposal of the case is likely to take some more time. That accused is in JC for the last about eleven years. Further, it is stated that more importantly as far as present accused is concerned, he is suffering from multiple medical problem. A status report in this regard is even given by Jail Superintendent concerned. It is further stated that as per medical reports, it is clear that he is suffering from severe renal problem as is clear from bio-chemistry report dated 24.10.2020 placed on record. As such, it is submitted that he be granted regular bail.

On the other hand, it is submitted by learned Addl. PP for the state that offence is serious in nature. That specific incriminating evidence against the present accused. Further, a detailed reply dated 02.11.2020 also filed by SI Satish Kumar where it is stated that he may commit further offence or he may abscond. It is further claimed that he is a desperate criminal. . As such, bail application is opposed.

I have heard both the sides.

The personal liberty is a priceless treasure for a human being. It is founded on the bed rock of constitutional right and accentuated further on human rights principle. The sanctity of liberty is the fulcrum of any civilized society. Deprivation of liberty of a person has enormous impact on his mind as well as body. Further article 21 Of the Constitution mandates that no person shall be deprived of his life or personal liberty except according to procedure established by law. Further India is a signatory to the International Covenant On Civil And Political Rights, 1966 and, therefore, Article 21 of the Constitution has to be understood in the light of the International Covenant On Civil And Political Rights, 1966. *Further* Presumption of innocence is a human right. Article 21 in view of its expansive meaning not only protects life and liberty, but also envisages a fair procedure. Liberty of a person should not ordinarily be interfered with unless there exist cogent grounds therefor. The fundamental principle of our system of justice is that a person should not be deprived of his liberty except for a distinct breach of law. If there is no substantial risk of the accused fleeing the course of justice, there is no reason why he should be imprisoned during the period of his trial. The basic rule is to release him on bail unless there are circumstances suggesting the possibility of his fleeing from justice or thwarting the course of justice. When bail is refused, it is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution.

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

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 a matter of record that earlier regular bail application of the present accused was dismissed but it is also matter of record that at present he is on interim bail and there is no adverse report against such accused, since he is on interim bail. Further, from the medical document placed on record, it appears that he is suffering from multiple medical issues. Further, in this case evidence of material witnesses are already recorded but due to present pandemic condition, further final arguments could not be heard. The trial is likely to take some more time under the present situation. Further, no previous conviction record of the accused is placed on record. Further, there is presumption of innocence in the criminal justice system.

In above facts and circumstances, present accused is granted bail subject to furnishing of personal bond in the sum of **Rs. 20,000/- with two sound sureties of like amount**, subject to the satisfaction of the learned Trial court and the following additional conditions:

- i) That he will appear before Trial Court as and when called as per law.*
- ii) He will not indulge in any kind of activities which are alleged against him in the present case.*
- iii) That he will not leave India without permission of the Court.*
- iv) He shall convey any change of address immediately to the IO and the court;*
- v) He shall also provide his mobile number to the IO as well as to the court.*

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

The observations made in the present 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 cs which is separate issue as per law.

: 6 :

The bail application is accordingly disposed off. Learned counsel for applicant is at liberty to obtain copy of this order through electronic mode. Copy of this order be sent to Jail Superintendent concerned through electronic mode.

(NAVEEN KUMAR KASHYAP)
ASJ-04(Central/Delhi)
12.11.2020

CA: 437/2019
Nikhil Kapoor and ors v. Shubhi Gupta

12.11.2020

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.

This court is holding physically today as per directions.

Present: None for revisionist.
Ms. Komal Vashisht, Ld. Counsel for respondent.

Vide separate judgment pronounced in open court through VC,
present revision petition is dismissed.

TCR be returned back.

Trial of this revision petition be consigned to record room as
per rules.

(Naveen Kumar Kashyap)
ASJ-04/Central/12.11.2020

CR No.: 208/2020
Amit Kumar Vs State

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.

12.11.2020

This court is also discharging bail Roster duty till further orders.

Present: Mr. Rajeev Kumar Pathak, learned counsel for revisionist.
Mr. Pawan Kumar, learned Addl. PP for the State.

Heard.

Issue notice of this revision petition to State only. Additional copy of revision be placed on record for supplying to the State within one week.

Put up for reply, if any, arguments and appropriate order for 27/01/2021.


(Naveen Kumar Kashyap)
ASJ-04/Central/12.11.2020

Sl. No./253/2020
FIR :50/2020
PS:Chandni Mahal
State Vs Mohd. Umair @ Umar

File taken up today in terms of directions received vide letter No.1417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 2345-2466/DI(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,

12.11.2020

This court is also discharging bail Roster duty till further orders.

Present:

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

Accused in person on interim bail with counsel Mr. Mohd. Faiz.

Arguments on charge heard.

Put up for order on charge / appropriate orders for 18/01/2021.

(Naveen Kumar Kashyap)
ASI-04/Central/12.11.2020

**State Vs Mohd. Umair @ Umer
(Application of Umair @ Umer)
FIR No 50/2020
P. S. Chandni Mahal**

12.11.2020

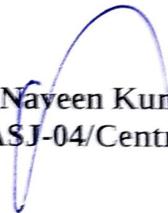
This court is also discharging bail roster duty.

Present: Mr. Pawan Kumar, learned Addl. PP for State.
Accused in person on interim bail with counsel Mr. M.F. Khan.
Further victim / complainant is also present in person.

Reply already filed by the IO.

Arguments in detail heard.

Put up for orders / clarification, if any, for 28/11/2020.


(Naveen Kumar Kashyap)
ASJ-04/Central/12.11.2020

State vs Anup Kumar Chipra
FIR No. 513/2016
PS Burari

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.

12.11.2020

Present:

This court is also discharging bail Roster duty till further orders.

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

Accused in person on bail.

Learned counsel for the accused is not available today.

There are directions by the Hon'ble High Court to dispose off this matter.

As such, put up for **PE for 14/12/2020**. Two of the material witnesses be summoned on the next date of hearing.


(Naveen Kumar Kashyap)
ASJ-04/Central/12.11.2020

CR No.:258/2020
Dr. Sanjay Aggarwal Vs State & others

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.

12.11.2020

This is fresh criminal revision received by way of assignment. It be checked and registered separately.

This court is also discharging bail Roster duty till further orders.

Present: None for the revisionist.

Put up for consideration / appropriate orders for 04/12/2020.


(Naveen Kumar Kashyap)
ASJ-04/Central/12.11.2020

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.

12.11.2020

This court is also discharging bail Roster duty till further orders.

Present: LAC counsel Mr. S.N. Shukla, learned counsel for the appellant.

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

Further arguments in detail heard.

Put up for judgment / clarification, if any, for 21/11/2020.

(Naveen Kumar Kashyap)
ASJ-04/Central/12.11.2020