

04.06.2020

Present: Ld. APP for the State (through CISCO Webex).
Ld. Counsel for accused / applicant.

This is an application under Section 437 of Cr.P.C for grant of interim bail on behalf of applicant/accused Paras Jain S/o Late Sh. Vijender Kumar Jain wherein it has been submitted that the wife of the accused is scheduled to undergone surgery on 06.06.2020 and therefore, it is imperative for the accused to remain available for attending his wife who is stated to be suffering from serious ailments.

IO of this case has filed reply. Perusal of reply shows that there is allegation of under Section 392/34 IPC against the accused.

Heard.

Considering the medical emergency, the accused Paras Jain S/o Late Sh. Vijender Kumar Jain is admitted to interim bail for a period of 15 days subject to furnishing of Bail Bond and Surety Bond in the sum of Rs.25,000/- each and further subject to the following conditions :-

1. that accused person (s) shall attend the Court as per conditions of bond to be executed ;
2. that accused person (s) shall not commit similar offence and ;
3. that accused person (s) shall not directly/indirectly induced, give threat, or in any way dissuade the witnesses/persons acquainted with the facts of this case and also shall not tamper with the evidence.
4. The accused shall surrender himself before the concerned Jail Superintendent on expiry of the period of 15 days from the date of his release from custody.

Bail bond and Surety Bond would be accepted **only after verification** through IO of this case.

(PUNEET NAGPAL)
DUTY MM (West) THC, Delhi
04.06.2020

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Dabseh*

04.06.2020

Present: Ld. APP for the State (through CISCO Webex).
Counsel for accused / applicant.

This is an application under Section 437 of Cr.P.C on behalf of applicant/accused Nikhil Kumar S/o Sh. Nandram @ Kallu wherein it has been submitted that the accused person is in JC since 22.02.2020 and recovery has already been effected. At the same time, Ld. Counsel for accused submits that the investigation of the instant FIR has been completed and the matter is pending trial before the Court concerned.

IO of this case has filed reply. Perusal of reply shows that there is allegation of under Section 379 IPC against the accused.

Heard.

Considering the fact that recovery has already been effected, that the challan has already been filed and that the accused is in custody since 22.02.2020, accused Nikhil Kumar S/o Sh. Nandram @ Kallu is admitted to bail subject to furnishing of Bail Bond and Surety Bond in the sum of Rs.20,000/- each and further subject to the following conditions :-

1. that accused person (s) shall attend the Court as per conditions of bond to be executed ;
2. that accused person (s) shall not commit similar offence and ;
3. that accused person (s) shall not directly/indirectly induced, give threat, or in any way dissuade the witnesses/persons acquainted with the facts of this case and also shall not tamper with the evidence.

Bail bond and Surety Bond would be accepted **only after verification** through IO of this case.

Copy Received
By
Banshi
04/6/20

(PUNEET NAGPAL)
DUTY MM (West) /THC, Delhi
04.06.2020

e-FIR No.151/2018
PS Nihal Vihar

04.06.2020

Present: Ld. APP for the State (through CISCO Webex).
Ld. Counsel for accused.

Ld. Counsel for accused submits that the accused has been unlawfully detained in Tihar Jail, Delhi in the instant FIR despite the fact that the accused has been acquitted vide order dated 14.12.2019 passed by Ld. MM, Sh. Pankaj Arora.

Digitally signed copy of the order which is stated to have been downloaded from the internet has been shown.

Perusal of same reveals that the accused namely Sheikh Anwar has already been acquitted as the matter was compromised between the parties.

In view of the same, **Jail Superintendent, Tihar Jail, Delhi is directed to released the accused Sheikh Anwar, if the accused is not required in any other case.**

Copy of the order be given dasti to the Ld. Counsel for accused and copy of the same be sent to Jail Superintendent concerned.

Application of the applicant stands disposed of.

*Accused copy
of dasti by
counsel
delivered
13946/2016
04-06-20*

(PUNEET NAGPAL)
DUTY MM (West) THC, Delhi
04.06.2020

04.06.2020

This is an application for releasing articles i.e. **Mobile phone make MI Note-4 bearing IMEI No.865875034637206.**

Present : None for the State.
Applicant in person.

IO has filed his reply. Same is taken on record.

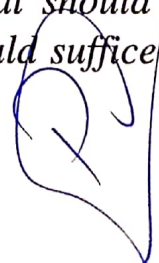
Instead of releasing the articles on superdari, this Court is of the view that the articles has to be released as per directions of **Hon'ble High Court of Delhi** in matter of "**Manjit Singh Vs. State**" in CrI. M.C. No. 4485/2013 dated 10.09.2014.

Hon'ble High Court of Delhi in above-said judgment/order while relying upon the judgments of **Hon'ble Supreme Court of India** in matter of "**Sunderbhai Ambalal Desai Vs. State of Gujarat**", AIR 2003 SUPREME COURT 638, "**General Insurance Council & Ors. Vs. State of Andhra Pradesh & Ors.**" Writ Petition (C) No.14 of 2008 decided on 19.04.2010 and "**Basavva Kom Dyamangouda Patil Vs. State of Mysore**", (1977) 4 SCC 358 has held : -

"59. The valuable articles seized by the police may be released to the person, who, in the opinion of the court, is lawfully entitled to claim such as the complainant at whose house theft, robbery or dacoity has taken place, after preparing detailed panchnama of such articles, taking photographs of such articles and a security bond.

60. The photographs of such articles should be attested or countersigned by the complainant, accused as well as by the person to whom the custody is handed over. Whenever necessary, the court may get the jewellery articles valued from a government approved valuer.

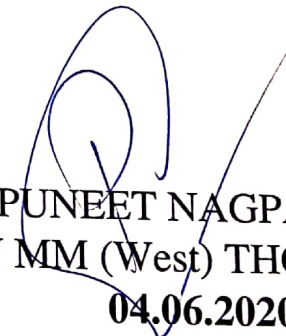
61. The actual production of the valuable articles during the trial should not be insisted upon and the photographs along with the panchnama should suffice for the purposes of evidence.



Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, article in question i.e. **Mobile phone make MI Note-4 bearing IMEI No.865875034637206** as per seizure memo be released to the applicant on furnishing security bond as per valuation report of article and after preparation of panchnama and taking photographs of article as per directions of *Hon'ble High of Delhi* in above cited paragraphs. IO is directed to get the valuation done of the article prior to the release the same to the applicant as per directions of *Hon'ble High Court of Delhi*. Panchnama, photographs, valuation report and security bond shall be filed along-with final report.

Dasti copy of order be given as prayed for.

R. e. Copy
27/4/2020


(PUNEET NAGPAL)
DUTY MM (West) THC, Delhi
04.06.2020

04.06.2020

This is an application for releasing articles i.e. **Vehicle bearing No.DL-1SAC-6777.**

Present : None for the State.

Applicant in person.

IO has filed his reply. Same is taken on record.

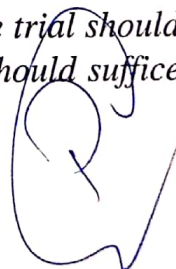
Instead of releasing the articles on superdari, this Court is of the view that the articles has to be released as per directions of *Hon'ble High Court of Delhi* in matter of "*Manjit Singh Vs. State*" in CrI. M.C. No. 4485/2013 dated 10.09.2014.

Hon'ble High Court of Delhi in above-said judgment/order while relying upon the judgments of *Hon'ble Supreme Court of India* in matter of "*Sunderbhai Ambalal Desai Vs. State of Gujarat*", AIR 2003 SUPREME COURT 638, "*General Insurance Council & Ors. Vs. State of Andhra Pradesh & Ors.*" Writ Petition (C) No.14 of 2008 decided on 19.04.2010 and "*Basavva Kom Dyamangouda Patil Vs. State of Mysore*", (1977) 4 SCC 358 has held : -

"59. The valuable articles seized by the police may be released to the person, who, in the opinion of the court, is lawfully entitled to claim such as the complainant at whose house theft, robbery or dacoity has taken place, after preparing detailed panchnama of such articles, taking photographs of such articles and a security bond.

60. The photographs of such articles should be attested or countersigned by the complainant, accused as well as by the person to whom the custody is handed over. Whenever necessary, the court may get the jewellery articles valued from a government approved valuer.

61. The actual production of the valuable articles during the trial should not be insisted upon and the photographs along with the panchnama should suffice for the purposes of evidence.



Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, article in question i.e. **Vehicle bearing No.DL-1SAC-6777** as per seizure memo be released to the applicant *after verification of the registration certificate, insurance certificate and D/L of the applicant, which is stated to be kept inside the above mentioned vehicle* and on furnishing security bond as per valuation report of article and after preparation of panchnama and taking photographs of article as per directions of *Hon'ble High of Delhi* in above cited paragraphs. IO is directed to get the valuation done of the article prior to the release the same to the applicant as per directions of *Hon'ble High Court of Delhi*. Panchnama, photographs, valuation report and security bond shall be filed along-with final report.

Dasti copy of order be given as prayed for.

Copy Received
Abhishek Janyan
2/46/10/19

(PUNEET NAGPAL)
DUTY MM (West) THC, Delhi
04.06.2020

04.06.2020

This is an application for releasing articles i.e. **Air-Filters and Coolants of Fleet Guard Company.**

Present : Ld. APP for the State.

Applicant in person with Counsel.

IO has filed his reply. Same is taken on record.

Instead of releasing the articles on superdari, this Court is of the view that the articles has to be released as per directions of *Hon'ble High Court of Delhi* in matter of "*Manjit Singh Vs. State*" in CrI. M.C. No. 4485/2013 dated 10.09.2014.

Hon'ble High Court of Delhi in above-said judgment/order while relying upon the judgments of *Hon'ble Supreme Court of India* in matter of "*Sunderbhai Ambalal Desai Vs. State of Gujarat*", AIR 2003 SUPREME COURT 638, "*General Insurance Council & Ors. Vs. State of Andhra Pradesh & Ors.*" Writ Petition (C) No.14 of 2008 decided on 19.04.2010 and "*Basavva Kom Dyamangouda Patil Vs. State of Mysore*", (1977) 4 SCC 358 has held :-


"59. The valuable articles seized by the police may be released to the person, who, in the opinion of the court, is lawfully entitled to claim such as the complainant at whose house theft, robbery or dacoity has taken place, after preparing detailed panchnama of such articles, taking photographs of such articles and a security bond.

60. The photographs of such articles should be attested or countersigned by the complainant, accused as well as by the person to whom the custody is handed over. Whenever necessary, the court may get the jewellery articles valued from a government approved valuer.

61. The actual production of the valuable articles during the trial should not be insisted upon and the photographs along with the panchnama should suffice for the purposes of evidence.

Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, article in question i.e. **Air-Filters and Coolants of Fleet Guard Company** as per seizure memo be released to the applicant on furnishing security bond as per valuation report of article and after preparation of panchnama and taking photographs of article as per directions of *Hon'ble High of Delhi* in above cited paragraphs. IO is directed to get the valuation done of the article prior to the release the same to the applicant as per directions of *Hon'ble High Court of Delhi*. Panchnama, photographs, valuation report and security bond shall be filed along-with final report.

Dasti copy of order be given as prayed for.



(PUNEET NAGPAL)
DUTY MM (West) THC, Delhi
04.06.2020

04.06.2020

This is an application for releasing articles i.e. **SAMSUNG M-20 Mobile Phone (Colour Ocean Blue)**.

Present : None for the State.

Applicant in person.

IO has filed his reply. Same is taken on record.

Instead of releasing the articles on superdari, this Court is of the view that the articles has to be released as per directions of *Hon'ble High Court of Delhi* in matter of "*Manjit Singh Vs. State*" in CrI. M.C. No. 4485/2013 dated 10.09.2014.

Hon'ble High Court of Delhi in above-said judgment/order while relying upon the judgments of *Hon'ble Supreme Court of India* in matter of "*Sunderbhai Ambalal Desai Vs. State of Gujarat*", AIR 2003 SUPREME COURT 638, "*General Insurance Council & Ors. Vs. State of Andhra Pradesh & Ors.*" Writ Petition (C) No.14 of 2008 decided on 19.04.2010 and "*Basavva Kom Dyamangouda Patil Vs. State of Mysore*", (1977) 4 SCC 358 has held :-

"59. The valuable articles seized by the police may be released to the person, who, in the opinion of the court, is lawfully entitled to claim such as the complainant at whose house theft, robbery or dacoity has taken place, after preparing detailed panchnama of such articles, taking photographs of such articles and a security bond.

60. The photographs of such articles should be attested or countersigned by the complainant, accused as well as by the person to whom the custody is handed over. Whenever necessary, the court may get the jewellery articles valued from a government approved valuer.

61. The actual production of the valuable articles during the trial should not be insisted upon and the photographs along with the panchnama should suffice for the purposes of evidence.

Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, article in question i.e. **SAMSUNG M-20 Mobile Phone (Colour Ocean Blue)** as per seizure memo be released to the applicant on furnishing security bond as per valuation report of article and after preparation of panchnama and taking photographs of article as per directions of *Hon'ble High of Delhi* in above cited paragraphs. IO is directed to get the valuation done of the article prior to the release the same to the applicant as per directions of *Hon'ble High Court of Delhi*. Panchnama, photographs, valuation report and security bond shall be filed along-with final report.

Dasti copy of order be given as prayed for.

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4/6/2020

(PUNEET NAGPAL)
DUTY MM (West) THC, Delhi
04.06.2020

FIR No.89/2020
PS Patel Nagar

04.06.2020

Present: Ld. APP for the State (through CISCO Webex).
Counsel for accused / applicant.

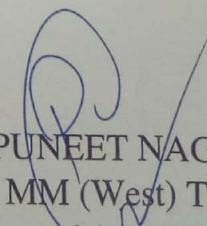
This is an application under Section 437 of Cr.P.C for extension of interim bail granted to the accused vide order dated 18.04.2020 on behalf of applicant/accused Gunnu Sahani wherein it has been submitted that the accused was released from custody on 18.04.2020 and that considering the present health emergency on account of *Covid-19*, the interim bail so granted to the accused be extended.

Heard.

In terms of the directions issued by the Hon'ble High Powered Committee constituted by *Hon'ble Delhi High Court, headed by Hon'ble Ms. Justice Hima Kohli*, the interim bail of the accused stands extended for a further period of 45 days on the same terms and conditions on which he was earlier released. Accused is directed to surrender himself before the Jail Superintendent after a period of 45 days from today.

Copy of the order be given dasti to the Ld. Counsel for accused and copy of the order be sent to concerned Jail Superintendent.

Mural
4-6-2020


(PUNEET NAGPAL)
DUTY MM (West) THC, Delhi
04.06.2020

FIR No.0401/2020
PS Paschim Vihar East

04.06.2020

This is an application for releasing articles i.e. **Vehicle bearing No.DL-11A-3997.**

Present : None for the State.

Applicant in person.

IO has filed his reply. Same is taken on record.

Instead of releasing the articles on superdari, this Court is of the view that the articles has to be released as per directions of *Hon'ble High Court of Delhi* in matter of "*Manjit Singh Vs. State*" in CrI. M.C. No. 4485/2013 dated 10.09.2014.

Hon'ble High Court of Delhi in above-said judgment/order while relying upon the judgments of *Hon'ble Supreme Court of India* in matter of "*Sunderbhai Ambalal Desai Vs. State of Gujarat*", AIR 2003 SUPREME COURT 638, "*General Insurance Council & Ors. Vs. State of Andhra Pradesh & Ors.*" Writ Petition (C) No.14 of 2008 decided on 19.04.2010 and "*Basavva Kom Dyamangouda Patil Vs. State of Mysore*", (1977) 4 SCC 358 has held : -

"59. The valuable articles seized by the police may be released to the person, who, in the opinion of the court, is lawfully entitled to claim such as the complainant at whose house theft, robbery or dacoity has taken place, after preparing detailed panchnama of such articles, taking photographs of such articles and a security bond.

60. The photographs of such articles should be attested or countersigned by the complainant, accused as well as by the person to whom the custody is handed over. Whenever necessary, the court may get the jewellery articles valued from a government approved valuer.

61. The actual production of the valuable articles during the trial should not be insisted upon and the photographs along with the panchnama should suffice for the purposes of evidence.

Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, article in question i.e. **Vehicle bearing No.DL-11A-3997** as per seizure memo be released to the applicant on furnishing security bond as per valuation report of article and after preparation of panchnama and taking photographs of article as per directions of *Hon'ble High of Delhi* in above cited paragraphs. IO is directed to get the valuation done of the article prior to the release the same to the applicant as per directions of *Hon'ble High Court of Delhi*. Panchnama, photographs, valuation report and security bond shall be filed along-with final report.

Dasti copy of order be given as prayed for.

Handwritten signature
Dayal

(PUNEET NAGPAL)
DUTY MM (West) THC, Delhi
04.06.2020

FIR No.102/2020
PS Ranhola

04.06.2020

Present: Ld. APP for the State (through CISCO Webex).
Ld. Counsel for accused.

This is an application under Section 437 of Cr.P.C on behalf of applicant/accused Vipin Kumar S/o Sh.Maharaj Singh wherein it has been submitted that the accused person is in JC since 14.02.2020..

IO of this case has filed reply. Perusal of reply shows that there is allegation of under Section 304B/498A/34 IPC against the accused and that the challan has already been filed.

Considering the facts that the accused has been alleged to have committed offence punishable under section 304B IPC and the said offence being triable exclusively by the Court of Session, in light of the law laid down by *Hon'ble Apex Court, in Prahlad Singh Bhati Vs. State (NCT of Delhi), 2001, the Court of a Magistrate* is not having jurisdiction to grant bail in case of offences triable exclusively by Court of Sessions. Therefore, I am not inclined to grant the concession of bail and the accused ought to approach the Ld. Court of Sessions with prayer for grant of bail.

Consequently, present application stands dismissed.

Copy of the order be given dasti to the Ld. Counsel for accused.

Received
UPBMS
Counsel for Accused
4/6/20.

(PUNEET NAGPAL)
DUTY MM (West) THC, Delhi
04.06.2020

FIR No.401/2020
PS Paschim Vihar

04.06.2020

Present: Ld. APP for the State (through CISCO Webex).
Applicant in person.

The applicant has filed an application seeking release of the offending vehicle bearing registration No.DL-1LM-0373 on superdari. Report was called from the IO. As per the report/reply received from the IO, the offending vehicle mentioned above has not been insured and the said fact is not controverted by the applicant.

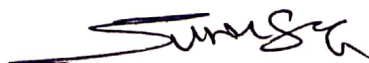
Admittedly, the offending vehicle was not insured on the day of the accident and that the accident has resulted in causing injuries to the victim who is stated to be undergoing treatment.

In view of the same, before releasing the offending vehicle referred above on superdari, I deem it fit to direct the applicant to furnish a fixed deposit amounting to Rs.25,000/- as security. The said fixed deposit be made in the name of the Court.

To come up for furnishing the fixed deposit at **02:00** PM today itself i.e. **04.06.2020**.

Copy of the order be given dasti to the applicant.

(PUNEET NAGPAL)
DUTY MM (West) THC, Delhi
04.06.2020



04.06.2020

This is an application for releasing articles i.e. **Vehicle bearing No.DL-4CAJ-7392.**

Present : None for the State.

Applicant in person.

IO has filed his reply. Same is taken on record.

Instead of releasing the articles on superdari, this Court is of the view that the articles has to be released as per directions of *Hon'ble High Court of Delhi* in matter of "*Manjit Singh Vs. State*" in CrI. M.C. No. 4485/2013 dated 10.09.2014.

Hon'ble High Court of Delhi in above-said judgment/order while relying upon the judgments of *Hon'ble Supreme Court of India* in matter of "*Sunderbhai Ambalal Desai Vs. State of Gujarat*", AIR 2003 SUPREME COURT 638, "*General Insurance Council & Ors. Vs. State of Andhra Pradesh & Ors.*" Writ Petition (C) No.14 of 2008 decided on 19.04.2010 and "*Basavva Kom Dyamangouda Patil Vs. State of Mysore*", (1977) 4 SCC 358 has held : -

"59. The valuable articles seized by the police may be released to the person, who, in the opinion of the court, is lawfully entitled to claim such as the complainant at whose house theft, robbery or dacoity has taken place, after preparing detailed panchnama of such articles, taking photographs of such articles and a security bond.

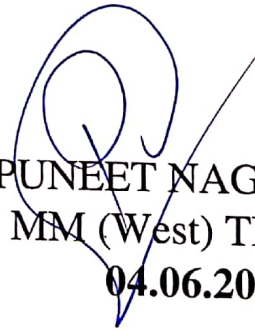
60. The photographs of such articles should be attested or countersigned by the complainant, accused as well as by the person to whom the custody is handed over. Whenever necessary, the court may get the jewellery articles valued from a government approved valuer.

61. The actual production of the valuable articles during the trial should not be insisted upon and the photographs along with the panchnama should suffice for the purposes of evidence.

Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, article in question i.e. **Vehicle bearing No.DL-4CAJ-7392** as per seizure memo be released to the applicant *on deposition of copy of the valid insurance certificate and on furnishing security bond* as per valuation report of article and after preparation of panchnama and taking photographs of article as per directions of *Hon'ble High of Delhi* in above cited paragraphs. IO is directed to get the valuation done of the article prior to the release the same to the applicant as per directions of *Hon'ble High Court of Delhi*. Panchnama, photographs, valuation report and security bond shall be filed along-with final report.

Dasti copy of order be given as prayed for.

Received
Harsh
D-2056/11
4/6/20


(PUNEET NAGPAL)
DUTY MM (West) THC, Delhi
04.06.2020

04.06.2020

This is an application for releasing articles i.e. **Vehicle bearing registration No.DL-12CG-2021.**

Present : None for the State.

Applicant in person.

IO has filed his reply. Same is taken on record.

Instead of releasing the articles on superdari, this Court is of the view that the articles has to be released as per directions of *Hon'ble High Court of Delhi* in matter of "*Manjit Singh Vs. State*" in CrI. M.C. No. 4485/2013 dated 10.09.2014.

Hon'ble High Court of Delhi in above-said judgment/order while relying upon the judgments of *Hon'ble Supreme Court of India* in matter of "*Sunderbhai Ambalal Desai Vs. State of Gujarat*", AIR 2003 SUPREME COURT 638, "*General Insurance Council & Ors. Vs. State of Andhra Pradesh & Ors.*" Writ Petition (C) No.14 of 2008 decided on 19.04.2010 and "*Basavva Kom Dyamangouda Patil Vs. State of Mysore*", (1977) 4 SCC 358 has held : -

"59. The valuable articles seized by the police may be released to the person, who, in the opinion of the court, is lawfully entitled to claim such as the complainant at whose house theft, robbery or dacoity has taken place, after preparing detailed panchnama of such articles, taking photographs of such articles and a security bond.

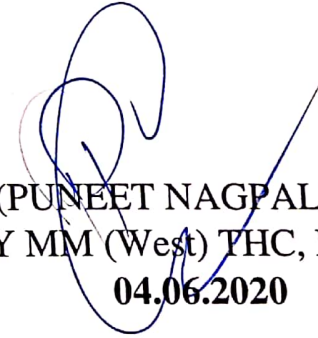
60. The photographs of such articles should be attested or countersigned by the complainant, accused as well as by the person to whom the custody is handed over. Whenever necessary, the court may get the jewellery articles valued from a government approved valuer.

61. The actual production of the valuable articles during the trial should not be insisted upon and the photographs along with the panchnama should suffice for the purposes of evidence.

Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, article in question i.e. **Vehicle bearing registration No.DL-12CG-2021** as per seizure memo be released to the applicant on furnishing security bond as per valuation report of article and after preparation of panchnama and taking photographs of article as per directions of *Hon'ble High of Delhi* in above cited paragraphs. IO is directed to get the valuation done of the article prior to the release the same to the applicant as per directions of *Hon'ble High Court of Delhi*. Panchnama, photographs, valuation report and security bond shall be filed along-with final report.

Dasti copy of order be given as prayed for.

M. C. M.
Amarjoti


(PUNEET NAGPAL)
DUTY MM (West) THC, Delhi
04.06.2020

04.06.2020

This is an application for releasing articles i.e. **Vehicle bearing No.DL-6SAJ-9389.**

Present : None for the State.

Applicant in person with Counsel.

IO has filed his reply. Same is taken on record.

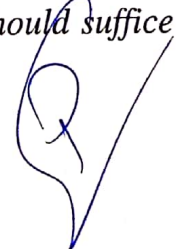
Instead of releasing the articles on superdari, this Court is of the view that the articles has to be released as per directions of *Hon'ble High Court of Delhi* in matter of "*Manjit Singh Vs. State*" in CrI. M.C. No. 4485/2013 dated 10.09.2014.

Hon'ble High Court of Delhi in above-said judgment/order while relying upon the judgments of *Hon'ble Supreme Court of India* in matter of "*Sunderbhai Ambalal Desai Vs. State of Gujarat*", AIR 2003 SUPREME COURT 638, "*General Insurance Council & Ors. Vs. State of Andhra Pradesh & Ors.*" Writ Petition (C) No.14 of 2008 decided on 19.04.2010 and "*Basavva Kom Dyamangouda Patil Vs. State of Mysore*", (1977) 4 SCC 358 has held : -

"59. The valuable articles seized by the police may be released to the person, who, in the opinion of the court, is lawfully entitled to claim such as the complainant at whose house theft, robbery or dacoity has taken place, after preparing detailed panchnama of such articles, taking photographs of such articles and a security bond.

60. The photographs of such articles should be attested or countersigned by the complainant, accused as well as by the person to whom the custody is handed over. Whenever necessary, the court may get the jewellery articles valued from a government approved valuer.

61. The actual production of the valuable articles during the trial should not be insisted upon and the photographs along with the panchnama should suffice for the purposes of evidence.



M M

Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, article in question i.e. **Vehicle bearing No.DL-6SAJ-9389** as per seizure memo be released to the applicant on furnishing security bond as per valuation report of article and after preparation of panchnama and taking photographs of article as per directions of *Hon'ble High of Delhi* in above cited paragraphs. IO is directed to get the valuation done of the article prior to the release the same to the applicant as per directions of *Hon'ble High Court of Delhi*. Panchnama, photographs, valuation report and security bond shall be filed along-with final report.

Dasti copy of order be given as prayed for.

Copy
Ramesh

(PUNEET NAGPAL)
DUTY MM (West) THC, Delhi
04.06.2020

FIR No.233/2019 & FIR NO.291/2019
PS Khyala


04.06.2020

Present: Ld. APP for the State (through CISCO Webex).
None

Reply received from the IO concerned in terms of previous order.

Perusal of same reveals that the accused Jagpreet Singh @ Jojo was arrested in the above mentioned FIR's on the basis of his disclosure statement made by him in FIR No.51/2020, PS Khyala.

Let necessary instructions be issued to concerned Jail Superintendent for release of accused namely Jagpreet Singh @ Jojo in the above mentioned FIR as the accused has already been granted interim bail vide order dated 21.05.2020.


(PUNEET NAGPAL)
DUTY MM (West) THC, Delhi
04.06.2020

04.06.2020

This is an application for releasing articles i.e. **Machine bearing No.Q401D01741.**

Present : None for the State.

Applicant in person.

IO has filed his reply. Same is taken on record.

Instead of releasing the articles on superdari, this Court is of the view that the articles has to be released as per directions of *Hon'ble High Court of Delhi* in matter of "*Manjit Singh Vs. State*" in CrI. M.C. No. 4485/2013 dated 10.09.2014.

Hon'ble High Court of Delhi in above-said judgment/order while relying upon the judgments of *Hon'ble Supreme Court of India* in matter of "*Sunderbhai Ambalal Desai Vs. State of Gujarat*", AIR 2003 SUPREME COURT 638, "*General Insurance Council & Ors. Vs. State of Andhra Pradesh & Ors.*" Writ Petition (C) No.14 of 2008 decided on 19.04.2010 and "*Basavva Kom Dyamangouda Patil Vs. State of Mysore*", (1977) 4 SCC 358 has held : -

"59. The valuable articles seized by the police may be released to the person, who, in the opinion of the court, is lawfully entitled to claim such as the complainant at whose house theft, robbery or dacoity has taken place, after preparing detailed panchnama of such articles, taking photographs of such articles and a security bond.

60. The photographs of such articles should be attested or countersigned by the complainant, accused as well as by the person to whom the custody is handed over. Whenever necessary, the court may get the jewellery articles valued from a government approved valuer.

61. The actual production of the valuable articles during the trial should not be insisted upon and the photographs along with the panchnama should suffice for the purposes of evidence.

Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, article in question i.e. **Machine bearing No.Q401D01741** as per seizure memo be released to the applicant on furnishing security bond as per valuation report of article and after preparation of panchnama and taking photographs of article as per directions of *Hon'ble High of Delhi* in above cited paragraphs. IO is directed to get the valuation done of the article prior to the release the same to the applicant as per directions of *Hon'ble High Court of Delhi*. Panchnama, photographs, valuation report and security bond shall be filed along-with final report.

Dasti copy of order be given as prayed for.

Recd Copy of
Duty MM
04/06/20

(PUNEET NAGPAL)
DUTY MM (West) THC, Delhi
04.06.2020

04.06.2020

This is an application for releasing articles i.e. **Vehicle bearing No.PB-13BD-6972.**

Present : None for the State.

Applicant in person.

IO has filed his reply. Same is taken on record.

Instead of releasing the articles on superdari, this Court is of the view that the articles has to be released as per directions of *Hon'ble High Court of Delhi* in matter of "*Manjit Singh Vs. State*" in CrI. M.C. No. 4485/2013 dated 10.09.2014.

Hon'ble High Court of Delhi in above-said judgment/order while relying upon the judgments of *Hon'ble Supreme Court of India* in matter of "*Sunderbhai Ambalal Desai Vs. State of Gujarat*", AIR 2003 SUPREME COURT 638, "*General Insurance Council & Ors. Vs. State of Andhra Pradesh & Ors.*" Writ Petition (C) No.14 of 2008 decided on 19.04.2010 and "*Basavva Kom Dyamangouda Patil Vs. State of Mysore*", (1977) 4 SCC 358 has held : -

"59. The valuable articles seized by the police may be released to the person, who, in the opinion of the court, is lawfully entitled to claim such as the complainant at whose house theft, robbery or dacoity has taken place, after preparing detailed panchnama of such articles, taking photographs of such articles and a security bond.

60. The photographs of such articles should be attested or countersigned by the complainant, accused as well as by the person to whom the custody is handed over. Whenever necessary, the court may get the jewellery articles valued from a government approved valuer.

61. The actual production of the valuable articles during the trial should not be insisted upon and the photographs along with the panchnama should suffice for the purposes of evidence.

Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, article in question i.e. **Vehicle bearing No.PB-13BD-6972** as per seizure memo be released to the applicant on furnishing security bond as per valuation report of article and after preparation of panchnama and taking photographs of article as per directions of *Hon'ble High of Delhi* in above cited paragraphs. IO is directed to get the valuation done of the article prior to the release the same to the applicant as per directions of *Hon'ble High Court of Delhi*. Panchnama, photographs, valuation report and security bond shall be filed along-with final report.

Dasti copy of order be given as prayed for.

Received
copy of Dastk 05247
J
04/06/20

(PUNEET NAGPAL)
DUTY MM (West) THC, Delhi
04.06.2020

04.06.2020

This is an application for releasing articles i.e. **Vehicle bearing No.DL-6CM-2235.**

Present : None for the State.

Ld. Counsel for applicant through CISCO Webex.

IO has filed his reply. Same is taken on record.

Instead of releasing the articles on superdari, this Court is of the view that the articles has to be released as per directions of **Hon'ble High Court of Delhi** in matter of "**Manjit Singh Vs. State**" in CrI. M.C. No. 4485/2013 dated 10.09.2014.

Hon'ble High Court of Delhi in above-said judgment/order while relying upon the judgments of **Hon'ble Supreme Court of India** in matter of "**Sunderbhai Ambalal Desai Vs. State of Gujarat**", AIR 2003 SUPREME COURT 638, "**General Insurance Council & Ors. Vs. State of Andhra Pradesh & Ors.**" Writ Petition (C) No.14 of 2008 decided on 19.04.2010 and "**Basavva Kom Dyamangouda Patil Vs. State of Mysore**", (1977) 4 SCC 358 has held : -


"59. The valuable articles seized by the police may be released to the person, who, in the opinion of the court, is lawfully entitled to claim such as the complainant at whose house theft, robbery or dacoity has taken place, after preparing detailed panchnama of such articles, taking photographs of such articles and a security bond.

60. The photographs of such articles should be attested or countersigned by the complainant, accused as well as by the person to whom the custody is handed over. Whenever necessary, the court may get the jewellery articles valued from a government approved valuer.

61. The actual production of the valuable articles during the trial should not be insisted upon and the photographs along with the panchnama should suffice for the purposes of evidence.

Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, article in question i.e. **Vehicle bearing No.DL-6CM-2235** as per seizure memo be released to the applicant on furnishing security bond as per valuation report of article and after preparation of panchnama and taking photographs of article as per directions of *Hon'ble High of Delhi* in above cited paragraphs. IO is directed to get the valuation done of the article prior to the release the same to the applicant as per directions of *Hon'ble High Court of Delhi*. Panchnama, photographs, valuation report and security bond shall be filed along-with final report.

Dasti copy of order be given as prayed for.


(PUNEET NAGPAL)
DUTY MM (West) THC, Delhi
04.06.2020