

**BAIL APPLICATION**

**Suit No.: 29027/2016**

**FIR No.: 518/2016**

**PS: Sarai Rohilla**

**STATE v. Aryan Dass @ Bhagi Dhar Dass s/o Dalip Dass**

**U/S: 302 IPC**

**10.07.2020.**

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

An application made today stating that accused has not been released from the jail.

As such, let status report be called from the Jail Superintendent concerned for **14/07/2020**.

Further Ahlmad is directed to send copy of this order alongwith notice to concerned Jail Superintendent concerned for his ready reference.

**(Naveen Kumar Kashyap)**

**ASJ-04/Central/THC**

**10.07.2020**

**BAIL APPLICATION**

State V. Chittar Singh  
FIR No. :58/2018  
PS.: EOW Cell  
U.S: 406,409,420,120B IPC

10.07.2020

**Present:** Mr. Pawan Kumar, Learned Addl. PP for State through VC.  
Sh. Yashvardhan Rathore and Sh. Raunak Sathpathy, counsels for accused/applicant Chittar Singh through VC.  
Sh. Hitesh Kumar Saini, L.d. Counsel for all the complainants.

He submits that he is instructed by one Sh. Sudhanshu Hajela who claims to be President of Buyer's Association regarding the project in question.

Further, reply not filed by IO regarding the queries raised on 01.07.2020 regarding whether the present applicant actively participated in day to day affair. Further, learned counsel for accused pointed out that some document in this regard are already given in para-9 to 11 on the present application. It is further stated that they have even filed other documents regarding investigation as well as additional documents in support of the same online through e-mail.

Further, it is stated by counsel for complainant that even he has filed reply/document through e-mail.

**Put up for further arguments/appropriate orders on 17.07.2020.**

Further, IO is directed to appear in person or through VC with case file on next date of hearing. Further, the

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accused side as well as complainant side are directed to give copy to each other of such reply/additional document filed in present application. Further, they are directed to provide e-mail address of each other as well as to the court as such.

**Interim/protection order to continue till next date of hearing under these circumstances.**

**Copy of this order be given dasti to counsels for parties or through electronic mode.**

(Naveen Kumar Kashyap)  
ASJ-04/Central/THC  
10.07.2020

## Bail Application

**State Vs. Manoj s/o Het Ram**

**FIR No. : 308, 34 IPC**

**PS: Nabi Karim**

**U/S: 308, 34 IPC**

**10.07.2020**

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

Vide this order, the regular bail application dated 02/07/2020 under section 439 Cr.P.C. on behalf of accused filed through counsel is disposed of.

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

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

State Vs. Manoj s/o Het Ram

FIR No. : 308, 34 IPC

PS: Nabi Karim

U/S: 308, 34 IPC

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

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



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

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

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

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

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

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

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

In the present case, it is submitted on behalf of the accused that he is in JC since 20/06/2020; that he is falsely implicated



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in the present case by the complainant side in connivance with the local place; it is further stated that certain photographs are also placed on record which show that infact it is the accused who suffered injury further his family members were also beaten up and his wife was humiliated. Even the clothes of wife of accused were torn by the complainant and his associates. Still despite complaint made no action is taken by the police on their complaint and on the contrary they are falsely implicated in the present case. It is further claimed that complainant side has inflicted injury themselves. It is stated they are threatening the accused and his family member even at present. Complainant and his associates had beaten up brother of the accused. Police is not investigating the matter impartially. That complainant side has enmity with the applicant and his family members, as wife of complainant is running illegal liquor business. As such, it is prayed that he be granted regular bail.

On the other hand, it is stated in the reply filed by ASI Beant Kumar, as also argued by the learned Addl.PP for the state, that there are serious and specific allegations against the present accused; that when the complainant side daughter namely Payal was going to give food to family members, then Rakesh brother of accused molested her. In fact he was commenting upon her often. That he alongwith the present accused and another brother beaten up the complainant with stick / danda and later on when the complainant family came to his rescue they even beaten up them also. It is further stated that accused is found involved in two other matters. As such, present application is opposed.

I have heard both the sides and gone through the record. It is rightly pointed out by the learned Addl. PP for the State that offence is serious in nature. Further, investigation still on and at initial stage. Further, injury is serious in nature. As such, this court is

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not inclined to grant regular bail to accused at this stage. **With these observations present bail application is disposed of as dismissed.**

Further needless to say that accused side is at liberty to take action as per law against the complainant side.

Learned counsel for the applicant / accused is at liberty to collect the order dasti or through electronic mode. Copy of order be uploaded on the website. Further a copy of this order be sent to SHO / IO concerned.

**(Naveen Kumar Kashyap)**  
**Additional Sessions Judge-04**

**At 1:20 PM**

At this stage, complainant alongwith his counsel has appeared. They are apprised with the order already passed in the morning.

**(Naveen Kumar Kashyap)**  
**Additional Sessions Judge-04**  
**Central/THC/Delhi**  
**10/07/2020**

**INTERIM BAIL APPLICATION**

**State V. Rinkoo Verma  
FIR No. 248/2020  
PS.: Kotwali  
U.S: 356,379,411,34 IPC**

**10.07.2020**

**Present:** Mr. Pawan Kumar, Learned Addl. PP for State through VC.  
Mr. Sunil Kumar, learned LAC for Sessions court.

An application for interim bail is put up before this court.

On perusal of the same, it appears that such application should have been put up before concerned Ld. MM/Duty MM, Central district. In fact, in title of such application name of concerned duty MM is also mentioned. As such, this application be sent back to filing section with direction to put up before concerned MM/duty MM on **13.07.2020**.

**A copy of this order be given dasti to counsel for applicant or through electronic mode.**

**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/THC**  
**10.07.2020**

**BAIL APPLICATION**

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

**10.07.2020.**

Present: Sh. Pawan Kumar, Addl. PP for the State through VC.  
Mr. Jitender Sethi, learned counsel for applicant / accused.

Time sought by inspector Rajesh Kumar to file reply including regarding verification of medical documents and comment thereon.

Put up for reply by the IO including medical documents, arguments and appropriate order for **14/07/2020**.

Further IO is directed to supply advance copy of reply through prosecution through electronic mode.

As such, copy of this order be sent to Chief Public Prosecutor with request that a dedicated e-mail address desired for this court so that reply can be sent and managed to be sent to opposite side / accused side particularly in view of the directions by the Hon'ble High Court in writ petition (Criminal) No. 986/2020 & CRL. M.A. 8344/2020 case titled as '*Chirag Madan versus Union of India & Ors*' dated 29/06/2020.

**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/THC**  
**10.07.2020**

**BAIL APPLICATION**

FIR No. :109/2020

PS: Nabi Karim

**STATE v. Mintoo @ Hosiyar s/o Surender Singh**

**U/S: 457, 380, 411, 120B, 34 IPC**

**10.07.2020.**

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

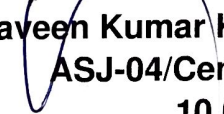
Mr. P.K. Garg, learned counsel for the applicant /  
accused in person.

No reply filed by the IO **regarding bail / interim  
bail, if any, to any of the co-accused.**

Rather again IO has repeated old facts in the fresh  
reply filed today. As such, issue fresh notice to IO to file specific  
reply regarding bail / interim bail to co-accused, if any, since the  
Lockdown in particular.

Put up for **14/07/2020.**

Further, learned counsel for the accused is also at  
liberty to place on record the copy of such order, if any,  
regarding bail / interim bail.

  
**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/THC**  
**10.07.2020**

**BAIL APPLICATION**

**FIR No. :70/2020**

**PS: Nabi Karim**

**STATE v. Sunil Chikara s/o Mr. Gian Chand**

**U/S: 376, 342, 323, 506 IPC**

**10.07.2020.**

Present: Sh. Pawan Kumar, Addl. PP for the State through VC.  
Mr. Ravin Rao, learned counsel for the applicant / accused through VC.

This is an application for interim bail on the ground that such accused has tested positive with corona virus infection.

As such, medical status report be called immediately from the Jail Superintendent concerned in this regard on the next date of hearing.

Further issue notice of the present application to the complainant through IO also immediately.

Put up for **13/07/2020**.

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

At 12:00 Noon, at this stage, complainant Ms. Sapna Verma has appeared and she is apprised about the order passed in the morning as well as the next date of hearing. She is at liberty to file reply. Further she can join the further proceedings preferably through VC or otherwise.

**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/THC**  
**10.07.2020**

FIR No.: 315/2014  
PS: Nabi Karim  
State v. Ilyas Mohd.@Tahid Md. @ Iklass

10.07.2020

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

**Present:** Sh. Pawan Kumar, Ld. Addl. PP for the State through VC.  
None for accused.

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

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

As per report of Reader, no detail i.e. mobile number or e-mail address is available of counsel for accused Sh.R.P. Sarwan, Amicus Curiae, hence, could not be contacted.

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

As such, Ahlmad to report regarding whether there is any e-mail or mobile number of counsel for accused on the record.

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

**Put up for further arguments/appropriate proceedings on 10.09.2020.**

(Naveen Kumar Kashyap)  
ASJ-04/Central/10.07.2020

**Crl. Appeal: 106/2019**  
**Kulbir Singh Kharb v. Onkar Singh**

10.07.2020

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

**Present:** Sh. Sandeep Vishnu (Mobile on. 9810394594)  
counsel for Appellant through electronic mode.  
None for Respondent.

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

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

Sh. Sandeep Vishnu (Mobile on. 9810394594), who is contacted by staff on mobile, submits that he is no more counsel for appellant and parties themselves are contesting the matter.

Further, as per report of Reader, counsel for respondent Sh. Sanjiv Kumar (Mobile no. 9990325065) could not be contacted as his mobile number.

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

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

**Put up for settlement, if any/arguments on**  
**10.09.2020.**

  
(Naveen Kumar Kashyap)  
ASJ-04/Central/10.07.2020



**Crl. Appeal: 159/2019**  
**Praveen Grover v. Seema Grover**

10.07.2020

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

**Present:** Sh. Netrapal Singh (Mobile No. 9868643592), counsel for petitioner.  
None for respondent.

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

This case is pending at the stage of orders/clarifications, if any on 04.03.2020. As such, same is proposed to be taken up today for hearing.

As per the report of Reader, when he contacted Sh. Netrapal Singh, counsel for petitioner on his mobile, counsel for petitioner submitted that he is not having his file with him.

As per the report of Reader, counsel for Respondent Sh. V.K. Jain was contacted on his mobile no. 9895092342, but same was not reachable.

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

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

**Put up for orders/clarifications, if any on 10.09.2020.**

(Naveen Kumar Kashyap)  
ASJ-04/Central/10.07.2020

**Crl. Revision : 6939/2018  
Inderjeet Singh v. State**

**10.07.2020**

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

**Present:** None for Revisionist.  
Sh. Pawan Kumar, Ld. Addl. PP for the state/  
respondent through VC.

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

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

As per report of Reader, despite contacting learned counsel Sh. Suraj Rathi (Mobile no. 9899458747) for Revisionist repeatedly on his mobile, he is not picking up his mobile, as such, he is not reachable.

As such, matter could not be proceeded further on merits. Under these circumstances, in the interest of justice, put up the matter for arguments through VC on **10.09.2020**.

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

**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/10.07.2020**



**Crl. Revision : 6939/2018  
Inderjeet Singh v. State**

**10.07.2020**

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

**Present:** None for Revisionist.  
Sh. Pawan Kumar, Ld. Addl. PP for the state/  
respondent through VC.

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

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

As per report of Reader, despite contacting learned counsel Sh. Suraj Rathi (Mobile no. 9899458747) for Revisionist repeatedly on his mobile, he is not picking up his mobile, as such, he is not reachable.

As such, matter could not be proceeded further on merits. Under these circumstances, in the interest of justice, put up the matter for arguments through VC on **10.09.2020**.

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

**(Naveen Kumar Kashyap)  
ASJ-04/Central/10.07.2020**



**Crl. Appeal: 72/2019**  
**Shyam Sunder Gupta v. Jai Mohan**

10.07.2020

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

**Present:** None for the parties.

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

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

Sh. Prashant Jain (Mobile no. 9810015893), who had initially filed the present appeal, is contacted by staff on mobile. He states that earlier he was the counsel for appellant but now he is no more counsel for appellant and some other advocate is counsel for appellant.

As such, Ahlmad to report regarding whether there is any e-mail or mobile number of current counsel for appellant or his name on the record.

Further, as per report by Ahlmad, there is no e-mail/mobile number of the respondent side found on record.

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

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

**Put up for further appropriate proceedings on**  
**10.09.2020.**

**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/10.07.2020**



**Crl. Appeal: 71/2019**  
**Shyam Sunder Gupta v. Jai Mohan**

**10.07.2020**

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

**Present:** None for the parties.

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

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

Sh. Prashant Jain (Mobile no. 9810015893), who had initially filed the present appeal, is contacted by staff on mobile. He states that earlier he was the counsel for appellant but now he is no more counsel for appellant and some other advocate is counsel for appellant.

As such, Ahlmad to report regarding whether there is any e-mail or mobile number of current counsel for appellant or his name on the record.

Further, as per report by Ahlmad, there is no e-mail/mobile number of the respondent side found on record.

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

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

**Put up for further appropriate proceedings on**  
**10.09.2020.**

(Naveen Kumar Kashyap)  
ASJ-04/Central/10.07.2020

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

**State Vs Subhash Singh s/o Ram Singh**  
**FIR No. 391/2014**  
**P. S. Kashmere Gate**  
**U/s: 392, 394, 395, 412, 224, 511, 34 IPC**

**10/07/2020**

Present: Mr. Pawan Kumar, Learned Addl. PP for State is available through VC.  
Mr. M. Naushad, Learned counsel for applicant / accused through VC.

Vide this order, bail application u/s 439 Cr.PC dated 08/07/2020 filed by applicant through counsel is disposed of.

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

State Vs Subhash Singh s/o Ram Singh  
FIR No. 391/2014  
P. S. Kashmere Gate  
U/s: 392, 394, 395, 412, 224, 511, 34 IPC



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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



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

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

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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

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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

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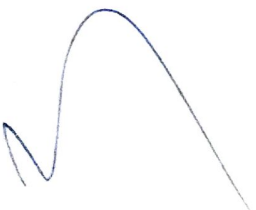
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circumstances, cumulative effect of which must enter into the judicial verdict. Such judgment itself mentioned the nature and seriousness of nature, and circumstances in which offences are committed apart from character of evidence as some of the relevant 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.

It is stated in the application that main accused Nihal Hussain @ Sanjay is already granted bail by Hon'ble High Court vide order dated 26.11.2019. As such, it is submitted that on the ground of parity present accused / applicant be also granted regular bail. It is further submitted that complainant in the present case has already expired. It is further claimed that

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accused is not identified by anybody. It is further argued that accused is in JC since November, 2014. It is further argued that half of the maximum punishment period is already over. That there is no other conviction of the present accused. It is further submitted that there is spread of corona virus including inside the jail. That before lockdown one bail application was moved but the same was dismissed. Further interim bail application of present accused was already dismissed. It is further claimed that now there are fresh grounds as such present application is moved. As such, it is prayed that accused be granted regular bail.

On the other hand, it is argued by learned Addl.PP for the state that present accused is involved in many other criminal cases ; that his earlier bail application was rejected on 14.05.2019 in which all the grounds which are taken up in present bail application were taken up and still bail was rejected by the Learned Predecessor. It is further stated that parity may be one of the criteria but it is not the only criteria to grant the bail. As such, bail application is opposed.

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

I find force in the arguments of learned Addl.PP for the State. It is a matter of record that co-accused is granted bail by Hon'ble High Court on 26.11.2019 but apart from that there is no material change in circumstances since rejection of the last bail application. As such, having regard the nature of offence and the manner in which it was committed, and the reasons

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already given while rejecting the previous bail by my learned Predecessor, this court is not inclined to grant the regular bail to the accused as far as present accused is concerned. Hence, bail application is dismissed.

**The bail application is accordingly disposed off. Learned counsel for applicant is at liberty to obtain order through electronic mode. Copy of order be uploaded on website.**

  
**(NAVEEN KUMAR KASHYAP)**  
**ASJ-04 Central/Delhi/10/07/2020**

FIR No.: 428/2014  
PS: Civil Lines  
State v. Angad Singh Dua

10.07.2020

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

**Present:** Sh. Pawan Kumar, Ld. Addl. PP for the State through VC.  
It appears that accused is on bail in this case.

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

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

When learned counsel Sh. Anupam Singh Sharma (Mobile no. 9871955550) for accused is contacted by staff on mobile, he replied that his file is in his chamber. He further stated that why he is not contacted yesterday i.e. a day before hearing.

Heard.

Circular of Hon'ble High Court is very clear and it is addressed to all the stakeholders including all the litigants/accused/their counsels. As per such circular, final arguments matters are to be taken on the date of hearing. Further, such matters are taken up through VC. Thus, respective counsels/litigants are supposed to be ready for arguments through VC (i.e. through Webex at present), in terms of such directions of Hon'ble High Court. Still in the interest of justice, one more opportunity is given to the counsel for accused to address arguments.

**Put up for further final arguments through VC as**

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**per directions by Hon'ble High Court/appropriate orders on  
10.09.2020.**

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

**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/10.07.2020**

**Crl. Revision : 39/2020  
Avdesh Kumar Goel v. State**

**10.07.2020**

**Fresh Revision: Petition file received by way of assignment. Same be checked and registered separately.**

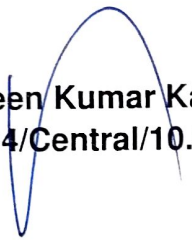
**Present:** Sh. Keshav Saini, counsel for Revisionist through VC.

Part submissions heard.

**Issue notice of the same to the State for  
14.07.2020.**

Copy of this revision petition be supplied to State by Revisionist/petitioner at least one day prior to next date of hearing.

**(Naveen Kumar Kashyap)  
ASJ-04/Central/10.07.2020**





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**BAIL APPLICATION**

State V. Vicky@Ravi @Pitti  
FIR No. :200/2010  
PS.: Paharganj  
U.S: 307,34 IPC

10.07.2020

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

Arguments heard.

Put up for orders at 4 pm.

(Naveen Kumar Kashyap)  
ASJ-04/Central/THC  
10.07.2020

At 4 pm

**Present:** Mr. Pawan Kumar, Learned Addl. PP for State  
through VC.

Certain clarifications required including regarding  
previous regular bail application, if any moved, if so, details  
thereof.

Put up for further arguments on 16.07.2020.

(Naveen Kumar Kashyap)  
ASJ-04/Central/THC  
10.07.2020

## Bail Application

State Vs. Jumman s/o Mr. Mufijul

FIR No. : 157/2020

PS: Nabi Karim

U/S: 394, 34 IPC

10.07.2020

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

Vide this order, the regular bail application under section 439 Cr.P.C. on behalf of accused dated 09/07/2020 filed through counsel is disposed of.

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

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

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

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

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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

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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



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question depends upon a variety of circumstances, cumulative effect of which must enter into the judicial verdict. Such judgment itself mentioned the nature and seriousness of nature, and circumstances in which offences are committed apart from character of evidence as some of the relevant factors in deciding whether to grant bail or not.

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

In the present case, it is argued on behalf of accused that he was lifted from his house on 27/05/2020 and he has been in JC since then; there is no incriminating evidence against him; that nothing is recovered from his possession; further no active role is assigned to present accused by the police; that his wife is suffering from illness and presence of accused is required to look after her; that he is the only bread earner of his family; investigation is already complete. As such, it is prayed that he be granted regular bail.

On the other hand, it is submitted in the reply, as also argued by the learned Addl.PP for the state that as per the victim / complainant present accused alongwith co-accused robbed him and even injured him by stabbing knife on his left thigh and thereafter looted his mobile phone and later such victim gave his statement and present case

was registered; it is stated by the complainant that he can identify the accused person; that thereafter complainant was shown criminal dossier from the record and he identified present accused as one of the accused who looted his mobile and injured him. It is further stated that thereafter present accused was arrested and in his disclosure statement he stated that he had already sold the mobile to an unknown road side person and thrown the knife used in the offence. It is further stated that such accused is involved in four other similar matters. In fact, it is further argued by learned Addl.PP for the State that not only 394 IPC but even offence u/s 397 IPC prima facie appears to be made out as knife is used in commission of such offence and infact injury is also caused by use of the same. As such present bail application is strongly opposed.

I find force in the arguments of learned Addl.PP for the state. The offence is serious in nature and is nuisance to public at large. There are specific and serious allegations against the accused. Further as per the investigation so far, accused is already identified by the complainant from police record. As such, at this stage, this court is not inclined to grant the relief as sought in the present application. Hence, the same is dismissed.

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

(Naveen Kumar Kashyap)  
Additional Sessions Judge-04  
Central/THC/Delhi  
10/07/2020

**EXTENSION OF INTERIM BAIL APPLICATION**

**State Vs Vinay @ Monty s/o Jag Narayan**

**FIR No. 799/2014**

**PS.: Darya Ganj**

**U.S: 302, 404, 201, 34 IPC**

**10.07.2020**

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

1. Vide this order, application dated 09.07.2020 filed by accused through counsel for extension of interim bail for 45 days w.e.f 15/07/2020 is disposed of.
2. Arguments heard in detail from both sides.
3. In nutshell, it is submitted on behalf of the accused that he was granted interim bail by learned ASJ Deepak Dabas vide order dated 01/06/2020 for 45 days. It is further stated that he is in JC for more than 5 years; that he is not a habitual offender; case is based on circumstantial evidence only; all material witnesses are already examined; It is further submitted that due to outbreak of corona virus in order to decongest the jail, certain directions are passed by the Hon'ble High Court and case of the accused is covered by the same. Even otherwise, it is submitted that such corona virus is highly infectious in nature. That he has not breached any condition during interim bail. That he is not required for any investigation and matter is already pending trial. As such, it is prayed that his interim bail be extended for another period of 45 days commencing from 15/07/2020.
4. On the other hand present application for extension is strongly opposed by the prosecution. It is further stated by the learned Addl.PP for the State that case of the accused do not fall in the order dated 15/06/2020 or 22/06/2020 of Hon'ble High Court of Delhi for extension of interim bail. Further, it is stated that his case is not covered

State Vs Vinay @ Monty s/o Jag Narayan  
FIR No. 799/2014  
PS.: Darya Ganj  
U.S: 302, 404, 201, 34 IPC



in minutes of meeting dated 18/05/2020 of Hon'ble High Power Committee which specifically deals with the offences of the nature with which accused is charged in the present case.

5. I have heard both the sides and gone through the record, including interim bail order dated 01.06.2020.

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

7. The type of cases/offences with which accused is charged are discussed by **Hon'ble High Court in its meeting dated 18.05.2020.**

For the present type of offences, one of the requirement is satisfactory / good conduct of the accused during his judicial custody in Jail.

But, it is mentioned in order dated 01/06/2020 by which he was granted interim bail in question, that he is a habitual jail offender and his conduct is unsatisfactory. As such, it is clear that order dated 01/06/2020 passed by learned bail duty Judge on merit in the facts and circumstances of the case and not based on criteria dated 18/05/2020.

8. Not only that in the judgment titled as Shobha Gupta And Ors vs Union Of India And Ors on 23 March, 2020, IN THE HIGH COURT OF DELHI AT NEW DELHI, W.P.(C) 2945/2020:

The present PIL seeks directions to the respondent No.1/Ministry of Law and Justice, respondent No.2/Ministry of Health and Family Welfare, respondent No.3/Chief Secretary, GNCTD, respondents No.4 and 5/Delhi Police and the respondent No.6/Lieutenant Governor, GNCTD, to take steps to temporarily release all the under trials and convicts, who are accused of offences where the maximum period of imprisonment prescribed under the I.P.C and other Statutes is upto 5 years and fine, i.e.,

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for non-heinous crimes, and are lodged in Tihar, Mandawali and Rohini Jails in Delhi. Further, directions are prayed for, to segregate those inmates, who are ailing and provide them proper medical facilities.

Learned counsel also states that in respect of the under trial prisoners (UTPs), who are booked in only 1 case in which the maximum sentence is 7 years or less and who have completed minimum 3 months in jail, it is proposed that they shall be granted interim bail for 45 days upon a request made by them, preferably on a personal bond. However, the mechanism in respect of the same has yet to be formalized by the concerned authorities.

In view of the submissions made by learned counsel for the respondents No.3 to 6 above, it is directed that the Govt. of NCT of Delhi and the Delhi Police shall take immediate steps, preferably within two days to implement its decisions, as recorded hereinabove.

Needless to state that the under trial prisoners shall be at liberty to apply for interim bails on account of the current situation, which shall also be taken into consideration by the appropriate courts and the said petitions shall be decided in accordance with law.

9. As such, on a bare reading of such judgment of Hon'ble High Court in Shobha Gupta (supra), it is applicable to offences with maximum punishment of 7 years or less, as mentioned in para 7 of the same. Present offence is punishable upto life as such, learned counsel wrongly relied that he was granted interim bail earlier based on such Shobha Gupta Judgment only.

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

to the interim bail granted under the relaxed criteria for interim bail given by Hon'ble High Court.

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

12. Further, for reasons stated in interim bail application, the accused is already granted and enjoyed liberty of interim bail for 45 days. No further leniency is required in the considered view of this court. As such, having regard to the nature of the case and he has already given opportunity to avail interim bail for 45 days, this court is not inclined to extend the same. **With these observations, present application is dismissed.**

13. Accordingly, accused is directed to surrender before the Jail Superintendent concerned in terms of original interim bail order dated 01.06.2020.

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

(Naveen Kumar Kashyap)  
ASJ-04/Central/THC  
10.07.2020

**BAIL APPLICATION**

**State Vs Sohanveer  
FIR No.: 445/2017  
PS: Burari  
U/S: 302, 34 IPC**

**10.07.2020**

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State  
through VC.  
Mr. Sachin Kumar Jain, learned LAC for Accused  
through VC.

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

2. Reply filed by the IO.

3. Arguments heard.

4. It is argued on behalf of the accused that he is in JC since June, 2014; that there is spread of corona pandemic. Further, he is suffering from Neuro problem and backache and which has caused paralysis impact on body and affected his right knee and lower back due to which he is unable to do his daily work smoothly. Further, he is not properly treated by Jail authority. As such, he wants his treatment from private hospital.

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5. In view of such submissions, before proceeding further, let a report be called from Jail Superintendent concerned regarding medical status/condition of the accused/applicant for **17.07.2020**.

(Naveen Kumar Kashyap)  
ASJ-04/Central/THC  
10.07.2020