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EXTENSION OF INTERIM BAIL APPLICATION

State Vs. Ajay Pal s/o Gopal Pal
FIR No.678/2019.
PS.:Sabzi Mandi.
U.S:302,306,120B/34 IPC

Dated:22/07/2020.

Present: Mr. Pawan Kumar, Learned Addl. PP for State
through VC.
Sh.Hans Raj Singh, Ld. Counsel for Accused.

1. Vide this order, application dated 13.07.2020 filed by accused through counsel for extension of interim bail is disposed off.

2. It is stated that he was earlier in JC and thereafter he was granted interim bail for 45 days vide order dated 01/06/2020 by learned Bail duty Judge , ASJ Sh Deepak Dabas, , Central District, Delhi. Now, it is prayed that there is order dated 13.07.2020 passed by Hon'ble High Court and in view of the same, interim bail of the accused be extended further.

3. Arguments heard from both the sides and I have gone through the record including such interim bail order dated 01/06/2020.

4. At this stage it may be noted that full bench of Hon'ble High Court of Delhi in its order dated 13/07/2020 in W.P. (C) 3037/2020 titled as "Court on its own motion v. Govt. of NCT of Delhi & Anr. Held as under :

".....5. In view of the above, we hereby further extend the implementation of the directions contained in our order dated 25th March, 2020 and 15th May, 2020 and 15th June, 2020, till 31st August, 2020 with the same terms and conditions.

6. The Hon'ble Single Bench of this Court in Crl.A.193/2020 titled as Harpreet Singh vs. State vide order dated 1st July,

State Vs. Ajay Pal s/o Gopal Pal
FIR No.678/2019.
PS.:Sabzi Mandi.
U.S:302,306,120B/34 IPC

2020 sought clarification to the following effect:

“7. The queries that the Hon'ble Full Bench may consider and decide for the guidance of all concerned are as follows:

a. Whether the orders made by the Hon'ble Full Bench in W.P. (C) No.3037/2020, **including last order dated 15.06.2020**, apply to all interim orders, whether made in civil or criminal matters, and regardless of whether such orders were made on or before 16.03.2020 or thereafter?

b. Where interim bail or interim suspension of sentence has been granted by a Bench of this court exercising discretion and based upon specific facts and circumstances of a given case, would such orders also stand automatically extended by operation of orders made by the Full Bench in W.P.(C) No.3037/2020?

8. While deciding the issue, the Hon'ble Full Bench may consider the aspect of parity, namely that, on a plain reading of the orders in W.P.(C) No.3037/2020, interim orders granted on or before 16.03.2020 appear to be getting extended by general directions; but those made after 16.03.2020 appear not to be covered thereby.”

7. In this regard, we make it clear that all the directions issued from time to time in this case are based on the ongoing pandemic situation in Delhi. So far as the criminal matters are concerned, these directions have been issued keeping in view the fact that the jail authorities have limited space to keep the inmates and in case of spread of Covid-19 pandemic in the jail, it would not be in a position to maintain physical distancing amongst jail inmates. Looking to this aspect and the possible threat of spreading of viral infection by those persons who are on interim bail/bail/parole granted by this Court **or the Courts subordinate to this Court**, to other inmates of the jail on their return to the jail, the decision of extension of interim bail/bail/parole has been taken from time to time. ***It is clarified that this order of extension of bail/interim bail/parole shall be applicable to all undertrials/convicts, who are on bail/interim bail or parole as on date irrespective of the fact that they were released on bail/interim bail or parole before or after 16th March, 2020.***

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9. List this matter on 24th August, 2020 for further directions.”.

5. In view of such order and clarification dated 13.07.2020 by Hon'ble High Court, there is no need to pass any specific order in the present application. Same is disposed off accordingly.

6. Both side are at liberty to collect the order through electronic mode. **A copy of this order be sent to Jail Superintendent concerned.**

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(Naveen Kumar Kashyap)
ASJ-04/Central/THC
22.07.2020

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INTERIM BAIL APPLICATION

**FIR No. :191/2019
PS: Karol Bagh
STATE v. Akash Kumar
U/S: 302, 307,120B,34 IPC**

22.07.2020.

Present: Sh. Pawan Kumar,Ld. Addl. PP for the State
through VC.
Sh. Saleem Malik, Ld. Counsel for applicant/ 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. Vide this order, application dated 15.06.2020 for seeking interim bail of the present accused is disposed off.
3. Reply filed through electronic mode by the IO. Copy of the same supplied to learned counsel for applicant through electronic mode already.
4. Arguments heard.
5. It is argued on behalf of the accused that he is in JC since

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05.06.2019. That he was arrested based on disclosure statement of co-accused only. That it is the co-accused who allegedly fired in question. It is further stated that he is falsely implicated in the present case. That his father has injured himself on 09.07.2020 and suffered fracture in leg. That his mother is old aged about 45-47 years old. Further, there is financial crises in the family. That there is no other son to take care of the father medical need. That wife of the accused is also not in a position to take care and make financial arrangements. It is further stated that there is a pandemic due to corona virus. That there is no other criminal record of the present accused. As such, it is prayed that he be granted interim bail for 60 days..

6. Reply dated 22.07.2020 filed by SI Gautam. Further, learned Addl. PP for the state argued on the lines of such reply stating that offence is serious in nature. That there is sufficient incriminating evidence against the present accused. But the medical condition of the father is not denied. It is further stated that concerned doctor did not produce any treatment papers relating to surgery. It is further stated that there is no compelling condition at the house of accused. It is further stated that he may threaten the witness and affect the trial. As such, present bail application is opposed.

7. The judicial custody of the present accused is less than two years. As such, in any case ,he does not fall in the relaxed inteirm bail criteria dated 18.05.2020 of Hon'ble HC.

8. But it is also the direction by Hon'ble HC that even otherwise such applications are to be considered on merit. Accordingly

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heard on merit.

9. Accused is charged with offence u/s 302 IPC which has a minimum punishment for life imprisonment. Further, it is stated that there is specific allegations against the accused. Further, there is mother and wife of the accused to take care of the father of the accused. As such, this court do not find the ground stated as sufficient to grant interim bail including having regard to the nature of offence and the stage of the case. Therefore, at this stage, this court is not inclined to grant the interim bail to the present accused.

10. The present application stands disposed off accordingly. Both side are at liberty to collect the order through electronic mode.

Further a copy of this order be sent to Jail Superintendent concerned.

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(Naveen Kumar Kashyap)
ASJ-04/Central/THC
Central District/22.07.2020

Bail Application

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

22.07.2020

Present: Sh. Pawan Kumar, Ld. Addl. PP for the state through VC.
Sh. Sunil Kumar, Legal Aid counsel for applicant/accused through VC.

Today Again no reply is filed by IO with regard to previous involvement of present accused despite repeated orders.

As such issue show cause notice to IO through SHO concerned as to why such further reply about previous involment not filed. **Same be issued accordingly.**

Further in any case **put up for such further reply**, arguments, appropriate order **on 25.07.2020.**

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**(Naveen Kumar Kashyap)
ASJ-04/Central/22.07.2020**

BAIL APPLICATION

**FIR No.:271/2018
PS:DBG Road
STATE v. Chinu @ Akash @ Prakash
U/s 392, 394, 397, 326, 307, 34 IPC**

22.07.2020.

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

Fresh application received. It be checked and
registered separately.

Issue notice to IO for filing of reply by the next date
of hearing.

Put up for filing of reply, arguments and appropriate
order for **25/07/2020**.

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**(Naveen Kumar Kashyap)
ASJ-04/Central/THC
22.07.2020**

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EXTENSION OF INTERIM BAIL APPLICATION

State Vs. Muni@Moni s/o Gopal Pal
FIR No.292/2014.
PS.:Rajinder nagar.
U.S:302,392,397,411,120B r/w 34 IPC

Dated:22/07/2020.

Present: Mr. Pawan Kumar, Learned Addl. PP for State
through VC.
Sh.Chirag Khurana , Ld. Counsel for Accused.

1. Vide this order, application dated 20.07.2020 filed by accused through counsel for extension of interim bail is disposed off.

2. It is stated that he was earlier in JC and thereafter he was granted interim bail vide order dated 11/06/2020 by learned Bail duty Judge , ASJ Sh. Anuj Aggarwal, Central District, Delhi. Now, it is prayed that there is order dated 13.07.2020 passed by Hon'ble High Court and in view of the same, interim bail of the accused be extended further.

3. Arguments heard from both the sides and I have gone through the record including such interim bail order dated 11/06/2020.

4. At this stage it may be noted that full bench of Hon'ble High Court of Delhi in its order dated 13/07/2020 in W.P.(C) 3037/2020 titled as "Court on its own motion v. Govt. of NCT of Delhi & Anr. Held as under :

".....5. In view of the above, we hereby further extend the implementation of the directions contained in our order dated 25th March, 2020 and 15th May, 2020 and 15th June, 2020, till 31st August, 2020 with the same terms and conditions.

6. The Hon'ble Single Bench of this Court in CrI.A.193/2020 titled as Harpreet Singh vs. State vide order dated 1st July, 2020 sought clarification to the following effect:

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“7. The queries that the Hon'ble Full Bench may consider and decide for the guidance of all concerned are as follows:

a. Whether the orders made by the Hon'ble Full Bench in W.P. (C) No.3037/2020, **including last order dated 15.06.2020**, apply to all interim orders, whether made in civil or criminal matters, and regardless of whether such orders were made on or before 16.03.2020 or thereafter?

b. Where interim bail or interim suspension of sentence has been granted by a Bench of this court exercising discretion and based upon specific facts and circumstances of a given case, would such orders also stand automatically extended by operation of orders made by the Full Bench in W.P.(C) No.3037/2020?

8. While deciding the issue, the Hon'ble Full Bench may consider the aspect of parity, namely that, on a plain reading of the orders in W.P.(C) No.3037/2020, interim orders granted on or before 16.03.2020 appear to be getting extended by general directions; but those made after 16.03.2020 appear not to be covered thereby.”

7. In this regard, we make it clear that all the directions issued from time to time in this case are based on the ongoing pandemic situation in Delhi. So far as the criminal matters are concerned, these directions have been issued keeping in view the fact that the jail authorities have limited space to keep the inmates and in case of spread of Covid-19 pandemic in the jail, it would not be in a position to maintain physical distancing amongst jail inmates. Looking to this aspect and the possible threat of spreading of viral infection by those persons who are on interim bail/bail/parole granted by this Court **or the Courts subordinate to this Court**, to other inmates of the jail on their return to the jail, the decision of extension of interim bail/bail/parole has been taken from time to time. ***It is clarified that this order of extension of bail/interim bail/parole shall be applicable to all undertrials/convicts, who are on bail/interim bail or parole as on date irrespective of the fact that they were released on bail/interim bail or parole before or after 16th March, 2020.***

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9. List this matter on 24th August, 2020 for further directions.”.

5. In view of such order and clarification dated 13.07.2020 by Hon'ble High Court, there is no need to pass any specific order in the present application. Same is disposed off accordingly.

6. Both side are at liberty to collect the order through electronic mode. **A copy of this order be sent to Jail Superintendent concerned.**

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(Naveen Kumar Kashyap)
ASJ-04/Central/THC
22.07.2020

MISC. APPLICATION

CC No.: 24/2017
Case No.: ECIR/11/DLZO/2016
Enforcement Directorate Vs. Vineet Gupta & Others
(Applicant Mr. Anirudh Aggarwal)

22.07.2020.

Present: Mr. Ruchit Dugar, learned counsel for applicant /
accused through VC.

This is an application relating to release of passport
of applicant Anirudh Aggarwal.

Learned counsel for the applicant wants to withdraw
the present application on some technical grounds with liberty to
file afresh.

In view of the submissions, the same is allowed to
be withdrawn. Hence, application is dismissed as withdrawn.

Copy of the order be given dasti through electronic
mode.

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22.07.2020

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INTERIM BAIL APPLICATION

State Vs Sohanvir s/o Ram Dass

FIR No. 445/2014

PS : Burari

U/s: 302, 34 IPC

22.07.2020.

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

Mr. Sachin Kumar Jain, learned LAC for applicant /
accused through VC.

Vide this order interim bail application dated
25.06.2020 filed by application / accused Sohanvir through LAC
counsel Mr. Sachin Kumar Jain is disposed of.

As per record , previous conduct record from jail, as
well as even medical status report dated 17/07/2020 of this
accused is received from Jail Superintendent concerned. Reply
already filed by the IO.

This order is further to order already passed on
02/07/2020 and 10/07/2020 and such earlier orders be treated
as part and parcel of the present order. Furthers facts and

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arguments from both the sides already noted in such previous orders.

I have heard both the sides and gone through the record including medical status report filed by the Medical Superintendent concerned.

As per such report, medical treatment from Ortho department of GB Pant Hospital was given to present accused in 2018. Further accused is under treatment from LNJP Hospital. Further he was reviewed by Jail visiting Ortho Senior on 07/07/2020 and 14/07/2020 and his treatment is continuing. It is further stated that his general condition is stable at present and he is on medication.

Further, as per reply filed by the IO, there is no other criminal involvement of present accused. Further as per the report filed by Jail Superintendent, two punishments dated 22/02/2016 and 05/08/2019 relating to prohibiting articles in Jail were awarded to present accused. As such, accused does not fall under the relaxed criteria for grant of interim bail as fixed by the Hon'ble High Court of Delhi vide order dated 18/05/2020.

Further, on merit since his medical condition is

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concerned, medical treatment is being carried out including from outside government hospital as reported by Jail Superintendent. Further, the offence is serious in nature involving 302 IPC. Under these circumstances, this court is not inclined to grant interim bail to the present applicant / accused. With these observations, the present application is disposed of as dismissed.

Both side are at liberty to collect the order through electronic mode. *Further a copy of this order be sent to Jail Superintendent concerned.*

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(Naveen Kumar Kashyap)

ASJ-04/Central/THC

22.07.2020