

21.09.2020

This is an application u/s 439 Cr.PC seeking regular bail moved on behalf of applicant/accused Rajbir Singh Chauhan.

Present: Sh. Balbir Singh, Ld. Addl. PP for the State.
IO/SI Sanjay Kumar.
Sh. Himanshu, Advocate for applicant/accused.

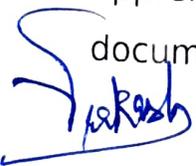
1. Matter is taken up through Video Conferencing on account of Covid-19 lockdown.
2. Reply of bail application already filed. Copy thereof already supplied to Ld counsel for applicant/accused electronically.
3. TCR has also been received for today.
4. Arguments on the bail application heard. Record perused.
5. After referring to the allegations contained in the FIR, it is argued by counsel for applicant/accused that applicant is totally innocent and has been falsely implicated in this case and he is in custody since 07.07.2020. It is further argued that the applicant is not previously convicted in any other case and nothing incriminating pertaining to this case, has been recovered either from his possession or at his instance and he has been falsely roped in, in this case as well as in few other cases merely on the basis of disclosure statement made in case FIR No. 188/2020, U/s 25/54/59 Arms Act of PS Karol Bagh. It is further argued that the present applicant is the sole bread earner of his family and he is no more required for the purpose of investigation as the chargesheet has already been filed in this case. It is further argued that present applicant is ready to furnish sound surety and he is ready to abide

by the terms and conditions as may be imposed upon him by the Court while granting bail.

6. Per contra, the bail application is strongly opposed by Ld. Addl. PP on the ground that the allegations against the present applicant are grave and serious and he is the repeated offender and is found previously involved in several criminal cases of similar offences. It is further argued that two bail applications of present applicant have already been dismissed by Sessions Court and the present applicant is found to have purchased one Scorpio Car on 04.07.2020, out of the amount looted by him in the present case. It is, therefore, urged that the bail application may be dismissed.

7. In brief, theft of Rs. 2.61 lac, one DVR and certain other documents was allegedly committed after house breaking at night in March-2020 from the premises of complainant of this case. The present applicant allegedly purchased one Scorpio vehicle out of the said stolen money. On query, IO has informed the Court that present applicant had purchased the said vehicle on 04.07.2020 i.e. just 3 days prior to his arrest in this case and he had made part payment of Rs. 2 lacs in cash for purchase of said vehicle. Relevant documents regarding purchase of said vehicle as seized during investigation, are also filed alongwith the chargesheet. The applicant/accused has failed to explain the source through which he arranged such huge cash amount during the lockdown situation on account of Covid-19.

8. Be that as it may, one stolen ID proof of complainant is also allegedly recovered from the possession of present applicant after his apprehension in this case. He also allegedly got recovered some stolen documents and stolen almira connected with case FIR No. 188/2020,



FIR No. 45/2020
PS: Prasad Nagar
U/s: 380/457/411/34 IPC
State Vs. Rajbir Singh Chauhan

U/s 25/54/59 Arms Act of PS Karol Bagh. in this very case. IO has also informed the Court that the present applicant is residing in a rented accommodation and he does not have any permanent address at all and he may abscond in the event of release on bail. As per the list of involvements filed alongwith reply, the present applicant is shown to be found previously involved in 7 other criminal cases of similar offences.

9. After considering the overall facts and circumstances of the case including the of allegations levelled against the present applicant, gravity and seriousness of the offences and in the light of discussion made hereinabove, Court is of the view that no ground is made out at this stage for grant of bail to the present applicant/accused. Consequently, the bail application is hereby dismissed.

Copy of this order be given dasti to both the sides electronically, as per rules.

TCR be sent back to the concerned Court alongwith copy of this order.



(Vidya Prakash)
Addl. Session Judge (Electricity)
Central Distt./THC/Delhi-21.09.2020

Bail application no. 1291/2020
FIR No. 28/19
PS: Lahori Gate
U/s: 420/468/471/120-B IPC
State Vs. Vijay Mohan Gopinath Nair

21.09.2020

This is an application u/s 439 Cr.PC seeking regular bail moved on behalf of applicant/accused Vijay Mohan Gopinath Nair.

Present: Sh. Balbir Singh, Ld. Addl. PP for the State.
IO/SI Parveen Sharma.
Sh. Shivam Malhotra, Proxy counsel on behalf of Advocate Sh. Murari Tiwari, counsel for applicant/accused.

Matter is taken up through Video Conferencing on account of Covid-19 lockdown.

Reply of bail application filed. Copy thereof supplied to Ld counsel for applicant/accused electronically.

Main arguing counsel for applicant/accused is stated to be busy in arguments through Video Conferencing before some other Court in some other matter.

On request, the bail application is adjourned to 25.09.2020 for arguments.



(Vidya Prakash)
Addl. Session Judge (Electricity)
Central Distt./THC/Delhi-21.09.2020

21.09.2020

This is an application u/s 438 Cr.PC seeking anticipatory bail moved on behalf of applicant/accused Rajeev Sharma.

Present: Sh. Balbir Singh, Ld. Addl. PP for the State.
IO/SI Praveen Chauhan
Complainant with Sh. Jai Kush Hoon, Advocate.
(On request, vakalatnama on behalf of complainant is allowed to be filed during the course of the day).
Sh. Ashu Bhatia, Advocate for applicant/accused.

Matter is taken up through Video Conferencing on account of Covid-19 lockdown.

Reply of bail application filed. Copy thereof supplied to Ld counsel for applicant/accused electronically.

Part submissions heard.

During the course of submission, IO has informed the Court that he has not yet applied for grant of permission to arrest the applicant/accused in this case.

On request, the bail application is adjourned to 07.10.2020 for arguments. In the meantime, no coercive measure be adopted against the applicant/accused subject to the condition that he (applicant/accused) shall join the investigation as and when so required by the investigating agency.

Copy of this order be given dasti to both the sides electronically, as per rules.


(Vidya Prakash)

Addl. Session Judge (Electricity)
Central Distt./THC/Delhi-21.09.2020

Bail application no. 1289/2020
FIR No.180/2019
PS: Rajinder Nagar
U/s: 498-A/406/34 IPC
State Vs. Ashok Kumar Sharma

21.09.2020

This is an application u/s 438 Cr.PC seeking anticipatory bail moved on behalf of applicant/accused Ashok Kumar Sharma.

Present: Sh. Balbir Singh, Ld. Addl. PP for the State.
IO/SI Praveen Chauhan
Complainant with Sh. Jai Kush Hoon, Advocate.
(On request, vakalatnama on behalf of complainant is allowed to be filed during the course of the day).
Sh. Ashu Bhatia, Advocate for applicant/accused.

Matter is taken up through Video Conferencing on account of Covid-19 lockdown.

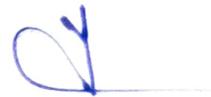
Reply of bail application filed. Copy thereof supplied to Ld counsel for applicant/accused electronically.

Part submissions heard.

During the course of submission, IO has informed the Court that he has not yet applied for grant of permission to arrest the applicant/accused in this case.

On request, the bail application is adjourned to 07.10.2020 for arguments. In the meantime, no coercive measure be adopted against the applicant/accused subject to the condition that he (applicant/accused) shall join the investigation as and when so required by the investigating agency.

Copy of this order be given dasti to both the sides electronically, as per rules.



(Vidya Prakash)
Addl. Session Judge (Electricity)
Central Distt./THC/Delhi-21.09.2020

21.09.2020

This is an application u/s 438 Cr.PC seeking anticipatory bail moved on behalf of applicant/accused Krishna Sharma @ Krishna Devi.

Present: Sh. Balbir Singh, Ld. Addl. PP for the State.
IO/SI Praveen Chauhan
Complainant with Sh. Jai Kush Hoon, Advocate.
(On request, vakalatnama on behalf of complainant is allowed to be filed during the course of the day).
Sh. Ashu Bhatia, Advocate for applicant/accused.

Matter is taken up through Video Conferencing on account of Covid-19 lockdown.

Reply of bail application filed. Copy thereof supplied to Ld counsel for applicant/accused electronically.

Part submissions heard.

During the course of submission, IO has informed the Court that he has not yet applied for grant of permission to arrest the applicant/accused in this case.

On request, the bail application is adjourned to 07.10.2020 for arguments. In the meantime, no coercive measure be adopted against the applicant/accused subject to the condition that she (applicant/accused) shall join the investigation as and when so required by the investigating agency.

Copy of this order be given dasti to both the sides electronically, as per rules.



(Vidya Prakash)
Addl. Session Judge (Electricity)
Central Distt./THC/Delhi-21.09.2020

Bail application no. 1286/2020
FIR No. 253/2019
PS: Prasad Nagar
U/s: 406/411/34 IPC
State Vs. Arun Kumar

21.09.2020

This is an application u/s 439 Cr.PC seeking regular bail moved on behalf of applicant/accused Arun Kumar.

Present: Sh. Balbir Singh, Ld. Addl. PP for the State.
IO/SI Ranvir Singh.
Sh. Arvind Vats, Advocate for applicant/accused.

Matter is taken up through Video Conferencing on account of Covid-19 lockdown.

Reply of bail application filed. Copy thereof supplied to Ld counsel for applicant/accused electronically.

On request, the bail application is adjourned to 24.09.2020 for arguments.



(Vidya Prakash)
Addl. Session Judge (Electricity)
Central Distt./THC/Delhi-21.09.2020

Bail application no. 1231/2020
FIR No. 300/2020
PS: Sarai Rohilla
U/s: 452/394/397/34 IPC
State Vs. Pooja

21.09.2020

This is an application u/s 439 Cr.PC seeking regular bail moved on behalf of applicant/accused Pooja.

Present: Sh. Balbir Singh, Ld. Addl. PP for the State.

IO/SI Vinod Nain.

Sh. S. N. Shukla, Ld. Legal Aid Counsel for applicant/accused.

Matter is taken up through Video Conferencing on account of Covid-19 lockdown.

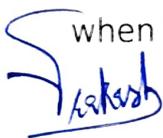
Additional reply of bail application filed. Copy thereof supplied to Ld counsel for applicant/accused electronically.

Part arguments heard.

During the course of arguments, it has been noticed by the Court that in reply dated 16.09.2020, it is mentioned on the top thereof that same was being filed in bail application moved on behalf of accused Preeti and in the end of the said reply, it is mentioned that bail application of accused Rajender was being opposed. However, the present bail application has been moved on behalf of accused Pooja and not on behalf of either Preeti or Rajender. The said reply is found to be duly forwarded by concerned SHO of PS Sarai Rohilla.

Apart from above, in both the replies of bail application of present applicant filed by concerned IO and which are duly forwarded by concerned SHO, the relevant offences mentioned are 394/397/452/411/120-B/34 IPC, whereas during the course of arguments,

when Court specifically made query from IO as to whether offences u/s



394/397/452 IPC are still subsisting in the light of investigation carried out so far and the stand taken on behalf of State during the course of arguments, IO SI Vinod Nain submits that some of the offences have been removed during investigation but he failed to mention this fact in his replies filed before the Court. However, he is not able to furnish any reasonable explanation or justification for not do so.

The aforesaid discussion would prima facie show that an effort seems to have been made by concerned IO and SHO of PS Sarai Rohilla either to mislead the Court or to conceal certain material facts from the Court, which is a serious matter. Same would also show that there is non-application of mind on the part of concerned IO and SHO.

Under these facts and circumstances, let the aforesaid conduct of IO SI Vinod Nain and of SHO of PS Sarai Rohilla be brought to the notice of DCP, North, with direction to take appropriate stringent action against them and to submit Action Taken Report before the Court on or before next date.

Copy of this order alongwith copies of both the replies filed by the IO before the Court, be sent to concerned DCP for information and necessary compliance.

Put up on 26.09.2020, for filing proper detailed reply of the bail application on behalf of concerned SHO and further arguments on the bail application.



(Vidya Prakash)
Addl. Session Judge (Electricity)
Central Distt./THC/Delhi-21.09.2020