

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

BAIL APPLICATION NO: 1965/2020

State v. Anjari
FIR No. :463/2020
PS: Sarai Rohilla
U/S: 307 IPC

15.12.2020.

Present: Sh. Pawan Kumar, Ld. Addl. PP for the State through VC.
Sh. Nagender Singh, Ld. Counsel for applicant/accused through VC.

Vide this order, the regular bail application dated 23.11.2020 filed by accused Ms. Anjari through counsel is disposed of. It is argued that accused is in JC since 21.11.2020. That she is no more required for the purpose of investigation. That she is a female and household lady. In fact on 16.11.2020, accused/applicant lodged a complaint against family members of present complainant at PS Sarai Rohilla but no action was taken by police officials. That she is a poor lady running a small shop in that area. That at best case of prosecution is that present accused was having a danda with which the attack was made on the complainant side. No purpose would be served by keeping the accused in JC. As such, it is prayed that she be granted regular bail.

On the other hand, it is argued on behalf of the State that present accused and her family members attacked the complainant family with knife and danda. That present accused did not join the investigation and fled away from the spot. That Tinku and Jamil received injury by stabbing and two other victim also received minor injuries. It is stated that investigation is at initial stage. That present accused may influence the witness. That her presence may not be secured for trial. As such, present bail application is strongly opposed.

I have heard both the sides and have gone through the

record.

That present accused is a female and a household lady running a small shop in the area. She is no more required for the purpose of investigation. No purpose would be served by keeping her in JC. That investigation and thereafter trial is likely to take time. Further, there is a presumption of innocence in favour of such accused. Under above facts and circumstances, present accused is granted bail subject to furnishing of personal bond in the sum of **Rs. 20,000/- with one sound surety of like amount**, subject to the satisfaction of the learned Trial court and the following additional conditions:

(i) That she will appear before IO / Trial Court as and when called as per law.

(ii) She will not indulge in any kind of activities which are alleged against him in the present case.

(iii) That she will not leave India without permission of the Court.

(iv) She will not threaten the witness or tampering with evidence.

(v) She shall convey any change of address immediately to the IO and the court;

(vi) She shall also provide his mobile number to the IO/trial court;

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

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

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

a) *In case of inability of a prisoner to seek*

release despite an order of bail, it is the judicial duty of the trial courts to undertake a review for the reasons thereof.

- b) *Every bail order shall be marked on the file.*
- c) *It shall be the responsibility of every judge issuing an order of bail to monitor its execution and enforcement.*
- d) *In case a judge stands transferred before the execution, it shall be the responsibility of the successor judge to ensure execution.....”*

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

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

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

The observations made in the present bail application order are for the purpose of deciding of present application and do not affect the factual matrix of the investigation of the present case which is separate issue as per law.

The bail application is accordingly disposed off.

: 4 :

Learned counsel for applicant is at liberty to obtain order through electronic mode. Copy of this order be also sent to Jail Superintendent concerned through electronic mode.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.12.15
19:16:06 +05'30'

**(NAVEEN KUMAR KASHYAP)
ASJ-04(Central/Delhi
15.12.2020**

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

Application No.: 2147/2020
State Vs Vishal @ Cheeku
FIR No.99/2020
P. S. Karol Bagh
U/s: 379, 356, 34 IPC

15/12/2020

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

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

It is stated in the application that he has been falsely implicated in this case and has nothing to do with the present case; that investigation is almost complete; that at the time of incident, applicant was in JC in case FIR no.118/2017 PS Ambedkar Nagar; that he was arrested from his house on the basis of the disclosure statement of co-accused and nothing was recovered from the applicant; that after arrest, applicant has been deprived of his valuable rights of liberty; earlier his application was dismissed by learned MM; that he has deep roots in society; that applicant is the sole bread earner of his family; As such, it is prayed that he be granted regular bail.

On the other hand, in reply filed by the IO, as also argued by learned Addl.PP for the State it is stated that mobile of the complainant was snatched on 18/03/2020 and later on co-accused Atul Bhardwaj was arrested in FIR No. 513/2020 and he confessed his and the present accused involvement in present matter. Thereafter, present accused was arrested on 21/11/2020; that stolen mobile in question was recovered from the present accused; that present accused may threaten the witness. Further, there is another criminal case u/s 302, 307 IPC FIR No.118/2017 PS Ambedkar Nagar against the present accused. As such, present bail application is

State Vs Vishal @ Cheeku
FIR No.99/2020
P. S. Karol Bagh
U/s: 379, 356, 34 IPC

strongly opposed.

I have heard both the sides.

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

Further it has been laid down from the earliest time that the object of Bail is to secure the appearance of the accused person at his trial by reasonable amount of Bail. The object of Bail is neither punitive nor preventive. Deprivation of liberty must be considered a punishment unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after convictions, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earlier times, it was appreciated that detention in custody pending completion of trial could be a

cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial, but in such case 'necessity' is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the constitution that any persons should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty under Article 21 of the Constitution upon only the belief that he will tamper with the witnesses if 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 would intimidate the witnesses or if there is material to show that he will use his

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

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

In the present case, the maximum punishment of the offences alleged against the present accused is 3 years. It is a matter of record that accused is in JC and period to seek PC remand is already over. The allegations against the accused are u/s 411 IPC only. Further, as far as present accused is concerned, nothing remains to be recovered at his instance. As such, no purpose would be served by keeping such accused in JC. Trial is likely to take time. Further, it may be noted that there is fundamental

presumption of innocence in any criminal case of present nature. In present case, no previous conviction or even involvement in criminal cases is placed on record by the IO.

In above facts and circumstances, such accused is granted bail subject to furnishing of **personal bond in the sum of Rs. 10,000/- (each) with two sound sureties of like amount**, subject to the satisfaction of the learned Trial court and the following additional conditions:

i) That he will appear before IO / Trial Court as and when called as per law.

ii) He will not indulge in any kind of activities which are alleged against him in the present case.

iii) That he will not leave Delhi without prior permission of the Trial Court concerned.

iv) He will not threaten the witness or tampering with evidence.

v) He shall convey any change of address immediately to the IO and the court;

vi) He shall also provide his mobile number to the IO and further share his location through mobile phone once in every week till filing of chargesheet and thereafter as may be directed by the learned Trial Court.

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

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

"..... The trial courts should not only be sensitive but extremely vigilant in cases where they are recording

orders of bail to ascertain the compliance thereof....When bail is granted, an endorsement shall be made on the custody warrant of the prisoner, indicating that bail has been granted, along with the date of the order of bail.

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

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

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

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

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

: 8 :

order be sent to IO / SHO concerned. Copy of order be uploaded on website.

The observations made in the present bail application order are for the purpose of deciding of present application and do not affect the factual matrix of the investigation of the present case which is separate issue as per law.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.12.15
19:16:47 +05'30'

(NAVEEN KUMAR KASHYAP)
ASJ-04(Central/Delhi)
15.12.2020

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

Applications Nos.: 1912, 1959, 1960, 1961, 1962, 1964 & 2030/2020
State Vs Gaurav Yadav
FIR No.000172/20, 169/20, 170/20, 171/20, 173/20, 176/20 & 167/2020
P. S. Rajinder Nagar
U/s: 379, 411, 34 IPC

15/12/2020

Present: Mr. Pawan Kumar, Learned Addl. PP for State through VC.
Mr. Atul Chaturvedi, learned counsel for accused through VC.

Vide this common order, 7 bail applications u/s 439 Cr.PC filed by applicant through counsel is disposed off.

It is stated in the application that he is in JC since 22/09/2020; he has been falsely implicated in this case; that recovered, if any, has been wrongly planted upon him; that earlier his bail application was rejected by learned MM; that it is a case of discharge as IO has not filed any evidence with regard to ECM system as alleged from applicant and that ECM system belonged to the same car; that police of different police stations have falsely implicated him in different e-FIRs where he has been bound down and not arrested; that no evidence is filed by the IO with regard to alleged recovery of ECM system belong to those car; that he is a young age person and his aged mother is depended upon him and there is no one to look after her; As such, it is prayed that he be granted regular bail.

On the other hand, in reply filed by the IO, as also argued by learned Addl.PP for the State it is stated that the present case was registered on complaint of complainant where complainant mentioned in his complaint that ECM of his vehicle had been stolen. Accuse Gaurav Yadav and Shivam Nanhe were caught red handed in case FIR No. 168/2020, U/S 379/411/34 IPC, PS Rajinder Nagar, with 4 ECMs and stolen ECMs of above-mentioned case also had been recovered from their possession. During the course of interrogation 13 more ECMs of other cases also had been recovered from

accuse Gaurav Yadav and Shivam Nanhe on their disclosure including of the present case. Applicant accused does not have permanent address of Delhi and he has previous involvement in other similar offences. As such, present bail application is strongly opposed.

I have heard both the sides.

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

Further it has been laid down from the earliest time that the object of Bail is to secure the appearance of the accused person at his trial by reasonable amount of Bail. The object of Bail is neither punitive nor preventive. Deprivation of liberty must be considered a punishment unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after convictions, and that every man is deemed to be

innocent until duly tried and duly found guilty. From the earlier times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial ,but in such case 'necessity' is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the constitution that any persons should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty under Article 21 of the Constitution upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances. Apart from the question of prevention being the object of a refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and it would be improper for any court to refuse bail as mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an unconvicted person for the purpose of giving him a taste of imprisonment as a lesson. While considering an application for bail either under Section 437 or 439 CrPC, the court should keep in view the principle that grant of bail is the rule and committal to jail an exception. Refusal of bail is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution. Seriousness of the offence not to be treated as the only consideration in refusing bail : Seriousness of the offence should not to be treated as the only ground for refusal of bail. (Judgment of **Sanjay Chandra Vs. Central Bureau of Investigation, AIR 2012 SC 830** relied).

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

Further discretionary jurisdiction of courts u/s 437 and 439 CrPC

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

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

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

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

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

In the present case, the maximum punishment of the offences alleged against the present accused is 3 years. It is a matter of record that accused is in JC and period to seek PC remand is already over. The allegations against the accused are u/s 411 IPC only. Further, as far as present accused is concerned, nothing remains to be recovered at his instance. As such, no purpose would be served by keeping such accused in JC. Trial is likely to take time. Further, it may be noted that there is fundamental presumption of innocence in any criminal case of present nature. In present

case, no previous conviction or even involvement in criminal cases is placed on record by the IO.

In above facts and circumstances, such accused is granted bail subject to furnishing of **personal bond in the sum of Rs. 10,000/- (each) with two sound sureties of like amount**, subject to the satisfaction of the learned Trial court and the following additional conditions:

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

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

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

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

been granted, along with the date of the order of bail.

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

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

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

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

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

The observations made in the present bail application order

: 8 :

are for the purpose of deciding of present application and do not affect the factual matrix of the investigation of the present case which is separate issue as per law.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.12.15
19:19:56 +05'30'

(NAVEEN KUMAR KASHYAP)
ASJ-04(Central/Delhi)
15.12.2020

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

Bail Application No. 2116/2020

State v. Vinay Verma
FIR No.: 196/2019
PS: Rajinder Nagar
U/s: 420,468,471 IPC

15.12.2020

Present: **Mr. Pawan Kumar, Learned Addl. PP for State through VC.**
 Mr. Vijay Kasana, learned counsel for the applicant / accused through VC.
 Sh. Anjum Kumar, Ld. Counsel for complainant through VC.
 IO SI Mahipal Singh present through VC.

1. Vide this order, the bail application under section 439 Cr.P.C. on behalf of accused dated 09.12.2020 filed through counsel is disposed of.

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

3. 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.

4. 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).

5. 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.

6. 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.

7. 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**).

8. Further at this stage it can be noted that interpreting the provisions of bail contained u/s 437 & 439 Cr.P.C., the Hon'ble Supreme Court in its various judgments has laid down various considerations for grant or refusal of bail to an accused in a non-bailable offence like, (i) Whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) Nature of accusation and evidence therefor, (iii) Gravity of the offence and punishment which the conviction will entail, (iv) Reasonable possibility of securing presence of the accused at trial and danger of his absconding or fleeing if released on bail, (v) Character and behavior of the accused, (vi) Means, position and standing of the accused in the Society, (vii) Likelihood of the offence being repeated, (viii) Reasonable apprehension of the witnesses being tampered with, (ix) Danger, of course, of justice being thwarted by grant of bail, (x) Balance between the rights of the accused and the larger interest of the Society/State, (xi) Any other factor relevant and peculiar to the accused. (xii) While a vague allegation that the accused may tamper with the evidence or witnesses may not be a ground to refuse bail, but if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. Furthermore, in the landmark judgment of **Gurucharan Singh and others v. State** (AIR 1978 SC 179), it was held that there is no hard and fast rule and no inflexible principle governing the exercise of such discretion by the courts. It was further held that there cannot be any inexorable formula in the matter of granting bail. It was further held that facts and circumstances of each case will govern the exercise of judicial discretion in granting or refusing bail. It was further held that such question depends upon a variety of circumstances, cumulative effect of

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

9. 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.

10. In the present case, it is argued that present accused is in JC since 21.09.2020. That he has roots in the society and falsely implicated in the present case. That present FIR is registered only to extort money from accused. That IO did not even complied with the directions of Hon'ble Supreme Court in Arnesh Kumar regarding Section 41A Cr.P.C. That there is no documentary proof against the present accused including regarding the money transaction. That he is no more required for the purpose of investigation. That trial is likely to take time. Further learned counsel for accused also relied upon a number of case laws. It is disclosed that earlier his bail application was rejected by Sessions court vide order dated 07.11.2020. As such, it is prayed that he be granted regular bail.

11. On the other hand, it is stated by learned counsel for complainant that there is no material change since dismissal of earlier bail application. It is further stated that offence is serious in nature and committed against the society at large and the complainant is a particular

victim of the same. It is further argued that anticipatory bail application of two of the accused Sukhvinder Singh and Satpal Singh are already rejected by this court vide a reasoned detailed order.

12. Further, in reply dated 10.12.2020 filed by SI Mahipal Singh PS Rajinder Nagar as also argued by learned Addl. PP for the state, it is argued that there is no material change since dismissal of last bail application except filing of chargesheet. It is further stated that in fact the role of present accused is crystallized by filing of such chargesheet. As such, present bail application is strongly opposed.

13. I find force in the arguments of learned Addl.PP for the state. There is no material change in the circumstances since dismissal of the last bail application. Further, having regard to the nature of offence, the manner in which it is committed, same is nuisance to general public at large. Therefore, this court is not inclined to grant bail at this stage. **With these observations present bail application is disposed of as dismissed.**

14. **The observations made in the present bail application order are for the purpose of deciding of present application and do not affect the factual matrix of the investigation of the present case which is separate issue as per law.**

15. *But before parting this court is compelled to note the conduct of the IO SI Mahipal Singh. During the course of arguments, it is admitted by such IO SI Mahipal Singh that anticipatory bail application u/s 438 Cr. P.C. of two of the accused Sukhvinder Singh and Satpal Singh ,who are father and son, is rejected by this court. Meaning thereby that at the time of reply by such IO, argument and order on such anticipatory bail applications, the clear cut stand of the IO was that their arrest is necessary and as such anticipatory bail be not granted in the present case. In fact, for one of such accused, process u/s 82 Cr.P.C. was initiated as per IO. But the fact remains that despite rejection of anticipatory bail and stand of IO that their arrest is necessary, still even the other accused is not arrested so far in the present case. Thus, in a way , despite rejection of such anticipatory bail by Sessions court and no*

: 7 :

relief even by Hon'ble High Court/SC, the IO in a way has granted implied anticipatory bail to such two co-accused by his such inaction. As such, prima facie conduct of the IO is not above board.

As such, a copy of this order be sent to DCP concerned for his information and necessary action against such IO. Such copy be sent through Naib court. Naib court to file report regarding service of such copy to the Worthy DCP within one week. Further, a copy of this order be also sent to the Ilaka MM of PS Rajinder Nagar for his information. Ahlmad is directed to do the needful accordingly.

16. Learned counsel for the applicant / accused is at liberty to collect the order through electronic mode. Copy of this order be also sent to Jail Superintendent concerned through electronic mode.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.12.15
19:21:17 +05'30'

(Naveen Kumar Kashyap)
Additional Sessions Judge-04
Central/THC/Delhi
15.12.2020

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

Bail Application No.: 2081/2020

State v. Amit Kansal

FIR no. : 263/2020

PS: Prashad Nagar

U/S: 364A IPC

15.12.2020

Present: Mr. Pawan Kumar, Learned Addl. PP for State through
VC.
None for accused.

Arguments already heard. Today the case was fixed for orders.

Vide this order, the application u/s 438 Cr.PC dated 04/12/2020 for grant of anticipatory bail to the accused Amit Kansal is disposed off.

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

At this stage it may be noted that in the case of **Bhadresh Bipinbhai Sheth Vs. State Of Gujarat & Another**(Criminal Appeal Nos. 1134-1135 Of 2015, Arising Out Of Special Leave Petition (Crl.) Nos. 6028-6029 Of 2014), Hon'ble SC discussed and reviews the law relating to section 438 Cr.P.C.

A judgment which needs to be pointed out is a Constitution Bench Judgment of this Court in the case Gurbaksh Singh Sibbia and Other vs. State of Punjab(1980 AIR 1632 ; 1980 SCR(3) 383), The Constitution Bench in this case emphasized that provision of anticipatory bail enshrined in [Section 438](#) of the Code is conceptualised under [Article 21](#) of the Constitution which relates to personal liberty. Therefore, such a provision calls for liberal interpretation of [Section 438](#) of the Code in light of [Article 21](#) of the Constitution. The Code explains that an anticipatory bail is a pre- arrest legal process which directs that if the person in whose

State v. Amit Kansal
FIR no. : 263/2020
PS: Prashad Nagar
U/S: 364A IPC

favour it is issued is thereafter arrested on the accusation in respect of which the direction is issued, he shall be released on bail. The distinction between an ordinary order of bail and an order of anticipatory bail is that whereas the former is granted after arrest and therefore means release from the custody of the police, the latter is granted in anticipation of arrest and is therefore, effective at the very moment of arrest. A direction under [Section 438](#) is therefore intended to confer conditional immunity from the 'touch' or confinement contemplated by [Section 46](#) of the Code. The essence of this provision is brought out in the following manner:

“26. We find a great deal of substance in Mr Tarkunde’s submission that since denial of bail amounts to deprivation of personal liberty, the court should lean against the imposition of unnecessary restrictions on the scope of [Section 438](#), especially when no such restrictions have been imposed by the legislature in the terms of that section. [Section 438](#) is a procedural provision which is concerned with the personal liberty of the individual, who is entitled to the benefit of the presumption of innocence since he is not, on the date of his application for anticipatory bail, convicted of the offence in respect of which he seeks bail. An over-generous infusion of constraints and conditions which are not to be found in [Section 438](#) can make its provisions constitutionally vulnerable since the right to personal freedom cannot be made to depend on compliance with unreasonable restrictions. The beneficent provision contained in [Section 438](#) must be saved, not jettisoned. No doubt can linger after the decision in [Maneka Gandhi v. Union of India](#), (1978) 1 SCC 248, that in order to meet the challenge of [Article 21](#) of the Constitution, the procedure established by law for depriving a person of his liberty must be fair, just and reasonable. [Section 438](#), in the form in which it is conceived by the legislature, is

open to no exception on the ground that it prescribes a procedure which is unjust or unfair. We ought, at all costs, to avoid throwing it open to a Constitutional challenge by reading words in it which are not to be found therein.”

Though the Court observed that the principles which govern the grant of ordinary bail may not furnish an exact parallel to the right to anticipatory bail, still such principles have to be kept in mind, namely, the object of bail which is to secure the attendance of the accused at the trial, and the proper test to be applied in the solution of the question whether bail should be granted or refused is whether it is probable that the party will appear to take his trial. Otherwise, bail is not to be withheld as a punishment. The Court has also to consider whether there is any possibility of the accused tampering with evidence or influencing witnesses etc. Once these tests are satisfied, bail should be granted to an under trial which is also important as viewed from another angle, namely, an accused person who enjoys freedom is in a much better position to look after his case and to properly defend himself than if he were in custody. Thus, grant or non-grant of bail depends upon a variety of circumstances and the cumulative effect thereof enters into judicial verdict. The Court stresses that any single circumstance cannot be treated as of universal validity or as necessarily justifying the grant or refusal of bail. After clarifying this position, the Court discussed the inferences of anticipatory bail in the following manner:

“31. In regard to anticipatory bail, if the proposed accusation appears to stem not from motives of furthering the ends of justice but from some ulterior motive, the object being to injure and humiliate the applicant by having him arrested, a direction for the release of the applicant on bail in the event of his arrest would generally be made. On the other hand, if it appears likely, considering the antecedents of the applicant,

that taking advantage of the order of anticipatory bail he will flee from justice, such an order would not be made. But the converse of these propositions is not necessarily true. That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and, equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the State" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail. The relevance of these considerations was pointed out in [The State v. Captain Jagjit Singh](#), AIR 1962 SC 253 : (1962) 3 SCR 622 : (1962) 1 Cri LJ 216, which, though, was a case under the old [Section 498](#) which corresponds to the present [Section 439](#) of the Code. It is of paramount consideration to remember that the freedom of the individual is as necessary for the survival of the society as it is for the egoistic purposes of the individual. A person seeking anticipatory bail is still a free man entitled to the presumption of innocence. He is willing to submit to restraints on his freedom, by the acceptance of conditions which the court may think fit to impose, in consideration of the assurance that if arrested, he shall be enlarged on bail."

It is pertinent to note that while interpreting the expression "may,

State v. Amit Kansal
FIR no. : 263/2020
PS: Prashad Nagar
U/S: 364A IPC

if it thinks fit” occurring in [Section 438\(1\)](#) of the Code, the Court pointed out that it gives discretion to the Court to exercise the power in a particular case or not, and once such a discretion is there merely because the accused is charged with a serious offence may not by itself be the reason to refuse the grant of anticipatory bail if the circumstances are otherwise justified. At the same time, it is also the obligation of the applicant to make out a case for grant of anticipatory bail. But that would not mean that he has to make out a “special case”. The Court also remarked that a wise exercise of judicial power inevitably takes care of the evil consequences which are likely to flow out of its intemperate use.

Another case to which can be referred to is the judgment of a Division Bench of this Court in the case of [Siddharam Satlingappa Mhetre v. State of Maharashtra and Others](#)(SLP(CRL.) 7615/2009 DATED 02-12-2021).This case lays down an exhaustive commentary of [Section 438](#) of the Code covering, in an erudite fashion, almost all the aspects and in the process relies upon the aforesaid Constitution Bench judgment in Gurbaksh Singh's case. In the very first para, the Court highlighted the conflicting interests which are to be balanced while taking a decision as to whether bail is to be granted or not, as is clear from the following observations:

“1.This appeal involves issues of great public importance pertaining to the importance of individual's personal liberty and the society's interest. Society has a vital interest in grant or refusal of bail because every criminal offence is the offence against the State. The order granting or refusing bail must reflect perfect balance between the conflicting interests, namely, sanctity of individual liberty and the interest of the society. The law of bails dovetails two conflicting interests, namely, on the one hand, the requirements of shielding society from the hazards of those committing crimes and potentiality of repeating the same

crime while on bail and on the other hand, absolute adherence to the fundamental principle of criminal jurisprudence regarding presumption of innocence of an accused until he is found guilty and the sanctity of individual liberty.....”

The principles which can be culled out can be stated as under:

(i) The complaint filed against the accused needs to be thoroughly examined, including the aspect whether the complainant has filed a false or frivolous complaint on earlier occasion. If the connivance between the complainant and the investigating officer is established then action be taken against the investigating officer in accordance with law.

(ii) The gravity of charge and the exact role of the accused must be properly comprehended. Before arrest, the arresting officer must record the valid reasons which have led to the arrest of the accused in the case diary. In exceptional cases, the reasons could be recorded immediately after the arrest, so that while dealing with the bail application, the remarks and observations of the arresting officer can also be properly evaluated by the court.

(iii) It is imperative for the courts to carefully and with meticulous precision evaluate the facts of the case. The discretion to grant bail must be exercised on the basis of the available material and the facts of the particular case. In cases where the court is of the considered view that the accused has joined the investigation and he is fully cooperating with the investigating agency and is not likely to abscond, in that event, custodial interrogation should be avoided. A great ignominy, humiliation and disgrace is attached to arrest. Arrest leads to many serious consequences not only for the accused but for the entire family and at times for the entire community. Most people do not make any distinction between arrest at a pre-conviction stage or post-conviction stage.

(iv) There is no justification for reading into Section 438 CrPC the limitations mentioned in Section 437 CrPC. The plentitude of Section 438 must be given its full play. There is no requirement that the accused must make out a “special case” for the exercise of the power to grant anticipatory bail. This virtually, reduces the salutary power conferred by Section 438 CrPC to a dead letter. A person seeking anticipatory bail is still a free man entitled to the presumption of innocence. He is willing to submit to restraints and conditions on his freedom, by the acceptance of conditions which the court may deem fit to impose, in consideration of the assurance that if arrested, he shall be enlarged on bail.

(v) The proper course of action on an application for anticipatory bail ought to be that after evaluating the averments and accusations available on the record if the court is inclined to grant anticipatory bail then an interim bail be granted and notice be issued to the Public Prosecutor. After hearing the Public Prosecutor the court may either reject the anticipatory bail application or confirm the initial order of granting bail. The court would certainly be entitled to impose conditions for the grant of anticipatory bail. The Public Prosecutor or the complainant would be at liberty to move the same court for cancellation or modifying the conditions of anticipatory bail at any time if liberty granted by the court is misused. The anticipatory bail granted by the court should ordinarily be continued till the trial of the case.

(vi) It is a settled legal position that the court which grants the bail also has the power to cancel it. The discretion of grant or cancellation of bail can be exercised either at the instance of the accused, the Public Prosecutor or the complainant, on finding new material or circumstances at any point of time.

(vii) In pursuance of the order of the Court of Session or the High Court, once the accused is released on anticipatory bail by the trial court, then it

would be unreasonable to compel the accused to surrender before the trial court and again apply for regular bail.

(viii) Discretion vested in the court in all matters should be exercised with care and circumspection depending upon the facts and circumstances justifying its exercise. Similarly, the discretion vested with the court under [Section 438 CrPC](#) should also be exercised with caution and prudence. It is unnecessary to travel beyond it and subject the wide power and discretion conferred by the legislature to a rigorous code of self-imposed limitations.

(ix) No inflexible guidelines or straitjacket formula can be provided for grant or refusal of anticipatory bail because all circumstances and situations of future cannot be clearly visualised for the grant or refusal of anticipatory bail. In consonance with legislative intention, the grant or refusal of anticipatory bail should necessarily depend on the facts and circumstances of each case.

(x) The following factors and parameters that need to be taken into consideration while dealing with anticipatory bail:

(a) The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made;

(b) The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a court in respect of any cognizable offence;

(c) The possibility of the applicant to flee from justice;

(d) The possibility of the accused's likelihood to repeat similar or other offences;

(e) Where the accusations have been made only with the object of

injuring or humiliating the applicant by arresting him or her;

(f) Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people;

(g) The courts must evaluate the entire available material against the accused very carefully. The court must also clearly comprehend the exact role of the accused in the case. The cases in which the accused is implicated with the help of [Sections 34](#) and [149](#) of the Penal Code, 1860 the court should consider with even greater care and caution, because over implication in the cases is a matter of common knowledge and concern;

(h) While considering the prayer for grant of anticipatory bail, a balance has to be struck between two factors, namely, no prejudice should be caused to free, fair and full investigation, and there should be prevention of harassment, humiliation and unjustified detention of the accused;

(i) The Court should consider reasonable apprehension of tampering of the witness or apprehension of threat to the complainant;

(j) Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to an order of bail.

In the present case, it is argued on behalf of accused by the learned Senior counsel that no allegation against the present accused even in the 164 Cr.PC statement of the victim. That infact ingredients of section 364 A IPC are not satisfied at all. There is no external injury found on the victim Mukesh; that accused / applicant is a law abiding citizen working

in a private company; that he went to Meerut only for his treatment. That he is not staying with his parents for the last 12 years. That victim was not taken to Meerut against his will. Infact victim owe money to the accused side and he had dealing with Nitin Kansal, brother of applicant; that Mukesh / victim himself offered Jewelry of his wife as he was unable to pay back the money to Nitin Kansal. It is highly improbable that after kidnapping accused side would keep the victim in their own house. Further certain case law are also relied by the counsel for applicant. As such, it is prayed that accused be released on bail in the event of his arrest by the IO / SHO concerned.

On the other hand, reply filed by the IO SI Sanjay Kumar as also argued by learned Addl.PP for the State that there are specific allegations regarding section 364A IPC in the present case; that wife of victim received call from her husband to arrange 2-3 lacs rupees in cash or otherwise arrange jewelry for the same value or handing over the co-accused Pankaj Goel; that main accused Nitin Kansal was arrested and further Pankaj Goel was also arrested and jewelry and cheque book of victim were recovered. That there are videos in which Nitin Kansal is beating the victim regarding the present offence; present accused actively provided assistance to his brother. Further, friends of present accused actively participated in the crime at the instance of present accused. There is CDR supporting such facts; that present accused kept watch on victim Mukesh when he was kept in house on 06/10/2020.

Prima facie for the purpose of present case, it can be seen that definition of abduction as defined in section 362 IPC is satisfied ,as otherwise the natural place of residence of victim is not Meerut. Further section 364A IPC also punishes the person *who keeps* a person in detention after such kidnapping or abduction. As per investigation, present accused kept a watch over the victim after such abduction. Further, the wife of victim infact handed over the jewelry to the co-accused as part of

such offence. Further there is a video footage also ,given by IO , about the ill treatment given to the victim. In this background, having regard to the nature of offence, incriminating evidence against the present accused, it does not appear that allegations against him are baseless. Under these circumstances, this court is not inclined to grant them the relief sought in the present application. **With these observations present application is dismissed.**

Copy of this order be given to applicant as well as a copy be sent to IO/SHO concerned through electronic mode. Copy of this order be sent to Jail Superintendent concerned through electronic mode.

The observations made in the present bail application order are for the purpose of deciding of present application and do not affect the factual matrix of the investigation of the present case which is separate issue as per law.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.12.15
19:22:09 +05'30'

(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
Central Distt/Delhi
15.12.2020

BAIL APPLICATION.: 2021/2020

**State v. Abdullah
FIR no.: 212/2020
PS: Sarai Rohilla**

15.12.2020

Present: Sh. Pawan Kumar, Ld. Addl. PP for the state through VC.
Sh. Hari Dutt Sharma, LAC for applicant/accused through VC.

Reply filed by IO.

Part arguments in detail heard.

Put up for further arguments and appropriate orders including whether the case is already committed to Sessions or not, on 21.12.2020.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.12.15
19:26:17 +05'30'

**(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
15.12.2020**

BAIL APPLICATION.: 2108/2020 & 2107/2020

State v. Rajni Ahuja And Sameer Gupta

FIR no.: 56/2018

PS: Rajinder Nagar

15.12.2020

Present: Sh. Pawan Kumar, Ld. Addl. PP for the state through VC.
Sh. Deepankar Dutt Sharma, Ld. Counsel for applicant/accused through VC.
Insp. Parveen also present through VC.

Part arguments in detail heard.

It is claimed that alleged Rs. 8 lacs in question are already handed over to Renu ,the alleged seller of the property.

Issue notice to complainant of this FIR Smt. S. Swaroop Tripathi through IO for next date of hearing. Further, issue notice to IO also.

IO states that addresses of the accused persons are not latest addresses. On the other hand, it is submitted by counsel for such applicant that it is given in the affidavit by the accused persons. IO to verify such addresses of the accused also and file report on record. Further, both accused are directed to join the investigation as and when so directed by IO , including at 1 pm tomorrow.

It is stated by Ld. Counsel for accused side that accused Sameer Gupta is not able to join tomorrow. As such he can join on 19/012/2020 at 1 p.m. .But he is directed to atleast furnish his mobile to IO tomorrow by electronic mode.

Further, both accused are directed to provide their mobile number to IO/SHO and keep its GPS location “on” at all the times till next date of hearing

As such in the meanwhile, IO is directed not to take any coercive steps against the accused provided that he join the investigation as and when directed by the IO. Put up on 11.01.2021.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.12.15
19:26:38 +05'30'

(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
15.12.2020

M.Crl.: 216/2020

**State v. Amit Nath Saini
FIR no.: 193/2012
PS: Sarai Rohilla**

15.12.2020

Present: Sh. Pawan Kumar, Ld. Addl. PP for the state through VC.
Sh. Deepak Singh Thakur, Ld. Counsel for applicant Maheshwari and
Kamlesh Saini through VC.

This is an application for release of FDR as matter is now already
quashed by Hon'ble High Court. Let original record be called from record room.

Steps be taken by tomorrow.

Put up for 18.12.2020 for further appropriate proceedings.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.12.15
19:26:50 +05'30'

**(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
15.12.2020**

BAIL APPLICATION.: 2146/2020

**State v. Titari
FIR no.: 317/2020
PS: Lahori Gate**

15.12.2020

Present: Sh. Pawan Kumar, Ld. Addl. PP for the state through VC.
Ld. Counsel for applicant/accused through VC.

It appears that this is the second anticipatory bail application despite fact that earlier bail application is pending.

**Put up for appropriate orders/action against applicant for
08.01.2021.**

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.12.15
19:27:04 +05'30'

**(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
15.12.2020**

BAIL APPLICATION.:2148/2020

**State v. Sonu
FIR no.: 479/2020
PS: Sarai Rohilla**

15.12.2020

Present: Sh. Pawan Kumar, Ld. Addl. PP for the state through VC.
Sh. Zia Afroz, Ld. Counsel for applicant/accused through VC.
IO SI Vikas Tomar also present through VC.

Reply filed by IO.

Arguments heard.

Put up for orders on 16.12.2020.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.12.15
19:27:18 +05'30'

**(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
15.12.2020**

BAIL APPLICATION.:1893/2020

**State v. Ajab Singh
FIR no.: 436/2018**

15.12.2020

Present: Sh. Pawan Kumar, Ld. Addl. PP for the state through VC.
Sh. Deepak Kumar Mishra, Ld. Counsel for applicant/accused through
VC.

Arguments heard in detail on this regular bail application.

Put up for orders/clarifications on 17.12.2020.

NAVEEN Digitally signed
KUMAR by NAVEEN
KASHYAP KUMAR KASHYAP
Date: 2020.12.15
19:27:32 +05'30'

**(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
15.12.2020**

Bail Matters No.: 914/2020
State Vs Shakir, Fazar Mohd., Sukha @ Imran Khan, & Ajit @ Aziz
FIR No.:84/2019
PS: I.P. Estate

15/12/2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. Narender Prakash, learned counsel for applicants through VC.
None for the complainant.

Part arguments heard.

It is claimed by the counsel for the applicants that as per his information chargesheet is now filed against such accused persons.

Heard.

As such, issue notice to IO to appear with case file on the next date of hearing to confirm this fact as well as for further arguments and disposal of these bail applications accordingly.

Put up for 08/01/2021.

NAVEEN Digitally signed
KUMAR by NAVEEN
KASHYAP KUMAR KASHYAP
Date: 2020.12.15
19:28:25 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/15.12.2020

V.K. Jain Vs State
Application for cancellation of bail
FIR No.:84/2019
PS: I.P. Estate

15/12/2020

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

This is an application for cancellation of bail granted to accused Mst. Waziran.

Put up for appearance of complainant and for appropriate orders for

08/01/2021.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.12.15
19:28:43 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/15.12.2020

**Bail Matters No.: 1020/2020
State Vs Inder Prakash and Anr
FIR No.:368/2019
PS: Sarai Rohilla**

15/12/2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. Shashank Singh, learned counsel for applicant through VC.
Mr. Sanjeev Kumar, learned counsel for complainant through VC.
IO SI Vikas in person through VC.

As per IO, complainant as well as accused did not respond timely for compliance of the last order. Such fact is disputed by both the parties. But in any case, put up for compliance of previous order. Complainant and accused are directed to contact IO for recovery of undisputed articles and otherwise on 26/12/2020 at 1:00 PM.

Put up for further arguments and appropriate orders on the present bail application for 09/01/2021.

NAVEEN KUMAR KASHYAP
Digitally signed
by NAVEEN
KUMAR KASHYAP
Date: 2020.12.15
19:28:58 +05'30'
(Naveen Kumar Kashyap)
ASJ-04/Central/15.12.2020

**Bail Matters No.: 1287, 1289 & 1290/2020,
State Vs Rajeev Sharma, Ashok Kumar Sharma & Krishna Sharma @ Krishna Devi
FIR No.:180/2019
PS: Rajinder Nagar**

15/12/2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. Ashu Bhatia, learned counsel for the applicants / accused through VC.
Mr. Sanjeev Sharma, learned counsel for the complainant through VC.

It is stated by the parties that settlement has not processed.

As such, put up for purpose fixed / further appropriate proceedings on merit for
09/01/2021. Interim protection, if any, to continue in terms of previous orders till the next date
of hearing only.

NAVEEN
KUMAR
KASHYAP
(Naveen Kumar Kashyap)
ASJ-04/Central/15.12.2020

Digitally signed
by NAVEEN
KUMAR KASHYAP
Date: 2020.12.15
19:29:14 +05'30'

Bail Matters No.: 1963/2020
State Vs Gaurav Yadav
FIR No.:174/2020
PS: Rajinder Nagar

15/12/2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Learned counsel for the applicant / accused through VC.

Reply filed by the IO despite issuance of Court notice.

As such, issue show cause notice to IO through DCP concerned to explain as to why reply not filed today for the next date of hearing.

Put up for **09/01/2020**.

NAVEEN
KUMAR
KASHYAP
Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.12.15
19:29:29 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/15.12.2020

Bail Matters No.: 2149/2020
State Vs Upender
FIR No.: 317/2020
PS: Lahori Gate

15/12/2020

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

None for the applicant / accused.

Put up with the connected matter for 08/01/2021.

NAVEEN Digitally signed
by NAVEEN
KUMAR KASHYAP
Date: 2020.12.15
19:29:43 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/15.12.2020

Bail Matters No.: 2151/2020
State Vs Vikram @ Vicky
FIR No.: 379/2020
PS: Karol Bagh

15/12/2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. Abhishek Kumar, learned counsel for the applicant through VC.

Reply filed by the IO.

Arguments heard.

Put up for orders / clarification, if any, for **16/12/2020**.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.12.15
19:29:59 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/15.12.2020

Bail Matters No.: 2152/2020
State Vs Varun Walia
FIR No.: 349/2020
PS: Lahori Gate

15/12/2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. Chander Maini, learned counsel for the applicant / accused through VC.
Mr. Rajesh Baweja, learned counsel for complainant through VC.

Arguments in detail heard for over one hour from all the sides.
Reply already filed by the IO.

Further certain papers / documents are e-mailed by the counsel for the complainant.

Issue notice to IO to appear in person with case file and explain regarding money trail / payment in question through Bank channel or otherwise by the next date of hearing.

In the meanwhile, IO is directed not to take any coercive action against the applicant / accused provided that he will fully cooperate with the investigation regarding money received in question.

Put up for 22/12/2020 at 2:00 PM.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.12.15
19:32:00 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/15.12.2020

Bail Matters No.: 2150/2020
State Vs Rasheed Ahmad
FIR No.: 242/2020
PS: Darya Ganj

15/12/2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. Manish Batra, learned counsel for applicant through VC.

IO also present through VC.

Reply filed. Copy supplied.

Arguments in detail heard.

IO seeks sometime to place on record the footage of cctv footage in question.

Put up for placing on record the same, clarification, if any, and for appropriate orders for **16/12/2020**.

NAVEEN
KUMAR
KASHYAP

Digitally signed by NAVEEN
KUMAR KASHYAP
Date: 2020.12.15 19:32:22
+05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/15.12.2020

**Bail Matters No.: 2105/2020
State Vs Vijay Kumar
FIR No.: 522/2020
PS: Karol Bagh**

15/12/2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. Ghanshyam Sharma, learned counsel for the applicant through VC.

Reply filed.

Arguments in detail heard.

Put up for orders at 4:00 PM.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.12.15
19:32:51 +05'30'

**(Naveen Kumar Kashyap)
ASJ-04/Central/15.12.2020**

At 4:00 PM

Certain clarifications is required as it is stated by the learned Addl.PP for the State that apart from section 307 IPC, there are allegations regarding other offences including regarding robbery.

As such, issue notice to IO for the next date of hearing.

Put up for further reply, arguments and appropriate orders for

17/01/2021.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.12.15
19:33:05 +05'30'

**(Naveen Kumar Kashyap)
ASJ-04/Central/15.12.2020**

Bail Matters No.: 1685/2020
State Vs Sanjeev Pahwa
FIR No.: 354/2017
PS: Prashad Nagar

15/12/2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. Sunil Kapoor, learned counsel for applicant through VC.

Learned counsel for complainant.

Further arguments in detail heard.

It is stated that main counsel is suffering from Corona.

Issue notice to IO to appear with case file on the next date of hearing.

Put up for **11/01/2021**. In the meanwhile, interim protection, if any, be granted
till the next date of hearing only.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.12.15
19:33:20 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/15.12.2020

State Vs Adil @ Shahzada
(Application for bail of Adil @ Shahzada)
FIR No. 20/2015
P. S. Kamla Market

15.12.2020

This Court is also discharging bail roster duty.

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.
Proxy counsel for the applicant / accused through VC.
IO inspector Sohram in person through IO.

Main counsel for accused is not available. As such, adjournment is sought.

Heard. Allowed.

Put up for arguments for 11/01/2021.

NAVEEN
KUMAR
KASHYAP

Digitally signed by NAVEEN
KUMAR KASHYAP
Date: 2020.12.15 19:34:22
+05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/15.12.2020

State Vs Rakesh @ Sonu & others
(Application for bail of Hamid Ul Islam)
FIR No. 1227/2016
P. S. NDRS

15.12.2020

This Court is also discharging bail roster duty.

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.
Mr. S.N. Shukla, learned LAC for applicant through VC.

This is an application seeking regular bail filed through DLSA.

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

Put up for reply, arguments and appropriate orders for 11/01/2021.

NAVEEN KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR KASHYAP
Date: 2020.12.15 19:34:42
+05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/15.12.2020

**State Vs Shankar Kumar Jha 2 Moment @ Vikas
(Application for bail of Varun @ Tarun)
FIR No. 14/2019
P. S. Subzi Mandi**

15.12.2020

This Court is also discharging bail roster duty.

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

Mr. Shailendra Mishra, learned counsel for applicant / accused through VC.

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

Put up for reply, arguments and appropriate orders for 11/01/2021.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.12.15
19:34:57 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/15.12.2020

State Vs Ashutosh Mishra
(Application for Alteration of charge of Rizwan)
FIR No. 535/2014
P. S. Roop Nagar

15.12.2020

This Court is also discharging bail roster duty.

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

None for applicant / accused.

Put up for appearance of counsel for applicant / accused and arguments on merit for the next regular hearing date i.e. **02/02/2021** on this present application.

NAVEEN
KUMAR
KASHYAP
(Naveen Kumar Kashyap)
ASJ-04/Central/15.12.2020

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.12.15
19:35:17 +05'30'

**State Vs Sunder & others
(Application for Ranjeet @ Nandu)
FIR No. 252/2016
P. S. Kotwali**

15.12.2020

This Court is also discharging bail roster duty.

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

None for applicant.

Put up for appearance of counsel for applicant and for appropriate orders

for 27/01/2021.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.12.15
19:35:35 +05'30'

**(Naveen Kumar Kashyap)
ASJ-04/Central/15.12.2020**

**State Vs Zuhaid @ Makku @ Danish
(Application for bail of Zuhaid)
FIR No. 170/2019
P. S. Lahori Gate**

15.12.2020

This Court is also discharging bail roster duty.

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

**Put up for appearance of counsel for applicant and for appropriate orders
for 27/01/2021.**

NAVEEN
KUMAR
KASHYAP
(Naveen Kumar Kashyap)
ASJ-04/Central/15.12.2020

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.12.15
19:35:49 +05'30'

State Vs Ajay Sharma & others
(Application for extension of IB of Deepak @ Bunty)
FIR No. 506/2015
P. S.Nabi Karim

15.12.2020

This Court is also discharging bail roster duty.

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

None for applicant.

**Put up for appearance of counsel for applicant and for appropriate orders
for 27/01/2021.**

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.12.15
19:36:04 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/15.12.2020

State Vs Gaurav Chauhan & others
(Application for bail bond of Ankur Singh)
FIR No. 199/2009
P. S. Kashmere Gate

15.12.2020

This Court is also discharging bail roster duty.

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.
Counsel for applicant not present.

Reply filed by the IO.

Put up for consideration / appropriate orders for 18/12/2020.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.12.15
19:36:29 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/15.12.2020

State Vs Mohd. Kadir
(Application for modification of order)
FIR No. 364/2014
P. S. Sadar Bazar

15.12.2020

This Court is also discharging bail roster duty.

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.
Mr. S.N. Shukla, learned LAC for applicant through VC.

This is an application for modification of bail bond condition.

Heard.

Put up with the case file for 18/12/2020.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.12.15
19:36:45 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/15.12.2020

State Vs Gaurav Chauhan
(Application for bail of Sahi Ram)
FIR No. 199/2009
P. S. Kashmere Gate

15.12.2020

This Court is also discharging bail roster duty.

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.
Mr. Lokesh Chandra, learned counsel for applicant through VC.

Reply filed by the IO.

Arguments in detail heard.

Put up for orders / clarification, if any, for 16/12/2020.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.12.15
19:37:08 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/15.12.2020

State Vs Pramod & others
(Application for replacement of surety of Deepak)
FIR No. 485/2014
P. S.Timar Pur

15.12.2020

This Court is also discharging bail roster duty.

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.
Mr. Saurav Singh, learned counsel for applicant through VC.

At request, put up for arguments and appropriate orders for 18/12/2020.

NAVEEN
KUMAR
KASHYAP

Digitally signed by NAVEEN
KUMAR KASHYAP
Date: 2020.12.15 19:37:25
+05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/15.12.2020

State Vs Pramod & others
(Application for bail bond of Deepak Singh)
FIR No. 485/2014
P. S.Timar Pur

15.12.2020

This Court is also discharging bail roster duty.

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.
Mr. Saurav Singh, learned counsel for applicant through VC.

At request, put up for arguments and appropriate orders for 18/12/2020.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.12.15
19:37:43 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/15.12.2020

CA: 71/2020
Amit Dhamija v. Shilpi

15.12.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

Undersigned is also discharging work of Bail Roster duty.

Present: Sh. Aman Bajaj, Ld. Counsel for Appellant Amit Dhamija through VC.

Put up for consideration/compliance of previous order/appropriate proceedings for 23.04.2021.

NAVEEN KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR KASHYAP
Date: 2020.12.15 19:38:50
+05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/15.12.2020

SC: 23/2020
State v. Rakesh
FIR no.: 236/2019
PS: Subzi Mandi

15.12.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

Undersigned is also discharging work of Bail Roster duty.

Present: Sh. Pawan Kumar, Ld. Addl. PP for the state through VC.
Sh. Shivender Singh, Ld. Counsel for accused no.1 Rakesh, who is stated to be in JC, through VC.
Sh. S.N. Shukla, LAC for accused no. 2 and 3 who are stated to be on bail, through VC.

Put up for purpose fixed/further arguments for 23.04.2021.

NAVEEN KUMAR
KASHYAP

Digitally signed by NAVEEN
KUMAR KASHYAP
Date: 2020.12.15 19:39:21
+05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/15.12.2020

Accused Rakesh S/o Shanker Lal is produced from JC through VC through VC. He is apprised of next date of hearing.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.12.15
19:39:35 +05'30'

Naveen Kumar Kashyap)
ASJ-04/Central/15.12.2020

SC: 67/2018
State v. Narender kumar
FIR no.: 127/2017
PS: Hauz Qazi

15.12.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

Undersigned is also discharging work of Bail Roster duty.

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

None for accused.

PW Thakur Dass is present through VC.

Issue P/W against accused, if any in JC for next date.

Put up for appearance and purpose fixed on 23.04.2021.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.12.15
19:39:49 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/15.12.2020

SC: 511/2018
State v. Ritesh @ Kapil
FIR no.: 113/2018
PS: Pahar Ganj

15.12.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

Undersigned is also discharging work of Bail Roster duty.

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

Issue P/W against accused, if any in JC for next date.

Put up for appearance and purpose fixed on 23.04.2021.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.12.15
19:40:03 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/15.12.2020

At this stage,

Accused Ritesh is produced from JC through VC. He is apprised of next date of hearing.

NAVEEN
KUMAR
KASHYAP

Digitally signed by NAVEEN
KUMAR KASHYAP
Date: 2020.12.15 19:40:18
+05'30'

Naveen Kumar Kashyap)
ASJ-04/Central/15.12.2020

SC:28612/2016
State v. Gaurav Chauhan
FIR no.: 199/2009
PS: Kashmere Gate

15.12.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

Undersigned is also discharging work of Bail Roster duty.

Present: Sh. Pawan Kumar, Ld. Addl. PP for the state through VC.
Sh. Rajesh Kaushik, Ld. Proxy counsel for accused Gaurav and Ankur through VC.
Accused Gaurav is present through VC.
Accused Ankur is present physically in the court.
Sh. Lokesh Chandra, Ld. Counsel for accused Sahi Ram through VC.

Put up for final arguments in terms of previous order for 20.02.2021

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.12.15 19:40:35
+05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/15.12.2020

CA: 329/2018
H.S. Chaudhary v. The State

15.12.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

Undersigned is also discharging work of Bail Roster duty.

Present: None.

Put up for purpose fixed/appearance for 24.04.2021.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.12.15
19:40:49 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/15.12.2020

CA: 71/2019
Shyam Sunder Gupta v. Jail Mohan

15.12.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

Undersigned is also discharging work of Bail Roster duty.

Present: Sh. Neeraj Gupta, Ld. Counsel for Appellant through VC.
Respondent in person through VC.

Put up for compliance/appropriate orders on physical hearing day on

18.12.2020.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.12.15
19:41:04 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/15.12.2020

CA: 72/2019
Shyam Sunder Gupta v. Jail Mohan

15.12.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

Undersigned is also discharging work of Bail Roster duty.

Present: Sh. Neeraj Gupta, Ld. Counsel for Appellant through VC.
Respondent in person through VC.

Put up for compliance/appropriate orders on physical hearing day on

18.12.2020.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.12.15
19:41:20 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/15.12.2020

CrI. Rev.: 565/2019
Imran Ghauri v. Md. Israil & Ors.

15.12.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

Undersigned is also discharging work of Bail Roster duty.

Present: Sh. Mukesh Kumar, Ld. Counsel for Revisionist through VC.
None for respondent.

Put up for further arguments and appearance of respondent for

25.01.2021.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.12.15
19:41:36 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/15.12.2020

SC: 687/2017
State v. Shahnawaj @ Shanu
FIR no.: 25/2017
PS: Maurice Nagar

15.12.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

Undersigned is also discharging work of Bail Roster duty.

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

Put up for consideration/appropriate orders for 18.12.2020.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.12.15
19:41:52 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/15.12.2020

CA: 160/2020
Dharmender @ Ishan v. The State

15.12.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

Undersigned is also discharging work of Bail Roster duty.

Present: Sh. Mehkar Singh, Ld. Counsel for Appellant through VC.

Put up for arguments in terms of previous order for 24.04.2021.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.12.15
19:42:09 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/15.12.2020