

FIR No.: 193/2020
PS Prasad Nagar
U/s 307/34 IPC
State vs Himanshu Chahal

12.10.2020

Today this court is holding physically hearing as per directions. One of the steno is quarantined.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Ld. Counsel for accused through VC.
IO ACP Krishan Lal through VC.

Part arguments in detail heard.

Put up for further arguments on physical day.

IO/ ACP concerned is directed to bring case file on the next date of hearing and to appear in person for **16.10.2020**. Further, the trial court record be also summoned from the court of Ms. Geeta, Ld. MM of **FIR No. 193/19**. Ahlmad is directed to do the needful accordingly.

In the meanwhile, in view of the circumstances, interim order to continue till next date of hearing only.

(Naveen Kumar Kashyap)
ASJ-04/Central/12.10.2020

Bail Application

Bail Matters No.: 1475/2020
State Vs Pankaj Kumar Nagar s/o Arvind Kumar
FIR No. : 289/2018
PS: Prasad Nagar
U/S: 307, 341 IPC

12/10/2020

this Court is discharging bail roster duty also. Further, this court is also discharging duties as 1st Link of Bail roster Judge.

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State.
Mr. Virender Singh, learned counsel for Accused in person.
ASI Sunil Kumar on behalf of IO Ram Avtar in person.

Vide this order, the second regular bail application dated 06/10/2020 under section 439 Cr.P.C. on behalf of accused filed through counsel is disposed of.

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

The personal liberty is a priceless treasure for a human being. It is founded on the bed rock of constitutional right and accentuated further on human rights principle. The sanctity of liberty is the fulcrum of any civilized society. Deprivation of liberty of a person has enormous impact on his mind as well as body. Further article 21 Of the Constitution mandates that no person shall be deprived of his life or personal liberty except according to procedure established by law. Further India is a signatory to the International Covenant On Civil And Political Rights, 1966 and, therefore, Article 21 of the Constitution has to be understood in the light of the International Covenant On Civil

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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

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U/S: 307, 341 IPC

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.

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Court is not required to undertake meticulous examination of evidence while granting or refusing bail u/s 439 of the CrPC.

In the present case, it is submitted on behalf of the accused that police official in collusion with one person namely Keshav Kumar has falsely implicated the present accused in present case; that FIR is of the year 2018 and there is no incriminating evidence against him and he was not even present at the place of incident in question. That police has wrongly claimed that he is absconding in the present case. That there is malafide intention on the part of police officials. That real uncle of complainant is in Delhi Police posted at DCP office and due to his influence, such Keshav Kumar who is BC of the area is clear and the present accused is falsely implicated. That he has roots in the society. That even as per the FIR the assault is by some unknown person. That investigation is already complete. That he himself surrendered to the Ilaka Magistrate as police has given his wrong address due to which he was wrongly declared as PO in the present case. It is further stated that no purpose would be served by keeping him in JC.

On the other hand, in reply filed by the IO as also argued by the learned Addl.PP for the state, that it is the accused who has committed the offence in question; that he was not traceable as such even he is declared PO by the court concerned; that he wrongly claimed his name as Keshav to mislead the victim and police. As such, present bail application is strongly opposed. It is further clarified that on the date of incident the such other real Keshav was at his home and not at the place of incident as per the investigation made so far.

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

There are serious and specific allegations against the

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accused. Not only that as per the investigation carried out, it is found that at the time of committing such offence in question, present accused wrongly named himself as Keshav to the victim. The victim has identified the present accused as the assailant in question. Further, he was declared PO during investigation. As such, this court is not inclined to grant bail to the accused at this stage.

With these observations present bail application is disposed of as dismissed. Further, both the sides are at liberty to collect the order through electronic mode. Copy of order be uploaded on the website. Further a copy of this order be sent to SHO / IO concerned. Further, copy of this order be also sent to concerned Jail Superintendent. Further, a copy of this order be also uploaded on the website.

(Naveen Kumar Kashyap)
Additional Sessions Judge-04
Central/THC/Delhi
12/10/2020

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State Vs Pankaj Kumar Nagar s/o Arvind Kumar
FIR No. : 289/2018
PS: Prasad Nagar
U/S: 307, 341 IPC

Bail Matter No.: 1473/2020

FIR No: 19/2020

PS: NDRS

State v. Anil Kumar

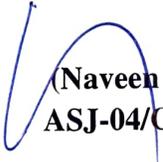
12.10.2020

Today this court is holding physically hearing as per directions. One of the steno is quarantined.

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

No time is left.

Put up for orders / clarification, if any, for **13/10/2020**.


(Naveen Kumar Kashyap)
ASJ-04/Central/12.10.2020

Bail Application

Application No.: 1478/2020
State Vs Pawan Singh
FIR No. 157/2018
PS.: Darya Ganj
U/s: 420 IPC

12.10.2020

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

Vide this order, the bail application under section 439 Cr.P.C. on behalf of accused dated 05/10/2020 filed through counsel is disposed of.

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

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

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State Vs Pawan Singh
FIR No. 157/2018
PS.: Darya Ganj
U/s: 420 IPC

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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

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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

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FIR No. 157/2018
PS.: Darya Ganj
U/s: 420 IPC

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

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case will govern the exercise of judicial discretion in granting or refusing bail. It was further held that such question depends upon a variety of circumstances, cumulative effect of which must enter into the judicial verdict. Such judgment itself mentioned the nature and seriousness of nature, and circumstances in which offences are committed apart from character of evidence as some of the relevant factors in deciding whether to grant bail or not.

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

In the present case, it is argued that he is in custody since 20/08/2020; that he has nothing to do with the present offence; that he was an employee in a call centre in 2013 where he was falsely implicated by his employer. Hence, he left the job and started his business of supply shoes through online trading companies and usually the customers and companies used to make online transfer of funds in the account of applicant; that he has no concerned with the credit card transaction in question including a sum of Rs.3,500/-; it is further claimed that one Jahid approached him and stated that he by mistake transfer Rs. 3,500/- in the account of the present accused and as such applicant paid such amount in cash to such Jahid. That he earlier filed interim bail application based on Hon'ble High Court bail

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State Vs Pawan Singh
FIR No. 157/2018
PS.: Darya Ganj
U/s: 420 IPC

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criteria. But IO wrongly added section 467 IPC; that he has roots in society and nothing remains to be recovered from him. As such, it is prayed that he be granted regular bail or in alternative interim bail based on High Court criteria.

On the other hand, reply filed by the IO, as also argued by the learned Addl.PP for the state that complainant made a complaint regarding online fraud; that during investigation specific role of present accused alongwith co-accused surfaced and a deep rooted conspiracy online fraud was unearthed. As such, addition of offence section 467 IPC was added. That accused is the mastermind of syndicate who used to obtain bank data. That he was in regular touch with other co-accused. That there are number of other victims apart from the present complainant. He is involved in one more such offence in 2013 also.

I find force in the arguments of learned Addl.PP for the state. There are serious allegations against the present accused. There is incriminating material against the present accused. That he is involved in well organized online credit card fraud cheating public at large. Further, offence u/s 467 IPC is punishable upto life. As such, this court is not inclined to grant the relief as sought in the present application. Hence, the same is dismissed.

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

(Naveen Kumar Kashyap)
Additional Sessions Judge-04
Central/THC/Delhi
12/10/2020.

Bail Matter No.: 1230/2020
FIR No: 291/2020
PS: Sarai Rohilla
State v. Satyam Shivam @ Shivam Kumar

12.10.2020

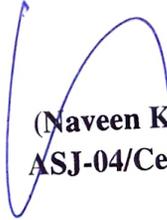
Today this court is holding physically hearing as per directions. One of the steno is quarantined.

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

Reply filed by the Jail Superintendent concerned.

Arguments heard.

Put up for orders / clarification, if any, for **13/10/2020**.


(Naveen Kumar Kashyap)
ASJ-04/Central/12.10.2020

Bail Matter No.: 1410/2020
FIR No: 436/2018
PS: Karol Bagh
State v. Sunil

12.10.2020

Today this court is holding physically hearing as per directions. One of the steno is quarantined.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Mr. K.Z. Khan, learned counsel for the applicant / accused.

Reply dated 12/10/2020 filed by IO SI Baljinder.

As per reply, medical documents of mother are yet to be verified. As such, issue fresh notice to IO to file further reply regarding medical status of the mother of the accused.

Put up for reply, arguments and appropriate orders for **22/10/2020**.

(Naveen Kumar Kashyap)
ASJ-04/Central/12.10.2020

Bail Matter No.: 1449/2020
FIR No: 340/2012
State v. Rajesh @ Barfi

12.10.2020

Today this court is holding physically hearing as per directions. One of the steno is quarantined.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Mr. Zia Afroz, learned counsel for applicant / accused through VC.

Trial Court record not received.

Issue fresh notice to Ahlmad concerned for the next date of hearing. Trial Court record be summoned positively by the next date of hearing. Ahlmad is directed to do the needful accordingly.

Put up for **16/10/2020**.

(Naveen Kumar Kashyap)
ASJ-04/Central/12.10.2020

Bail Matter No.: 2894/2020
FIR No: Not Known
PS: Karol Bagh
State v. Mantasha w/o Mohd. Irshad

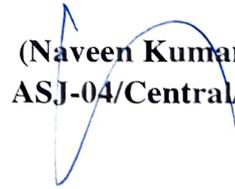
12.10.2020

Today this court is holding physically hearing as per directions. One of the steno is quarantined.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
None for applicant / accused.

Reply filed by the IO SI Baljinder Singh.

Put up for appearance of applicant and for appropriate order for **22/10/2020**.


(Naveen Kumar Kashyap)
ASJ-04/Central/12.10.2020

Bail Matter No.: 1020/2020
FIR No: 368/2019
PS: Sarai Rohilla
State v Inder Prakash & Anr

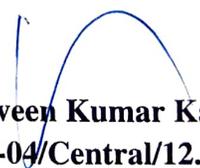
12.10.2020

Today this court is holding physically hearing as per directions. One of the steno is quarantined.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Mr. Ravinder S Garia, learned counsel for both the applicants through VC.
Mr. Sanjeev Kumar, learned counsel for complainant alongwith complainant in person.

Part arguments from both the sides.

Issue notice to IO to appear through VC for **22/10/2020** with case file. Interim protection is continued till next date of hearing only.


(Naveen Kumar Kashyap)
ASJ-04/Central/12.10.2020

FIR No: 1373/2020
PS: 300/2020
State v. Jitender @ Jeetu @ Laxman
U/s : 452, 394, 397, 34 IPC

12.10.2020

Today this court is holding physically hearing as per directions. One of the steno is quarantined.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Mr. D.K. Bhatia, learned counsel for the applicant.
IO is also present.

Further arguments heard.

Put up for appropriate orders / clarification, if any, for 13/10/2020.

(Naveen Kumar Kashyap)
ASJ-04/Central/12.10.2020

SC No.: 27649/2016
FIR No.: 364/2014
PS Sadar Bazar
State vs Mohd. Kadir

12.10.2020

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.

In the present case, last regular date of hearing 21/04/2020, 12/06/2020 & 13/08/2020. Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing through VC.

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

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

Mr Rajinder Prasad, learned Amicus for accused who is in JC.

Put up for PE in terms of previous order for **26/02/2021**. Issue production warrant for the accused through VC or as per the situation on the next date of hearing. Also issue notice to two of the material witnesses for the next date of hearing.

(Naveen Kumar Kashyap)
ASJ-04/Central/12.10.2020

FIR No.: 32/2018
PS Subzi Mandi
State vs Parmod & others
U/s 195A, 323, 34 IPC

12.10.2020

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.

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

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

Accused No. 2 & 3 are in person on bail with counsel Mr. Sandeep Kumar.

Accused No. 1 Parmod not produced from JC and neither his counsel is available.

In the interest of justice, no adverse order is passed in the present case.

Put up for arguments in terms of previous order alongwith connected matter for 26/02/2021. Issue production warrant for the accused No.1 through VC or otherwise as per the situation on the next date of hearing.

(Naveen Kumar Kashyap)
ASJ-04/Central/12.10.2020

State v Sakir
(Application for withdrawal of surety of Tajim)
FIR No: 267/2015
PS: Darya Ganj

12.10.2020

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions. Further one of the steno is quarantined.

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

As per record, such security was furnished by surety U/s 437(A) Cr.PC.

Further judgment is also pronounced on 05/12/2019 by my learned Predecessor.

Learned Addl.PP for the State seeks sometime to verify and report whether any appeal is preferred, if any, so what order is passed regarding such aspects, if any, in such appeal.

As such, put up for further proceedings / orders for 20/11/2020.

(Naveen Kumar Kashyap
ASJ-04/Central/12.10.2020

State v Mahesh @ Mannu
(Application of Medical facility)
FIR No: 699/2014
PS: Karol Bagh

12.10.2020

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions. Further one of the steno is quarantined.

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

Mr. Rajiv Pratap Singh, learned counsel for applicant through VC.

Medical report filed by the concerned Jail Superintendent. Copy of the same be supplied to the learned counsel for the accused.

Put up for further appropriate orders for **16/10/2020**.

(Naveen Kumar Kashyap)
ASJ-04/Central/12.10.2020

SC No.: 28301/2016
FIR No.: 206/2015
PS Pahar Ganj
State vs Pushpender

12.10.2020

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.

In the present case, last regular date of hearing 21/04/2020, 12/06/2020 & 13/08/2020. Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing through VC.

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

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

Mr. S.N. Shukla, learned LAC for the accused who is in JC.

Put up for PE in terms of previous order for 26/02/2021. Issue production warrant for the accused through VC or as per the situation on the next date of hearing. Also issue notice to two of the material witnesses for the next date of hearing.

(Naveen Kumar Kashyap)
ASJ-04/Central/12.10.2020

12.10.2020

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.

In the present case, last regular date of hearing 24/03/2020 & 17/07/2020. Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing through VC.

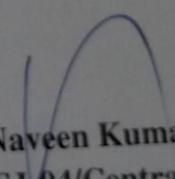
This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

Present: Mr. S.N. Shukla, learned LAC for appellant.

Mr. Pawan Kumar, learned Addl.PP for State / respondent.

Trial Court record not summoned. The same be summoned positively for the next date of hearing.

Put up for the purpose already fixed for 16/10/2020. Ahlmad is directed to do the needful.


(Naveen Kumar Kashyap)
ASJ-04/Central/12.10.2020

SC No.: 27633/2016
FIR No.: 485/2014
PS Timar Pur
State vs Parmod & others

12.10.2020

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.

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

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

Accused No. 2 & 5 are in person on bail with counsel Mr. Sandeep Kumar.

Accused NO. 1 & 3 not produced from JC.

Accused No. 4 Bhagat not present.

In the interest of justice, no adverse order is passed in the present case.

Put up for PE in terms of previous order for 26/02/2021. Issue production warrant for the accused No.1 & 3 through VC or otherwise as per the situation on the next date of hearing. Also issue notice to two of the material witnesses for the next date of hearing.

(Naveen Kumar Kashyap)
ASJ-04/Central/12.10.2020

FIR No.: 275/2009
PS Burari
U/s 395/397/365/34/414/120B IPC
State vs Mohd. Najim

12.10.2020

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.

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

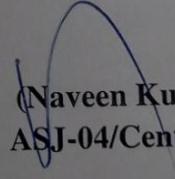
Present: Mr. Pawan Kumar, learned Addl.PP for State.

Mr. Puran Chand Sharma, Ld. Counsel for accused Yakoob through VC.

He stated that his arguments are already complete as such it is submitted that he does not want to argue further.

None for the rest of the accused persons despite issuance of court notice through electronic mode. Still, in the interest of justice, one last and final opportunity is given to the rest of the accused persons to address arguments on the next date of hearing failing which matter would be decided based on material on record.

Put up on **21.10.2020** for arguments/ orders. Parties are at liberty to appear physically or through VC for the next date of hearing.


(Naveen Kumar Kashyap)
ASJ-04/Central/12.10.2020

FIR No.: 415/2015
PS Kotwali
State vs Sunil & Others
Non surrender report of accused Lalit @ Bablu

12.10.2020

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.

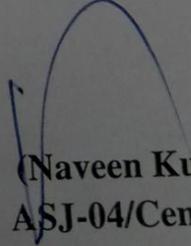
In the present case, last regular date of hearing 01.05.2020. Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing through VC.

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

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

Letter dated 30.09.2020 received from Jail Superintendent concerned, Jail No. 8/9. As per such letter, it is stated that accused Lalit @ Bablu has surrendered in jail on 30.09.2020 as such NBWs issued against him are recalled. Copy of this order be sent to Jail Superintendent concerned.

Put up for date already fixed i.e. **22.10.2020**.


(Naveen Kumar Kashyap
ASJ-04/Central/12.10.202

Criminal Revision No.: 565/19
Imran Ghauri v. Mohd. Israil & Ors.

12.10.2020

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.

In the present case, last regular date of hearing 13.08.2020. Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing through VC.

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

Present: Mr. Mukesh Kumar, Ld. Counsel, for revisionist alongwith revisionist Imran Ghauri.

Respondent nos. 1 & 2 in person through VC.

Part further arguments heard.

There is one single counsel for all the three respondents but who is not present today.

Put up for further arguments through VC on 25.11.2020.

(Naveen Kumar Kashyap)
ASJ-04/Central/12.10.2020

Criminal Appeal No.:365/19
Brijesh Goswami v. Amit Gupta

12.10.2020

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.

In the present case, last regular date of hearing 13.08.2020. Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing through VC.

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

Present: None for appellant or the respondent in person or through VC.

As per record, arguments were heard in detail on 02.03.2020 and parties were directed to file their written arguments. Still, in the interest of justice, one more opportunity is given to the parties to file written arguments otherwise matter is fixed for orders/clarifications on this appeal for 19.11.2020.

(Naveen Kumar Kashyap)
ASJ-04/Central/12.10.2020

12.10.2020

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.

In the present case, last regular date of hearing 11.08.2020. Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing through VC.

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

Present: Ld. Counsel for appellant through VC.

Ld. Counsel for respondent through VC.

Adjournment sought by both the sides on the ground that main counsels are not available for arguments.

Put up for arguments physically or through VC as per the liberty of the Counsels for **16.10.2020**.

Trial court record be also summoned for the next date of hearing. Ahlmad is directed to do the needful accordingly.

(Naveen Kumar Kashyap)
ASJ-04/Central/12.10.2020

SC No.: 641/19
FIR No.:112/2019
PS Wazirabad
State vs Karan Bhardwaj

12.10.2020

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.

In the present case, last regular date of hearing 05.10.2020. Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing through VC.

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

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

Mr. Anuj Bhardwaj, Ld. Counsel for applicant/accused.

During the course of arguments, it is stated by Ld. Counsel that he is present for the interim bail application only. Same is noted.

Put up for clarifications, if any, / orders on 16.10.2020 with file.

(Naveen Kumar Kashyap)
ASJ-04/Central/12.10.2020

12.10.2020

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.

In the present case, last regular date of hearing 07.10.2020. Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing through VC.

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

Present: Mr. Sanjeev Agarwal, Ld. Counsel for revisionist Vijay Ahuja.
Mr. Pawan Kumar, learned Addl.PP for State/respondent no. 1.
Mr. Saurabh, Ld. Counsel for the respondent no. 2 Payal.

Mr. Saurabh, Ld. Counsel for the respondent no. 2 Payal has given his e-mail address i.e. sourabh.advocate@gmail.com.

Let the complete set of present revision be supplied to the respondent on the e-mail address to be provided during the course of the day by the respondent alongwith application number. Further, the revisionist be also directed to file his email address during the course of the day. Revisionist has given his e-mail address i.e. AGARWAL_LEGAL@yahoo.co.in. Interim order to continue. Further, respondent is at liberty to file his reply, if any, and e-mail address before the next date of hearing with advance copy to the revisionist on the e-mail provided by the parties.

Put up for arguments on the present revision for 14.12.2020.

(Naveen Kumar Kashyap)
ASJ-04/Central/12.10.2020

SC No.:57/18
FIR No.: 142/2017
PS Lahori Gate
State vs Shakil & others

12.10.2020

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.

In the present case, last regular date of hearing 06.10.2020. Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing through VC.

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

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

Put up for clarifications and further orders in terms of previous order for
21.10.2020.

(Naveen Kumar Kashyap)
ASJ-04/Central/12.10.2020

FIR No.:199/2009
PS Kashmere Gate
State vs Gaurav Chauhan & others
(Application of Shahi Ram)
U/s 364A, 120B, 345 IPC

12.10.2020

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.

In the present case, last regular date of hearing 08.10.2020. Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing through VC.

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

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

None for the applicant.

Certain clarifications are required.

Put up for clarifications/ further appropriate orders on 14.10.2020.

(Naveen Kumar Kashyap)
ASJ-04/Central/12.10.2020

SC No.: 28031/2016
FIR No.: 428/2014
PS Civil Lines
State vs Angad Singh Dua

12.10.2020

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.

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

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

Mr. Vaibhav Sharma, learned counsel for the accused through VC.

Accused is stated to be on bail.

Part arguments heard in detail from prosecution side.

At request, put up for further arguments from both the sides for 16/10/2020.

(Naveen Kumar Kashyap)
ASJ-04/Central/12.10.20

SC No.: 114/2020
FIR No.: 173/19
PS Roop Nagar
State vs Sachin

12.10.2020

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.

In the present case, last regular date of hearing 13.08.2020. Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing through VC.

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

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

Accused not present.

Issue production warrant of the accused, if he is in JC through VC otherwise arguments in terms of the previous orders on **26.02.2021**.

(Naveen Kumar Kashyap)
ASJ-04/Central/12.10.2020

CA No.:437/19

Nikhil Kapoor and Ors v. Shubhi Gupta

12.10.2020

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.

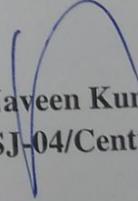
In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular date of hearing 06.10.2020. Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing through VC.

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

Present: None for the revisionist.

Clarifications are required including the case laws relied by the parties as such put up for clarifications/ further arguments and appropriate orders on physical hearing on 21.10.2020.


(Naveen Kumar Kashyap)
ASJ-04/Central/12.10.2020

SC No.: 127341/2016
FIR No.: 70/08
PS Kashmere Gate
State vs Gabbar Singh

12.10.2020

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.

In the present case, last regular date of hearing 07.09.2020. Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing through VC.

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

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

None for all the accused persons.

Issue production warrant of the accused persons if in JC through VC. Further, issue court notice through electronic mode to all the counsels for the accused persons as this is one of the twenty oldest cases of this Court.

Put up for final arguments through VC for **28.10.2020**. Earliest possible date is given as this is one of the twenty oldest cases of this Court.

(Naveen Kumar Kashyap)
ASJ-04/Central/12.10.2020

SC No.: 302/2019
FIR No.: 400/18
PS Kotwali
State vs Mohd. Rashid

12.10.2020

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.

In the present case, last regular date of hearing 13.08.2020. Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing through VC.

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

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

Accused not produced from JC.

Issue production warrant of the accused for **26.02.2021**.

(Naveen Kumar Kashyap)
ASJ-04/Central/12.10.2020

12.10.2020

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.

In the present case, last regular date of hearing 07.10.2020. Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing through VC.

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Accused no. 2 Kishan Kumar and accused no. 3 Raghav Kumar Jha on regular bail are present in person.
Accused no. 4 Nuri is present in person on interim bail.
Mr. J. S. Mishra, Ld. Counsel for accused no. 4.
Mr. Akhilesh Kamle, Ld. Counsel for accused no. 2 Kishan Kumar.
Accused Rahul Sharma not produced from JC. Same be awaited.

(Naveen Kumar Kashyap)
ASJ-04/Central/12.10.2020

At 11:45am

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Accused no. 1 Rahul Sharma produced through VC from Jail no. 4.

Be awaited.

(Naveen Kumar Kashyap)
ASJ-04/Central/12.10.202

At 12:00 Noon

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Accused Rahul Sharma produced through VC from Jail no. 4.
Mr. S. N. Sharma, Ld. Counsel for accused no. 1.
Accused no. 2 Kishan Kumar and accused no. 3 Raghav Kumar Jha on regular bail are present in person.
Mr. Akhilesh Kamle, Ld. Counsel for accused no. 2.
Accused no. 4 Nuri is present in person on interim bail.
Mr. J. S. Mishra, Ld. Counsel for accused no. 4.

Arguments heard on the interim bail application.

Bail bond furnished by Mr. Rajesh Jha in terms of order dated 16.09.2020 of Hon'ble High Court of Delhi in bail application of the accused. The same is accepted subject to verification of address and RC/ vehicle of the surety in question as such original RC is retained on record. Acknowledgment of the same be given to the surety accordingly.

Put up on 27.10.2020 for the framing of charge.

Issue production warrant of the accused Rahul Sharma to be produced in person in the Court for the purpose of framing of charge.

Further, an application under section 451 of Cr.P.C dated 18.08.2020 for release of vehicle and mobile phone is filed by accused no. 2 Kishan Kumar.

Part submissions heard.

Let copy of this application be supplied through electronic mode by the accused to the prosecution through the Court within two days.

Put up for further arguments and orders on this application including what is change in circumstances since dismissal of provisions such application on date fixed i.e. 27.10.2020.

(Naveen Kumar Kashyap)
ASJ-04/Central/12.10.2020

Bail Matter No.: 1410/2020

FIR No: 436/2018

PS: Karol Bagh

State v. Sunil

12.10.2020

Today this court is holding physically hearing as per directions. One of the steno is quarantined.

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

Mr. K.Z. Khan, learned counsel for the applicant / accused.

Reply dated 12/10/2020 filed by IO SI Baljinder.

As per reply, medical documents of mother are yet to be verified. As such, issue fresh notice to IO to file further reply regarding medical status of the mother of the accused.

Put up for reply, arguments and appropriate orders for 22/10/2020.

(Naveen Kumar Kashyap)
ASJ-04/Central/12.10.2020

Bail Matter No.: 1020/2020
FIR No: 368/2019
PS: Sarai Rohilla
State v Inder Prakash & Anr

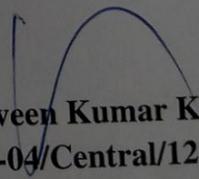
12.10.2020

Today this court is holding physically hearing as per directions. One of the steno is quarantined.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Mr. Ravinder S Garia, learned counsel for both the applicants through VC.
Mr. Sanjeev Kumar, learned counsel for complainant alongwith complainant in person.

Part arguments from both the sides.

Issue notice to IO to appear through VC for 22/10/2020 with case file. Interim protection is continued till next date of hearing only.


(Naveen Kumar Kashyap)
ASJ-04/Central/12.10.2020

Bail Matter No.: 1449/2020

FIR No: 340/2012

State v. Rajesh @ Barfi

12.10.2020

Today this court is holding physically hearing as per directions. One of the steno is quarantined.

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

Mr. Zia Afroz, learned counsel for applicant / accused through VC.

Trial Court record not received.

Issue fresh notice to Ahlmad concerned for the next date of hearing. Trial Court record be summoned positively by the next date of hearing. Ahlmad is directed to do the needful accordingly.

Put up for 16/10/2020.

(Naveen Kumar Kashyap)
ASJ-04/Central/12.10.2020

Bail Matter No.: 2894/2020
FIR No: Not Known
PS: Karol Bagh
State v. Mantasha w/o Mohd. Irshad

12.10.2020

Today this court is holding physically hearing as per directions. One of the steno is quarantined.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
None for applicant / accused.

Reply filed by the IO SI Baljinder Singh.

Put up for appearance of applicant and for appropriate order for 22/10/2020.

(Naveen Kumar Kashyap)
ASJ-04/Central/12.10.2020

State v Sunil & others
(Application of Surrender)
FIR No: 303/2014
PS: Subzi Mandi

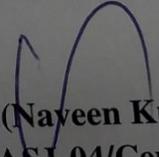
12.10.2020

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions. Further one of the steno is quarantined.

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

Arguments heard.

Put up for orders as no time is left, for **14/10/2020**.


(Naveen Kumar Kashyap)
ASJ-04/Central/12.10.2020

State v Mahesh @ Mannu
(Application of Interim bail)
FIR No: 699/2014
PS: Karol Bagh
U/s: 302, 201 IPC

12.10.2020

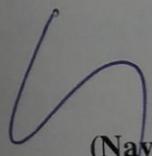
This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions. Further one of the steno is quarantined.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Learned counsel for the applicant.

Arguments heard.

No time is left.

Put up for orders for 16/10/2020.



(Naveen Kumar Kashyap)
ASJ-04/Central/12.10.2020

1

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

State Vs Sonu s/o Rattan Lal
FIR No. 141/2020
P. S. Kamla Market
U/s: 379, 411, 34 IPC

12/10/2020

Present: Mr. Pawan Kumar, Learned Addl. PP for State.
Mr Lokesh Kumar, Learned counsel for applicant / accused in person.

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

It is stated in the application that he is arrested in the present case based on the disclosure statement of co-accused on 26/07/2020; that co-accused Gulshan and Akash are already granted regular bail; that investigation is already complete and chargesheet is already filed. That there is no previous criminal record of present accused; that nothing is recovered from his possession. 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 the learned Addl.PP that he was arrested based on secret information and based on statement of co-accused regarding involvement in the present case. That there is no other criminal record of present accused; that he refused to undergo TIP; As such, bail application is opposed.

I have heard both the sides.

The personal liberty is a priceless treasure for a human being. It is

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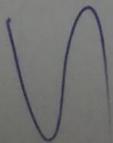
founded on the bed rock of constitutional right and accentuated further on human rights principle. The sanctity of liberty is the fulcrum of any civilized society. Deprivation of liberty of a person has enormous impact on his mind as well as body. Further article 21 Of the Constitution mandates that 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

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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

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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

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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

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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

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accused is in JC since 26/07/2020. Chargesheet is already filed. Trial is likely to take time. In fact, the period for seeking police remand is already over way back. Further, as per report, he is not involved in any other criminal case. Further, he was not arrested on the spot but later on based on the disclosure statement of the co-accused persons.

In 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 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 India without permission of the Court.

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

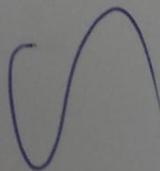
v) He shall convey any change of address immediately to the IO and the court;

vi) He shall also provide his mobile number to the IO;

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

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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:

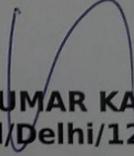
1. *The date on which conditions imposed by this court are satisfied;*
2. *The date of release of prisoner from jail;*
3. *Date of ultimate release of prisoner in case the prisoner is in jail in some other case.*

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

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U/s: 379, 411, 34 IPC

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.

With these observations present bail application is disposed of as dismissed. Further, both the sides are at liberty to collect the order through electronic mode. Copy of order be uploaded on the website. Further a copy of this order be sent to SHO / IO concerned. Further, copy of this order be also sent to concerned Jail Superintendent. Further, a copy of this order be also uploaded on the website.


(NAVEEN KUMAR KASHYAP)
ASJ-04(Central/Delhi/12/10/2020)

State Vs Sonu s/o Rattan Lal
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U/s: 379, 411, 34 IPC

State v Davar @ Kancha
FIR No: 38/2020
PS: Kashmere Gate

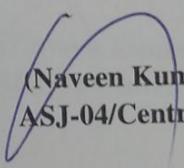
12.10.2020

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions. Further one of the steno is quarantined.

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

No time is left.

Put up for orders / clarification, if any, for 13/10/2020.


(Naveen Kumar Kashyap)
ASJ-04/Central/12.10.2020

SC No.:287/2019
State Vs Sanjay Tiwari & others
FIR No.: 478/2018
P.S: Burari
U/s: 452, 306, 506, 324, 27, 34 IPC

12.10.2020

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.

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

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

Mr. Avdhesh Kumar, learned counsel for all accused through VC.

Accused Khushboo is stated to be not well.

Remaining three accused are present on bail.

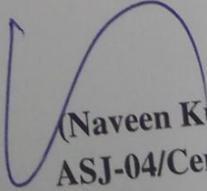
An application for exemption from personal appearance on behalf of accused Khushboo on the ground that she is suffering from viral fever has been filed.

Heard.

For the reasons stated therein, the same is allowed only for today.

In the interest of justice, last and final opportunity is granted to all the accused persons to appear on the next date of hearing for recording of their statement u/s 313 Cr.PC.

Put up for SA for **16/10/2020**.


(Naveen Kumar Kashyap)
ASJ-04/Central/12.10.2020

State v Rahul Sharma
FIR No: 339/2016
PS: Darya Ganj
U/s: 395, 397, 412, 120B IPC

12.10.2020

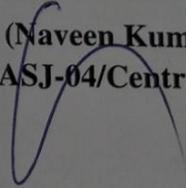
This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions. Further one of the steno is quarantined.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Mr. S.N. Shukla, learned counsel for the applicant / accused.

Arguments heard.

Put up for orders / clarification, if any, for **13/10/2020**.

(Naveen Kumar Kashyap)
ASJ-04/Central/12.10.2020



SC No.: 28041/2016

FIR No.: 02/2014

PS Jama Masjid

State vs Abdul Salam @ Wasim @ Taggi & Anr

12.10.2020

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.

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

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

This is an application for release of FDR. Sometime is sought for clarification including whether such FDR was furnished at all or not.

Put up for **02/11/2020**.

(Naveen Kumar Kashyap)
ASJ-04/Central/12.10.2020

SC No.: 28041/2016
FIR No.: 02/2014
PS Jama Masjid
State vs Abdul Salam @ Wasim @ Taggi & Anr

12.10.2020

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.

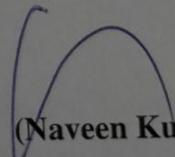
In view of the above-mentioned orders/directions, file is taken up through Webex.

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

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

This is an application for release of FDR. Sometime is sought for clarification including whether such FDR was furnished at all or not.

Put up for **02/11/2020**.


(Naveen Kumar Kashyap)
ASJ-04/Central/12.10.2020

FIR No: 1373/2020
PS: 300/2020
State v. Jitender @ Jeetu @ Laxman
U/s : 452, 394, 397, 34 IPC

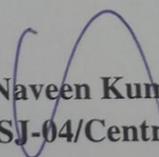
12.10.2020

Today this court is holding physically hearing as per directions. One of the steno is quarantined.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Mr. D.K. Bhatia, learned counsel for the applicant.
IO is also present.

Further arguments heard.

Put up for appropriate orders / clarification, if any, for 13/10/2020.


(Naveen Kumar Kashyap)
ASJ-04/Central/12.10.2020

FIR No.: 210/2018
PS Prasad Nagar
State vs Ashu @ Atta
(Bail Bond of Ashu @ Atta)

12.10.2020

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.

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

Both the sureties in person.

Mr. Vineet Jain, Ld. Counsel for sureties.

Report filed by Inspector Anesh Sharma stating that address of both the accused given in the I-card could not verified as they are not living on such addresses.

At this stage, it is stated by both the sureties Ajay and Chetan that their address is of permanent address whereas at present, they are living at separate places which is now added in the bail bond as such IO to verify the present address as well as RC of both the sureties.

IO to verify the security/ RC of both the sureties for 14.10.2020 at 02:00pm.

(Naveen Kumar Kashyap)
ASJ-04/Central/12.10.2020

State v Munna, Rohit, Rohit s/o Subhash, Laddan

FIR No: 83/2020

PS: Kashmere Gate

12.10.2020

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions. Further one of the steno is quarantined.

**Present: Mr. Pawan Kumar, learned Addl.PP for State.
Learned counsel for the applicants.**

Further arguments heard.

Put up for orders / clarification, if any, for 16/10/2020.

**(Naveen Kumar Kashyap)
ASJ-04/Central/12.10.2020**

State v Munna, Rohit, Rohit s/o Subhash, Laddan

FIR No: 83/2020

PS: Kashmere Gate

12.10.2020

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions. Further one of the steno is quarantined.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Learned counsel for the applicants.

Further arguments heard.

Put up for orders / clarification, if any, for 16/10/2020.

(Naveen Kumar Kashyap)
ASJ-04/Central/12.10.2020

State v Munna, Rohit, Rohit s/o Subhash, Laddan
FIR No: 83/2020
PS: Kashmere Gate

12.10.2020

This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions. Further one of the steno is quarantined.

Present: Mr. Pawan Kumar, learned Addl.PP for State.
Learned counsel for the applicants.

Further arguments heard.

Put up for orders / clarification, if any, for 16/10/2020.

(Naveen Kumar Kashyap)
ASJ-04/Central/12.10.2020

State v Munna, Rohit, Rohit s/o Subhash, Laddan
FIR No: 83/2020
PS: Kashmere Gate

12.10.2020

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Present: Mr. Pawan Kumar, learned Addl.PP for State.
Learned counsel for the applicants.

Further arguments heard.

Put up for orders / clarification, if any, for 16/10/2020.

(Naveen Kumar Kashyap)
ASJ-04/Central/12.10.2020