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

BAIL APPLICATION No.: 1650/2020

FIR No.: 295/2020
PS: Lahori Gate
State v. Sanjeet @ China
U/S: 25, 54, 59 Arms Act

02.11.2020

This court is also discharging Bail Roster Duty.

Present: Sh. Pawan Kumar, Ld. Addl. PP for the State through VC.
Sh. R.S. Bind, Ld. counsel for applicants/accused through VC.

Vide this order, regular bail application of accused **Sanjeet @ China** u/s 439 Cr.PC dated 26.10.2020 filed through his counsel is disposed of.

In nutshell, it is argued on behalf of the accused that he is in JC since 08.10.2020; that his bail application is already rejected by learned MM vide order dated 23.10.2020; that the recovery of arms is planted upon him; that in any case he is no more required for investigation; that there is spread of corona virus including inside the jail; that investigation is already complete qua the accused person and no purpose would be served to keep him in JC; that most of the witnesses are police officials only, as such there is no chance of threatening the witness. That he is granted bail in two other matters alleged against him. As such, it is prayed that he be granted regular bail.

On the other hand, in reply filed by ASI HC Harender as also argued by the learned Addl.PP for the State, it is stated that present accused was found in suspicious circumstances and on search a buttondar

knife was recovered from him. That he is involved in two other criminal cases.

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

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

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

deemed to be innocent until duly tried and duly found guilty. From the earlier times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial, but in such case 'necessity' is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the constitution that any persons should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty under Article 21 of the Constitution upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances. Apart from the question of prevention being the object of a refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and it would be improper for any court to refuse bail as mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an unconvicted person for the purpose of giving him a taste of imprisonment as a lesson. While 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 less than 7 years. It is a matter of record that accused were arrested on 08.10.2020. As such, it can be noted that even the period to seek police custody remand is now over. Further, both the accused are in JC. Further, it is a time tested basic law that such disclosure statement given to police is having no legal value except as saved u/s 27 of Indian Evidence Act, which is not the case at present that anything is covered / recovered as a result of such disclosure statements. It may be noted that as per the story of the prosecution Arms / case property were already recovered before even making such disclosure statement. Be that as it may, as far as present accused is concerned, nothing remains to be recovered at his instance. Further all the witnesses are police witnesses also, therefore, there is no possibility of threatening th witness also.

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

- i) Applicant shall not flee from the justice;*
- ii) Applicant shall not tamper with the evidence;*
- iii) Applicant shall not threaten or contact in any manner to the prosecution witnesses ,*
- iv) Applicant shall not leave country without permission;*
- v) Applicant shall convey any change of address immediately to the IO and the court;*
- vi) Applicants shall also provide his/her mobile number to the IO;*
- vii) Applicant shall mark his /her attendance before concerned IO (and if IO is not available*

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then to concerned SHO) every alternative /second day through mobile by sharing his/her location with the SHO concerned till the chargesheet is filed;

viii) Applicant shall further make a call, preferably by audio plus video mode to concerned IO, (and if IO is not available then to concerned SHO) once a week, preferably on Monday between 10 a.m. to 5 p.m. till the chargesheet is filed.

ix) Applicant shall keep his / her such mobile number 'Switched On' at all the time , particularly between 8 am to 8 pm everyday till the chargesheet is filed

x) That he / she will cooperate with the investigation / IO / SHO concerned and will appear before IO / Trial Court as and when called as per law.

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

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

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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 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 application 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.

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

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

Bail Application No. 1648/2020

State v. Nitesh Kumar
FIR No.: 21/2020
PS: Prasad Nagar
U/s: 454, 380,411,414 IPC

02.11.2020

This court is also discharging Bail Roster Duty.

Present: **Mr. Pawan Kumar, Learned Addl. PP for State through V.C.**
 Mr. Manoj Kumar Lohat, learned counsel for the applicant / accused through VC.
 Counsel for complainant is also present alongwith complainant through VC.
 IO Ankush Dogra is also present through VC.

Vide this order, the bail application under section 439 Cr.P.C. on behalf of accused dated 28.10.2020 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 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. (**Sundeeep 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, it is argued on behalf of the accused that present applicant is victim of false implication because of nexus between the IO and the complainant. It is further pointed out that earlier previous IO namely HC Satya Narain and the advocate who was earlier representing the accused, have been arrested by CBI anti-corruption branch. That such applicant filed anticipatory bail application and the same was dismissed by Bail Roster Sessions Judge on 20.03.2020. Thereafter, present accused approached Hon'ble High Court for anticipatory bail but Hon'ble High Court pleased to grant interim bail only. Same was extended from time to time. Later on, same was dismissed as withdrawn vide order dated 30.07.2020. It is further claimed that entire case property i.e. gold articles belongs to the mother of the accused. Same were kept with the wife of the complainant after the death of mother of the accused. It is further pointed out that in the month of

October, 2019, there was some dispute between the complainant and the accused regarding purchase of a mobile phone and as such accused took back entire jewellery from the wife of the complainant. That during his interim bail, accused fully cooperated with the investigation. That he is in JC since 27.08.2020. That he has roots in the society. No purpose would be served by keeping him in JC. It is further argued by learned counsel for accused that arguments addressed by IO during the course of arguments were not raised earlier in any of the reply to the bail application filed so far by the present accused before the present bail application. It is further argued that chargesheet is already filed. As such, now there is no threat to the witness any more. As such, it is prayed that he be granted regular bail.

On the other hand, a detailed reply is filed by IO as also argued by learned Addl. PP for the state, it is argued that a social/financial status of the accused do not match with his claim that recovered gold articles/jewellery belonged to the accused. In fact, only a part of such jewellery is recovered so far. It is further stated that such accused even pledged such jewellery with Gold Finance company from where part of such jewellery is recovered. As such, it is claimed that documentary proof also regarding involvement of present accused in the present case. It is further argued that present accused was very well known to the complainant side and taking advantage of the same in a well planned manner, he committed the offence in question.

Similarly, learned counsel for complainant opposed the present bail application vehemently.

I find force in the arguments of learned Addl.PP for the state. The offence under Section 454 IPC is punishable upto ten years. Further, although chargesheet is already filed but having regard to the fact that complainant/public witness are known to the accused, the nature of incriminating material against him, including the documentary evidence and the manner in which such crime is committed by the present accused, this court is not inclined to grant regular bail to the present accused at present. **With these observations, present regular bail application is**

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dismissed.

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

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.

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**(Naveen Kumar Kashyap)
Additional Sessions Judge-04
Central/THC/Delhi
02.11.2020**

ANTICIPATORY Bail Application No.: 1603/2020

State v. Himanshu Ajmani

FIR no. : 452/2020

PS: Karol Bagh

U/S: 420,406, 120 B IPC

02.11.2020

Present: Mr. Pawan Kumar, Learned Addl. PP for State through VC.
Sh. Gurjit Singh , Learned counsel for applicant / accused through VC.
Complainant Sh. Sahil Mongia, who is advocate by profession in person through VC.

Arguments already heard on this application and today case was fixed for orders.

1. Vide this order, present bail application dated 22.10.2020 u/s 438 Cr.PC filed for anticipatory bail by accused / applicant Himanshu Ajmani is disposed of.
2. In nut shell, it is argued by learned counsel for accused that the accused availed some money on credit from the present complainant on interest since October, 2016. That accused repaid the loan amount and interest amount which is also admitted in the FIR itself. Detail of the same is also given in para-5 of the present application. It is further claimed that there is no outstanding amount towards the complainant from the accused. That complainant already got dishonoured the cheques of the accused/applicant and still complainant lodged the present FIR and quite surprisingly the concerned police official acted very promptly to register the same. That in connivance of local police the complainant is harassing the present accused. That there is no question of tampering with the evidence or threatening the witness. That there is no previous criminal record of present accused. That he apprehends his arrest in present case.

It is further stated that at best the dispute between the parties is of civil nature. That accused is running a shop by the name of Om Bhature in Karol Bagh area and has roots in the society and as such, there is no question of accused flee from justice.

3. On the other hand, it is argued by the complainant that accused side is presenting misleading facts. That not only the complainant but as many as thirty other people are cheated by the present accused and his brother. That they are not cooperating or joining the investigation. In fact they are not living in the address given in the application. It is further stated that just because a civil dispute or a cheque bounce matter is pending does not mean that there is a bar to take action under the provision of IPC. It is further stated that in the FIR it is fairly disclosed all the facts. It is further stated that in the income tax return of the complainant he has duly disclosed such income. It is further stated that there is proof including in the form of whatsapp regarding such offence by the accused person. As such, present bail application is strongly opposed.

4. In reply dated 26.10.2020 filed by IO Mohit Asiwali as also argued by learned APP for the state, it is stated that accused and his family is running a Chhole Bhature shop under the name of Om Corner in Karol Bagh and known to the complainant for the last thirty years. That cheque given by accused side towards repayment of amount already got dishonoured. That accused and his brother has stopped communication with the complainant. That accused has dishonest intention since beginning having regard to the manner in which money was obtained and receipts were executed on different occasions with assurance to return. It is further stated that since registration of this complainant has not been interrogated because he was outside India and then in quarantine period. The IO is yet to obtain original promissory note and receipt issued allegedly to the complainant. As such, present anticipatory bail application is opposed.

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

6. The offences which are alleged against the accused persons are punishable upto seven years. There are certain directions by Hon'ble

Supreme Court including in the case of Arnesh Kumar for such offences punishable upto seven years. As such, the accused/applicant is directed to join investigation as and when so directed by the IO/SHO including on 04.11.2020 at 2 pm and cooperate in the same fully. Subject to such compliance, IO is directed not to take any coercive action against the present applicant/accused till next date of hearing only.

Put up for 10.11.2020 for further arguments and orders.

IO is also directed to appear with case file through VC on next date of hearing.

Copy of this order be given to both sides including the complainant through electronic mode.

**NAVEEN
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(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
Central Distt/Delhi
02.11.2020**

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ANTICIPATORY Bail Application No.: 1602/2020

State v. Prateek Ajmani

FIR no. : 420/2020

PS: Karol Bagh

U/S: 420,406, 120 B IPC

02.11.2020

Present: Mr. Pawan Kumar, Learned Addl. PP for State through VC.
Sh. Gurjit Singh , Learned counsel for applicant / accused through VC.
Complainant Sh. Sahil Mongia, who is advocate by profession in person through VC.

Arguments already heard on this application and today case was fixed for orders.

1. Vide this order, present bail application dated 22.10.2020 u/s 438 Cr.PC filed for anticipatory bail by accused / applicant Himanshu Ajmani is disposed of.
2. In nut shell, it is argued by learned counsel for accused that the accused availed some money on credit from the present complainant on interest since October, 2016. That accused repaid the loan amount and interest amount which is also admitted in the FIR itself. Detail of the same is also given in para-5 of the present application. It is further claimed that there is no outstanding amount towards the complainant from the accused. That complainant already got dishonoured the cheques of the accused/applicant and still complainant lodged the present FIR and quite surprisingly the concerned police official acted very promptly to register the same. That in connivance of local police the complainant is harassing the present accused. That there is no question of tampering with the evidence or threatening the witness. That there is no previous criminal record of present accused. That he apprehends his arrest in present case.

It is further stated that at best the dispute between the parties is of civil nature. That accused is running a shop by the name of Om Bhature in Karol Bagh area and has roots in the society and as such, there is no question of accused flee from justice.

3. On the other hand, it is argued by the complainant that accused side is presenting misleading facts. That not only the complainant but as many as thirty other people are cheated by the present accused and his brother. That they are not cooperating or joining the investigation. In fact they are not living in the address given in the application. It is further stated that just because a civil dispute or a cheque bounce matter is pending does not mean that there is a bar to take action under the provision of IPC. It is further stated that in the FIR it is fairly disclosed all the facts. It is further stated that in the income tax return of the complainant he has duly disclosed such income. It is further stated that there is proof including in the form of whatsapp regarding such offence by the accused person. As such, present bail application is strongly opposed.

4. In reply dated 26.10.2020 filed by IO Mohit Asiwali as also argued by learned APP for the state, it is stated that accused and his family is running a Chhole Bhature shop under the name of Om Corner in Karol Bagh and known to the complainant for the last thirty years. That cheque given by accused side towards repayment of amount already got dishonoured. That accused and his brother has stopped communication with the complainant. That accused has dishonest intention since beginning having regard to the manner in which money was obtained and receipts were executed on different occasions with assurance to return. It is further stated that since registration of this complainant has not been interrogated because he was outside India and then in quarantine period. The IO is yet to obtain original promissory note and receipt issued allegedly to the complainant. As such, present anticipatory bail application is opposed.

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

5. The offences which are alleged against the accused persons are punishable upto seven years. There are certain directions by Hon'ble

Supreme Court including in the case of Arnesh Kumar for such offences punishable upto seven years. As such, the accused/applicant is directed to join investigation as and when so directed by the IO/SHO including on 04.11.2020 at 2 pm and cooperate in the same fully. Subject to such compliance, IO is directed not to take any coercive action against the present applicant/accused till next date of hearing only.

Put up for 10.11.2020 for further arguments and orders.

IO is also directed to appear with case file through VC on next date of hearing.

Copy of this order be given to both sides including the complainant through electronic mode.

**NAVEEN
KUMAR
(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
Central Distt/Delhi
02.11.2020**

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Date: 2020.11.02 19:23:38
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- 1. Bail Application No.:700/2020**
- 2. Bail Application No.:703/2020**
- 3. Bail Application No.:704/2020**
- 4. Bail Application No.:705/2020**

State v. Vijeta Saraswat
State v. Smt. Shakti Sharma
State v. Sunil Saraswat
State v. Surya Kant Sharma
FIR no.: 123/2020
PS: Hauz Qazi

02.11.2020

Present: Mr. Pawan Kumar, Learned Addl. PP for State through VC.
Sh. Vivek Aggarwal, Ld. Counsel for the applicant with one of the
applicant Shakti Sharma through VC.
Complainant Jyoti in person through VC with counsel Manoj Sharma.
IO Narender Baisla through VC.

Further arguments in detail heard from all the sides.

Put up for orders/clarifications, if any on 10.11.2020.

**In the meanwhile, IO to file further status report particularly
regarding investigation made relating to allegations under section 406 IPC
against these four accused persons by next date of hearing.**

Further, parties are at liberty to file case law regarding whether cash
given on customary occasions do form part of section 406 IPC.

**Interim order, if any to continue in terms of previous order till next
date of hearing only.**

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Date: 2020.11.02
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(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
02.11.2020

Bail Application No.:914/2020

State v. Shakir
FIR no.: 84/2019
PS: I.P. Estate

02.11.2020

Present: Mr. Pawan Kumar, Learned Addl. PP for State through VC.
Sh. Narender Prabhakar, Ld. Counsel for the applicant through VC.
Sh. Puneet Jain, Ld. Counsel for complainant through VC.

TCR received in court but it appears there is some technical issue relating to soft copy of the bail application because of its large size.

Ld. Counsel for accused submits that he will file copy of such bail application in proper format , so that it can be read online.

Put up for arguments/appropriate orders on 09.11.2020.

TCR be sent back and be summoned for next date.

Court staff is directed to do needful accordingly.

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Date: 2020.11.02 19:24:47
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(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
02.11.2020

Bail Application No. 1574/2020

**State v. Gautam
FIR no.: 32/2020
PS: Kamla Market**

02.11.2020

Present: Mr. Pawan Kumar, Learned Addl. PP for State through VC.
Mohd. Wasim Khan, Ld. Counsel for applicant.

Reply already filed. Copy of the same be supplied to counsel for applicant, if not already supplied.

Put up for arguments/appropriate orders for 08.11.2020.

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Date: 2020.11.02 19:25:05
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**(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
02.11.2020**

Bail Application No. 1604/2020

State v. Wasim
FIR no.: 07/2020
PS: Railway Main Delhi

02.11.2020

Present: Mr. Pawan Kumar, Learned Addl. PP for State through VC.
Sh. S.N. Shukla, LAC for accused/applicant.

Reply already received.

Arguments in detail heard.

Put up for orders on **04.11.2020**.

**NAVEEN
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(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
02.11.2020

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Bail Application No. 1637/2020

State v. Raju
FIR no.: 100/2020
PS: Hauz Qazi

02.11.2020

Present: Mr. Pawan Kumar, Learned Addl. PP for State through VC.
Sh. Pradeep Kumar Anand, ld. counsel for applicant.

This is an application for modification of Bail Bond condition and thereby reducing requirement to one surety.

Arguments heard.

Put up for filing of case law, if any/appropriate orders/clarifications
on 11.11.2020.

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Date: 2020.11.02 19:25:41
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(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
02.11.2020

Bail Application No. 1647/2020

**State v. Sadiqeen
FIR no.: 211/2020
PS: Sarai Rohilla**

02.11.2020

Present: Mr. Pawan Kumar, Learned Addl. PP for State through VC.
Sh. Surya Prakash, Id. counsel for applicant.

This is an application for interim bail but adjournment sought by counsel for accused.

Put up for arguments and appropriate orders for 17.11.2020.

**NAVEEN
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Date: 2020.11.02
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**(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
02.11.2020**

Bail Application No. 1651/2020
Bail Application No.: 1652/2020

State v. Mukesh Jha
State v. Deepak Jha
FIR no.: 255/2020
PS: Prasad Nagar

02.11.2020

Present: Mr. Pawan Kumar, Learned Addl. PP for State through VC.
Sh. Piyush Chhabra, Ld. Counsel for applicants Mukesh Jha and Deepak Jha.

Arguments in detail heard on these anticipatory bail application.

Put up for orders/clarifications, if any on **05.11.2020**.

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(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
02.11.2020

Bail Application No. 1653/2020

State v. Amit Kumar Gupta

FIR no.: Nil

PS: Nil

02.11.2020

Present: Mr. Pawan Kumar, Learned Addl. PP for State through VC.
Sh. Omkar Sharma, Ld. Counsel for applicant Amit Kumar Gupta.

This is an application u/s 438 Cr.P.C. dated 27.10.2020.

Put up for further arguments including filing of case law as desired by
learned counsel for applicant on **04.11.2020**.

Issue notice to IO/SHO concerned for next date.

**NAVEEN KUMAR
KASHYAP**

**(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
02.11.2020**

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Bail Application No. 1542/2020

Bail Application No.: 1555/2020

State v. Abhay Arora

FIR no.: 30/2020

PS: Rajinder Nagar

**U/S: 307,387,452,120 B IPC &
25,27 Arms Act**

02.11.2020

Present: Mr. Pawan Kumar, Learned Addl. PP for State through VC.
Sh. Parveen Dabas, Ld. Counsel for applicant with one of the co-accused through VC.

This is an application for regular bail.

Arguments already heard and today case was fixed for orders/clarifications on this application. But counsel for complainant Sh. Rajan Rai Dua and proxy counsel for accused appeared and apprised the court that as of now the case is already committed and now pending before the court of Sh. Sanjay Sharma, Ld. ASJ.(central).

But still it is submitted by learned counsel for accused/applicant that as the matter was fixed for orders, same can be proceeded further and ordered accordingly.

But in view of these new developments, this court is unable to agree with such contention.

As such, this matter be put up before Ld. Principal District & Sessions Judge (HQ), Central District, Tis Hazari for further orders and directions ,for tomorrow itself i.e. 03.11.2020 at 2 pm.

**NAVEEN
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**(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
02.11.2020**

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Bail Matters No.:1410/2020
State Vs Pankesh Kumar & Ors
FIR No.:436/2018
PS: Karol Bagh

02/11/2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. K.Z. Khan, learned counsel for applicant through VC.
IO SI Gautam in person.

Arguments in detail heard from all the sides.

Put up for orders / clarification, if any, for **05/11/2020**.

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(Naveen Kumar Kashyap)
ASJ-04/Central/02.11.2020

Bail Matters No.:1522/2020
State Vs Ramu
FIR No.:217/2020
PS: Rajinder Nagar

02/11/2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. V.V. Arya, learned counsel for the accused through VC.

Further reply not filed by the IO.

Issue show cause notice to IO as to why such reply not filed. In the meanwhile, interim protection to continue till the next date of hearing.

Put up for further reply by the IO in terms of previous order, further arguments and appropriate orders for **11/11/2020**.

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Date: 2020.11.02
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(Naveen Kumar Kashyap)
ASJ-04/Central/02.11.2020

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Bail Matters No.: 1635/2020

State Vs Rajesh Gurjar

FIR No. : 01/2020

PS: Prashad Nagar

U/S: 328, 376 IPC

02/11/2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. Anil Kumar Sharma and Mohd. Shakir, learned counsel for the applicant through VC.
Mr. Rahul Ranjan, learned counsel for complainant / victim through VC.
Victim / Complainant in person through VC.
W ASI Asmita on behalf of IO is present through VC.

It is submitted by the learned counsel for the accused that earlier there was some *zero FIR* and now by the order of the Hon'ble High Court of Delhi, the FIR is directed to be registered in Delhi itself. As such, for such technicalities, he wants to withdraw present application with liberty to file afresh application with correct FIR number.

Heard. Allowed. Present application is dismissed as withdrawn with liberty to file afresh with correct FIR number. Applicant stands disposed off.

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**(Naveen Kumar Kashyap)
ASJ-04/Central/02.11.2020**

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Bail Matters No.:1573/2020

State Vs Mohd. Sabir

FIR No. :175/2020

PS: Hauz Qazi

U/S: 376D, 120B, 506, 34 IPC

02/11/2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. Manish Kumar Singh, learned counsel for accused through VC.
Ms. Lakshmi Raina, counsel for victim from DCW through VC.
IO is also present through VC with victim.

Put up for arguments on physical hearing day of this court having regard to the nature of allegations in this case. Further parties are at liberty to appear through VC also ,if so desired.

Put up for **03/11/2020 at 10:30 AM.**

**NAVEEN
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**(Naveen Kumar Kashyap)
ASJ-04/Central/02.11.2020**

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Date: 2020.11.02
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Bail Matters No.:1636/2020
State Vs Amit @ Akash
FIR No.:192/2019
PS: Prashad Nagar

02/11/2020

This is an application for extension of interim bail upto 10/12/2020.

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. Mohit Chadha, learned counsel for applicant through VC.
Mr. Shubham Asri, learned counsel for complainant through VC.

This is an application for extension of interim bail dated 27/10/2020.

Arguments heard.

In this case accused was granted interim bail on merit as per record.

Vide order dated 20/10/2020 in WP(C) 3037/2020 ,Hon'ble High Court of Delhi was pleased not to extend such interim bail vide para No.7 (i) of such order. Further, certain liberty was given to the accused person to approach the court concerned under para 7 (ii) for extension of interim bail.

But thereafter, Hon'ble Supreme Court in SLP (C) Diary No. 23367 / 2020 titled as "*National Forum on prison reforms vs Government of NCT of Delhi & others*" vide order dated 29/10/2020 was pleased ,inter alia, to stay the operation of such para 7(i) & 7(ii) and put up the matter for further hearing for 26/11/2020.

In view of such development, as para 7 (ii) is also stayed by hon'ble Supreme Court, put up for further proceedings / appropriate orders on the present application for **27/11/2020**.

NAVEEN KUMAR KASHYAP
(Naveen Kumar Kashyap)
ASJ-04/Central/02.11.2020

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Date: 2020.11.02 18:48:21 +05'30'

Bail Matters No.:1649/2020
State Vs Satpal Singh & Anr
FIR No.: 196/2020
PS: Rajinder Nagar

02/11/2020

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

Reply filed by the IO.

Part arguments heard in detail. There is some technical issue in hearing.

As such, put up for further arguments / appropriate orders for **04/11/2020**.

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(Naveen Kumar Kashyap)
ASJ-04/Central/02.11.2020

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Date: 2020.11.02
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Bail Matters No.:1862/2019
State Vs Amit Nath Saini
FIR No.:193/2012
PS:Sarai Rohilla

02/11/2020

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

This is an application for anticipatory bail filed by the accused / applicant Amit Nath Saini dated 15/04/2019.

Put up for appearance of counsel for accused / applicant for **17/11/2020**.

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Date: 2020.11.02
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(Naveen Kumar Kashyap)
ASJ-04/Central/02.11.2020

EXTENSION OF INTERIM BAIL OF VINAY @ MONTY

_ State v. Devender Kumar @ Sanjay
FIR No. : 799/2014
PS: Daryaganj
U/S: 302,504,201,34 IPC

02.11.2020

Undersigned is also discharging bail roster duty.

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

Put up for appearance of accused/applicant and appropriate orders for

06.11.2020.

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(Naveen Kumar Kashyap)

ASJ-04/Central/02.11.2020

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Date: 2020.11.02 19:27:49
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BAIL APPLICATION OF YADVENDER @ GUDDU YADAV

_ State v. Raj Bahadur etc.
FIR No. : 130/2014
PS: Kamla Market

02.11.2020

Undersigned is also discharging bail roster duty.

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

It is stated that present accused is on interim bail passed on High Power Criteria at present. Further, it is stated that this application is for regular bail.

Reply filed by IO. Copy of the same be supplied to counsel for applicant during course of the day.

Put up for arguments and appropriate orders on this regular bail application for

05.11.2020.

**NAVEEN
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Date: 2020.11.02
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(Naveen Kumar Kashyap)

ASJ-04/Central/02.11.2020

Bail Application of JUBER

**_ State v. Arshlan Ali
FIR No. : 182/20174
PS: Kamla Market
U/S: 395,120B,34 IPC**

02.11.2020

Undersigned is also discharging bail roster duty.

Present: Mr. Pawan Kumar ,Ld. Addl. PP for the State through VC.
Sh.M.Z. Maishi, Ld. Counsel for accused.

Reply already filed by IO. Copy of the same be supplied to counsel for
accused.

Arguments in detail heard.

Put up for orders with file on 03.11.2020.

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Date: 2020.11.02
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(Naveen Kumar Kashyap)

ASJ-04/Central/02.11.2020

Bail Bond of Noori

_ State v. Rahul Sharma
FIR No. : 339/2016
PS: Darya Ganj

02.11.2020

Undersigned is also discharging bail roster duty.

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

Report filed by HC Rajinder PS Daryaganj regarding verification as well as security of surety Santosh and surety Hasim Ahmad. As per such report of surety address as well as security was found genuine. In view of such report of IO, bail bond is accepted.

Original RC be retained on record.

The present accused Noori is already on interim bail. As such, a copy of this order be sent to Jail Superintendent concerned for his information and record that now she is granted regular bail and Bail bond is accepted.

Ahlmad is directed to do needful accordingly.

**NAVEEN
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(Naveen Kumar Kashyap)

ASJ-04/Central/02.11.2020

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Date: 2020.11.02
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State Vs Pooja & Others
(Application of Munni @ Moni)
FIR No 292/2014
P. S. Rajinder Nagar

02.11.2020

This court is also discharging bail roster duty.

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

Mr. Chirag Khurana, learned counsel for applicant through VC.

This is an application for extension of interim bail.

Such matter is listed before Hon'ble High Court for 03/11/2020.

As such, put up for appropriate orders for **05/11/2020**.

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Date: 2020.11.02
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(Naveen Kumar Kashyap)
ASJ-04/Central/02.11.2020

State Vs Karan Bhardwaj
FIR No 112/2019
P. S. Rajinder Nagar

02.11.2020

This court is also discharging bail roster duty.

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

Mr. Piyush Pahuja, learned counsel for applicant through VC.

This is an application for extension of interim bail.

Such matter is listed before Hon'ble High Court for 03/11/2020.

As such, put up for appropriate orders for **05/11/2020**.

**NAVEEN
KUMAR**

KASHYAP

(Naveen Kumar Kashyap)

ASJ-04/Central/02.11.2020

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Date: 2020.11.02
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State Vs Ajay Sharma
(Application of Deepak)
FIR No 506/2015
P. S. Nabi Karim

02.11.2020

This court is also discharging bail roster duty.

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

Mr. Praveen Dabas, learned counsel for applicant through VC.

This is an application for extension of interim bail granted on merit. But, it is stated by the counsel for accused Mr. Praveen Dabas that because of pendency in another criminal case, actually, such accused was not released from Jail despite such interim bail order dated 07/09/2020. Further, now there are certain directions vide order dated 20/10/2020 by the Hon'ble High Court and thereafter by the Hon'ble Supreme Court in SLP (C) Diary No. 23367 / 2020 titled as "*National Forum on prison reforms vs Government of NCT of Delhi & others*" dated 29/10/2020.

In view of the same, put up for appropriate orders / clarification if any, for **04/11/2020 at 4:00**

PM.

**NAVEEN
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**(Naveen Kumar Kashyap)
ASJ-04/Central/02.11.2020**

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Date: 2020.11.02
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State Vs Abdul Salam @ Wassim @ @ Tiggi
Miscellaneous application for release of FDs.
FIR No 02/2014
P. S. Jama Masjid

02.11.2020

This court is also discharging bail roster duty.

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

Learned counsel for the applicant through VC.

This is an application for release of two FDRs filed by the applicant / accused through counsel.

Put up for appropriate orders with case file for **03/11/2020**.

**NAVEEN
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(Naveen Kumar Kashyap)
ASJ-04/Central/02.11.2020

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Date: 2020.11.02
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State Vs Abdul Salam @ Wassim @ @ Tiggi
Miscellaneous application for release of FDs.
FIR No 02/2014
P. S. Jama Masjid

02.11.2020

This court is also discharging bail roster duty.

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

Learned counsel for the applicant through VC.

This is an application for release of two FDRs filed by the applicant / accused through counsel.

Put up for appropriate orders with case file for **03/11/2020**.

**NAVEEN
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(Naveen Kumar Kashyap)
ASJ-04/Central/02.11.2020

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Date: 2020.11.02
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State Vs Shakeel & others
Application for bail of Shakeel
FIR No 142/2017
P. S. Lahori Gate

02.11.2020

This court is also discharging bail roster duty.

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

None for the applicant.

This is an application for regular bail filed by the applicant through counsel.

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

Put up for reply, arguments and appropriate orders for **17/11/2020**.

NAVEEN

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(Naveen Kumar Kashyap)

ASJ-04/Central/02.11.2020

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Date: 2020.11.02

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State Vs Ashu Atta
Application for Interim bail of accused Rahul @ Tyagi
FIR No 210/2018
P. S. Pankaj Srivastav

02.11.2020

This court is also discharging bail roster duty.

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

None for applicant.

This is an application dated 08/10/2020 for interim bail filed by applicant through counsel.

Put up for appearance of counsel for accused and for arguments and appropriate orders for

17/11/2020.

**NAVEEN
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KASHYAP**
(Naveen Kumar Kashyap)
ASJ-04/Central/02.11.2020

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State Vs Raj Bahadur
Bail Bond of Vasudev
FIR No 130/2014
P. S. Kamla Market

02.11.2020

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 surety and counsel for applicant and for compliance for **03/11/2020**.

NAVEEN

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(Naveen Kumar Kashyap)

ASJ-04/Central/02.11.2020

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Date: 2020.11.02
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State Vs Pramod
Bail bond of Pramod
FIR No 485/2014
P. S.Timar Pur

02.11.2020

This court is also discharging bail roster duty.

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

Mr. Saurabh Singh, learned counsel for applicant through VC.

As per report of HC Shashi Pal PS Timar Pur address as well as vehicle / security / motorcycle bearing No. DL 8SBB 5661 is verified .

In view of the same, bail bond of such accused qua surety Anil Chaudhary is accepted.

But as per report of other surety Narender ,he was not found at the address as he was on duty.

As such, his address as well as security / vehicle could not be verified. Issue fresh notice to IO to verify the same and file report on **04/11/2020 at 2 PM.**

In the meanwhile ,subject to verification of such surety bond of Narender also , release warrant of accused Parmod Kumar be prepared today itself.

Issue notice of the IO accordingly.

Original RC of both sureties be retained on record. Acknowledgment be given accordingly.

**NAVEEN
KUMAR
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(Naveen Kumar Kashyap)
ASJ-04/Central/02.11.2020

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Date: 2020.11.02
18:52:46 +05'30'

State Vs Sunder
Application for bail of accused Sunder
FIR No 252/2016
P. S. Kotwali

02.11.2020

This court is also discharging bail roster duty.

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

Mr. Arvind Kumar counsel for applicant through VC.

This is an application for regular bail filed by applicant through counsel.

It is stated that accused is already on interim bail as per directions by Hon'ble High Power Committee under criteria.

Reply filed by the IO. Copy of the same is supplied to the counsel for the accused on his E-mail ID : kumar_arvindkaku@yahoo.in.

Put up for further arguments on this regular bail application for **05/11/2020**.

**NAVEEN
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Date: 2020.11.02
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**(Naveen Kumar Kashyap)
ASJ-04/Central/02.11.2020**

State Vs Gaurav Chauhan
Application for bail of accused Gaurav
FIR No 199/2009
P. S. Kashmere Gate

02.11.2020

This court is also discharging bail roster duty.

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

Mr. Jitender Sethi, learned counsel for the accused through VC.

This is an application for regular bail filed by applicant through his counsel.

Reply filed by the IO. IO has requested some more time to file reply relating to medical condition / papers filed by the accused.

As such, put up for further reply, arguments and appropriate orders for **06/11/2020**. Copy of such reply be sent to counsel for accused through electronic mode.

**NAVEEN
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**(Naveen Kumar Kashyap)
ASJ-04/Central/02.11.2020**

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Date: 2020.11.02
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State Vs Gaurav Chauhan & others
Application for bail of accused Ankur Singh
FIR No 199/2009
P. S. Kashmere Gate

02.11.2020

This court is also discharging bail roster duty.

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

Mr. Jitender Sethi, learned counsel for the accused through VC.

This is an application for regular bail filed by applicant through his counsel.

Reply filed by the IO. Copy of the same be supplied to the counsel for the accused during the course of the day.

At request, put up with the connected matter for arguments for **06/11/2020**.

**NAVEEN
KUMAR
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**(Naveen Kumar Kashyap)
ASJ-04/Central/02.11.2020**

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Date: 2020.11.02
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Assistant Direcotrate Vs Vineet Gupta & others

02.11.2020

This court is also discharging bail roster duty.

Present: Mr. Rishav Dubey learned counsel alongwith IO are present physical in the court. But they are heard in this hearing through VC.

It is submitted that they are filing supplementary chargesheet today.

Heard. Allowed. The same be placed on record for consideration for the date already fixed.

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(Naveen Kumar Kashyap)
Date: 2020.11.02
18:54:04 +05'30'
ASJ-04/Central/02.11.2020

State Vs Karan Bhardwaj
(Application of Vineet @ Lala @ Arjun)
FIR No 112/2019
P. S. Wazirabad

02.11.2020

This court is also discharging bail roster duty.

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

Learned counsel for the accused through VC.

Today the case is fixed for order.

No time is left. Put up for orders for tomorrow i.e. **03/11/2020 at 4:00 PM.**

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ASJ-04/Central/02.11.2020

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Date: 2020.11.02
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State Vs Pooja & others
(Application of Mohit Sharma @ Sunny)
FIR No 292/2014
P. S. Rajinder Place

02.11.2020

This court is also discharging bail roster duty.

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

Mr. Anang Pal Singh, learned counsel for the accused through VC.

This is an application for extension of interim bail.

Arguments heard.

In this case accused was granted interim bail on merit as per record.

Vide order dated 20/10/2020 in WP(C) 3037/2020, Hon'ble High Court of Delhi was pleased not to extend such interim bail vide para No.7 (i) of such order. Further, certain liberty was given to the accused person to approach the court concerned under para 7 (ii) for extension of interim bail.

But thereafter, Hon'ble Supreme Court in SLP (C) Diary No. 23367 / 2020 titled as "*National Forum on prison reforms vs Government of NCT of Delhi & others*" vide order dated 29/10/2020 was pleased, inter alia, to stay the operation of such para 7(i) & 7(ii) and put up the matter for further hearing for 26/11/2020.

In view of such development, as para 7 (ii) is also stayed by hon'ble Supreme Court, put up for further proceedings / appropriate orders on the present application for **27/11/2020**.

NAVEEN KUMAR
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(Naveen Kumar Kashyap)
ASJ-04/Central/02.11.2020

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Date: 2020.11.02 18:57:05
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State Vs Pooja & others
(Application of Pooja)
FIR No 292/2014
P. S. Rajinder Place

02.11.2020

This court is also discharging bail roster duty.

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

Mr. S.N. Shukla, learned counsel for accused through VC.

This is an application for extension of interim bail.

Arguments heard.

In this case accused was granted interim bail on merit as per record.

Vide order dated 20/10/2020 in WP(C) 3037/2020, Hon'ble High Court of Delhi was pleased not to extend such interim bail vide para No.7 (i) of such order. Further, certain liberty was given to the accused person to approach the court concerned under para 7 (ii) for extension of interim bail.

But thereafter, Hon'ble Supreme Court in SLP (C) Diary No. 23367 / 2020 titled as "*National Forum on prison reforms vs Government of NCT of Delhi & others*" vide order dated 29/10/2020 was pleased, inter alia, to stay the operation of such para 7(i) & 7(ii) and put up the matter for further hearing for 26/11/2020.

In view of such development, as para 7 (ii) is also stayed by hon'ble Supreme Court, put up for further proceedings / appropriate orders on the present application for **27/11/2020**.

NAVEEN KUMAR KASHYAP
(Naveen Kumar Kashyap)
ASJ-04/Central/02.11.2020

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Date: 2020.11.02 18:57:38
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State Vs Gaurav Chauhan & others
(Application of Shahi Ram)
FIR No 199/2009
P. S. Kashmere Gate

02.11.2020

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 accused through VC.

Further clarification given by the counsel for the accused.

It is clarified that at present he is pressing for interim bail only.

It is further clarified that such accused is in JC at present.

As such, put up for orders / clarification, if any, for tomorrow i.e. **03/11/2020**.

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Date: 2020.11.02 18:58:13
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**(Naveen Kumar Kashyap)
ASJ-04/Central/02.11.2020**

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

02.11.2020

This court is also discharging bail roster duty.

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

Mr. Sandeep Yadav, learned counsel for accused through VC.

It is stated that such accused is on interim bail. It is further stated that at present such accused is pressing only for extension of interim bail in this application dated 23/10/2020.

Arguments heard.

In this case accused was granted interim bail on merit as per record.

Vide order dated 20/10/2020 in WP(C) 3037/2020 ,Hon'ble High Court of Delhi was pleased not to extend such interim bail vide para No.7 (i) of such order. Further, certain liberty was given to the accused person to approach the court concerned under para 7 (ii) for extension of interim bail.

But thereafter, Hon'ble Supreme Court in SLP (C) Diary No. 23367 / 2020 titled as "*National Forum on prison reforms vs Government of NCT of Delhi & others*" vide order dated 29/10/2020 was pleased ,inter alia, to stay the operation of such para 7(i) & 7(ii) and put up the matter for further hearing for 26/11/2020.

In view of such development, as para 7 (ii) is also stayed by hon'ble Supreme Court, put up for further proceedings / appropriate orders on the present application for **27/11/2020**.

NAVEEN KUMAR
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(Naveen Kumar Kashyap)
ASJ-04/Central/02.11.2020

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Date: 2020.11.02 18:58:48
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SC:28876/2016
FIR No:866/2014
PS: Burari
State v. Harinder Tyagi @ Kalwa

02.11.2020

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 was 25.03.2020.

On 25.03.2020, matter was adjourned for 02.11.2020.

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 today through VC.

Undersigned is also discharging work of Bail Roster duty.

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.
Sh. S.N. Bhagat Ld. counsel for all accused through VC.

All the four accused are stated to be on bail.

Put up for PE in terms of previous order for 16.03.2021.

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Date: 2020.11.02
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(Naveen Kumar Kashyap)
ASJ-04/Central/02.11.2020

CA: 88/2020
Rama Shanker Rai v. Satish Kumar Raheja

02.11.2020

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.

No adverse order is passed in the interest of justice.

Put up for consideration/ appropriate order for 07.11.2021.

**NAVEEN
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(Naveen Kumar Kashyap)
ASJ-04/Central/02.11.2020

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Date: 2020.11.02
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CA:54840/2016
Bhupinder Singh Sawhney v. State & Anr.

02.11.2020

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 was 07.04.2020,11.05.2020,07.07.2020,07.09.2020 and 05.10.2020.

On 05.10.2020, matter was adjourned for 02.11.2020.

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 today through VC.

Undersigned is also discharging work of Bail Roster duty.

Present: Sh. Sunny Kumar, Ld. Counsel for appellant no.1.
Sh. L.M. Grover, Ld. Counsel for Appellant no.2.
Sh. Sanjeev Goyal, Ld. Counsel for Respondent no.2.

Put up for final arguments through VC for 17.11.2020.

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Date: 2020.11.02
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(Naveen Kumar Kashyap)
ASJ-04/Central/02.11.2020

CA:54841/2016
Bhupinder Singh Sawhney v. State & Anr.

02.11.2020

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 was 07.04.2020,11.05.2020,07.07.2020,07.09.2020 and 05.10.2020.

On 05.10.2020, matter was adjourned for 02.11.2020.

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 today through VC.

Undersigned is also discharging work of Bail Roster duty.

Present: Sh. Sunny Kumar, Ld. Counsel for appellant no.1.
Sh. L.M. Grover, Ld. Counsel for Appellant no.2.
Sh. Sanjeev Goyal, Ld. Counsel for Respondent no.2.

Put up for final arguments through VC for 17.11.2020.

**NAVEEN
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(Naveen Kumar Kashyap)
ASJ-04/Central/02.11.2020

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Date: 2020.11.02 19:30:34
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CA:54842/2016
Bhupinder Singh Sawhney v. State & Anr.

02.11.2020

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 was 07.04.2020,11.05.2020,07.07.2020,07.09.2020 and 05.10.2020.

On 05.10.2020, matter was adjourned for 02.11.2020.

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 today through VC.

Undersigned is also discharging work of Bail Roster duty.

Present: Sh. Sunny Kumar, Ld. Counsel for appellant no.1.
Sh. L.M. Grover, Ld. Counsel for Appellant no.2.
Sh. Sanjeev Goyal, Ld. Counsel for Respondent no.2.

Put up for final arguments through VC for 17.11.2020.

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Date: 2020.11.02 19:30:51
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(Naveen Kumar Kashyap)
ASJ-04/Central/02.11.2020

CA: 281/2019
Mohd. Nawab & Ors. v. State

02.11.2020

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: Mr. Pawan Kumar, learned Addl.PP for State through VC.
Sh. Sudershan, Ld. counsel for complainant alongwith complainant through VC.

Put up for proceedings/appropriate orders on physical hearing day on
07.11.2020.

**NAVEEN
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(Naveen Kumar Kashyap)
ASJ-04/Central/02.11.2020

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Date: 2020.11.02
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Crl. Revision: 166/2020
Anurag Goel v. State

02.11.2020

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. Rishabh Agnihotri, Ld. Counsel for revisionist through VC.
Mr. Pawan Kumar, learned Addl.PP for State/respondent through VC.

Put up for further proceedings/appropriate orders for 07.11.2021.

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Date: 2020.11.02
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(Naveen Kumar Kashyap)
ASJ-04/Central/02.11.2020