

**FIR No.0085/20**  
**State Vs.Unknown**  
**PS Rajinder Nagar**

**05.08.2020**

**(Through Video Conferencing over Cisco Webex Meeting)**  
**Case taken up in view of directions issued by Hon'ble High Court of Delhi vide office order No. 26/DHC/2020 dt. 30.07.2020.**

**Present:** Ld. APP for the State.  
Sh. Rajesh Sharma, Ld. Counsel for applicant.  
IO/SI Ali Akaram.

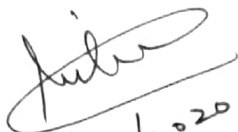
The present application was filed through email. Scanned copy of reply under the signature of IO/SI Ali Akaram is also received through email. Copy already stands supplied to counsel for applicant, electronically.

This order shall dispose off the application for release of mobile phone RC pertaining to vehicle no. DL 1CQ 0147 and DL of driver Vinod Kumar Soni, moved on behalf of applicant Naveen Soni.

In reply received from SI Ali Akaram, it is stated that the DL in question has already been verified. IO has raised no objection qua release of the above documents.

Counsel for applicant submits that applicant is the registered owner of vehicle bearing no. DL 1 CQ 0147 which has already been released vide order dt. 08.07.2020. Scanned copy of order dt. 08.07.2020 is also perused. As per said order, the aforesaid vehicle has been order to be released in favour of applicant Naveen Soni. If that be so, he being the owner of such vehicle appears to be prima facie entitled for its custody.

So far as the DL in the name of Vinod Kumar Soni is concerned, since the applicant had failed to place on record any authority letter issued in his favour by the rightful owner of said DL, therefore, same cannot be released in

  
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favour of applicant.

In view of discussion made above, prayer of applicant is partly accepted to the extent that the original RC pertaining to vehicle bearing no. DL 1CQ 0147 be released to applicant against due receipt and proper identification. The IO shall also retain on record the attested copy of the RC which shall be filed with the charge-sheet. The applicant shall also furnish an affidavit before the IO, undertaking that he shall liable to produce the original RC in connection with the proceedings of the present case FIR, as and when required by the Court.

This order be complied by the IO within 10 days from today.

Application is accordingly disposed off.

Scanned copy of this order be sent to counsel for applicant and IO concerned, electronically for necessary compliance.

Scanned copy of the order be also sent to Computer Branch for uploading on Delhi District Court Website.

  
**(RISHABH KAPOOR)**  
**MM-03(Central),THC,Delhi**  
**05.08.2020**

**e-FIR No.00066/20**  
**State Vs. Mohsin & Anr.**  
**PS I.P. Estate**

**05.08.2020**

**(Through Video Conferencing over Cisco Webex Meeting)**  
**Case taken up in view of directions issued by Hon'ble High Court of Delhi vide office order No. 26/DHC/2020 dt. 30.07.2020.**

**Present:** Ld. APP for the State.

Sh. Shrawan Kumar, Ld. Counsel for applicant.

The present application was filed through email. Scanned copy of reply under the signature of HC Gurdeep is also received through email. Copy already stands supplied to counsel for applicant, electronically.

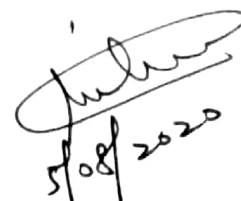
This order shall dispose off the bail application u/s 437 Cr.P.C. for grant of regular bail moved on behalf of applicant/accused Farman.

It is averred on behalf of accused/applicant that he has been falsely implicated in the present case. It is further averred that the applicant/accused has no involvement in the present case. It is also averred that the applicant is having a minor daughter to look after and his family is on the verge of starvation due to his incarceration. With these averments, prayer is made for grant of bail to accused.

Ld. APP for the State submits that the accused shall not be released on bail as there exists a likelihood of his indulgence in similar offences, if enlarged on bail. It is also argued that the accused may also tamper with the evidences or will dissuade the witnesses, if he is enlarged on bail.

On perusal of the previous conviction/involvement report pertaining to accused, it emerges that applicant/accused is having no other previous involvements.

It may be mentioned here that present bail application is contested on behalf of the prosecution mainly on the grounds that if admitted on bail, the

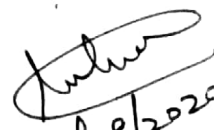


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accused/applicant will indulge in offences of like nature and that he will tamper with the evidences of the case. However, in this regard, I am reminded of observations made by Hon'ble Apex court in *Gurcharan Singh versus State (Delhi Administration) (1978) 1 SCC 118*, wherein it was observed that while a vague allegation that accused may tamper with the evidence or witnesses, may not be a ground to refuse bail, 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 temper with the evidence, then bail will be refused.

In the present case, admittedly, the accused is not having any previous involvements. Besides, the recovery of the case property has already been effected. The accused is undergoing custody since 24.07.2020. Further, co-accused, namely, Mohsin Khan has already been admitted on bail by this Court. Merely, on the basis of the vague allegations of the prosecution that there exist apprehension that if admitted on bail, the accused will either tamper with the evidences or influence the witnesses are not supported with any material on record. Therefore, while relying on the authority cited above, I am not in agreement with the contentions of the prosecution and as such, the same deserves to be negated.

Further, in this context, it is also pertinent to cite the observations made by the Hon'ble apex court *in Sanjay Chandra versus CBI (2012) 1 SCC 40*, wherein Hon'ble Apex court observed that the courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earliest 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 un-convicted persons should be held in custody pending trial to secure their attendance at trial but in such cases, necessity is the operative test. The Hon'ble Apex court further observed that in this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person 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 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


  
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*lose sight of the fact that any imprisonment before conviction has a substantial punitive content and that it would be improper for any court to refuse bail as a mark of this approval of former conduct whether the accused has been convicted for it or not or to refuse bail to an un-convicted person for purpose of giving him a taste of imprisonment as a lesson.*

In the light of the discussion made above, I am of the view that the contentions of the prosecution appears to be untenable and as such, there exists no reasonable justification, in not enlarging the accused/applicant Farman on bail. Accordingly, his prayer is accepted and the accused/applicant Farman is hereby ordered to be enlarged on bail, subject to furnishing personal bonds in the sum of Rs.15000/- with one surety in like amount to the satisfaction of concerned Ld. Duty MM.

Scanned copy of this order be sent to counsel for applicant and concerned Jail Superintendent, electronically.

Scanned copy of the order be also sent to Computer Branch for uploading on Delhi District Court Website.

  
**(RISHABH KAPOOR)**  
**MM-03(Central),THC,Delhi**  
**05.08.2020**



**FIR No.149/20**  
**State Vs. Arjun @ Chinki**  
**PS I.P. Estate**

**05.08.2020**

**(Through Video Conferencing over Cisco Webex Meeting)**  
**Case taken up in view of directions issued by Hon'ble High Court of**  
**Delhi vide office order No. 26/DHC/2020 dt. 30.07.2020.**

**Present:** Ld. APP for the State.  
Sh. Sumit Gauba, Ld. counsel for accused.  
IO/SI Deepak.

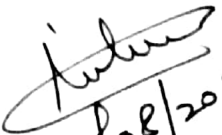
The present urgent application was filed on behalf of the applicant/accused on email id of this court. Scanned copy of reply under the signature of IO/SI Deepak is also received. Copy supplied to Ld. LAC, electronically.

This order shall dispose off the bail application moved on behalf of applicant/accused Arjun @ Chinki.

It is averred on behalf of accused/applicant that he has been falsely implicated in the present case. It is further averred that the applicant/accused has no involvement in the present case. It is further averred that the applicant is in custody since last 03 months and keeping in view the present situation on account of Covid-19 Pandemic, he be released from jail. With these averments, prayer is made for grant of bail to accused.

Ld. APP for the State submits that the accused shall not be released on bail as he is a habitual offender, having previous involvement in case involving serious offences.

On perusal of the reply of IO, it emerges that the applicant is also having complicity with respect to case FIR No.94/2020 u/s 392/397/411/34 IPC PS Anand Parvat. If that be so, the apprehension of prosecution that if enlarged on bail, he will commit the offences of like nature or will dissuade the material prosecution witnesses, appears to be well justified. Further, the allegations against applicant are

  
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serious in nature and investigation of the case still not complete.

In such circumstances, this court is of the firm view that no ground for grant of bail is made out to the accused/applicant Arjun @ Chinki. Accordingly, the present application deserves dismissal and same is hereby dismissed.

Scanned copy of this order be sent to Ld. counsel for applicant/accused through email.

Scanned copy of the order be also sent to Computer Branch for uploading on Delhi District Court Website.

  
**(RISHABH KAPOOR)**  
**MM-03(Central),THC,Delhi**  
**05.08.2020**

FIR No.CD-IPE-00057/20

State Vs.Unknown (Through Applicant Prashant Jha)

PS I.P. Estate

05.08.2020

(Through Video Conferencing over Cisco Webex Meeting)

Case taken up in view of directions issued by Hon'ble High Court of Delhi vide office order No. 26/DHC/2020 dt. 30.07.2020.

**Present:** Ld. APP for the State.

Applicant Sh. Prashant Kumar Jha.

IO/HC Sanjay Sharma.

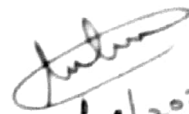
The present application was filed through email. Scanned copy of reply under the signature of HC Sanjay Sharma is also received through email. Copy already stands supplied to counsel for applicant, electronically.

This order shall dispose off the application for release of mobile phone NOKIA 6.1 on Superdari, moved on behalf of applicant Prashant Kumar Jha.

In reply received from HC Sanjay Sharma, it is stated that the mobile phone in question has been recovered from possession of accused and same is lying in the custody of police at PS I.P. Estate. It is further stated in the reply that the applicant Prashant Kumar Jha has lodged report qua theft of his mobile pursuant to which the present e-FIR was registered. It is further stated that the police has no objection, if mobile phone in question is released to applicant.

As per the report of HC Sanjay Kumar, since the investigation qua mobile phone in question is complete, therefore, no useful purpose shall be served in further detaining it in the police custody.

In these circumstances and as per directions of *Hon'ble High Court of Delhi* in matter of "*Manjit Singh Vs. State*" in CrI. M.C. No.4485/2013 dated 10.09.2014, the aforesaid the NOKIA 6.1 mobile phone be released to the applicant / owner

  
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subject to the following conditions:-

1. IO shall verify the original bill/invoice of mobile phone in question from the concerned vendor from whom applicant has purchased the mobile phone in question.
2. IO shall also verify the any vaild identity proof of applicant prior to release of the mobile in question.
3. If applicant is found to be rightful owner of the mobile phone in question, it be released to her only subject to furnishing of indemnity bond as per its value, to the satisfaction of the concerned SHO/ IO subject to verification of documents.
4. IO shall prepare detailed panchnama mentioning the colour, IMEI NO., ownership and other necessary details of the mobile phone.
5. IO shall take the colour photographs of the mobile phone from different angles and also of the IMEI number of the mobile-phone.
6. The photographs should be attested and counter signed by the complainant/applicant and accused.

*IO/SHO is directed to comply with this order within 3 days of receiving the same.*

The application is accordingly disposed off.

Scanned copy of this order be sent to counsel for applicant and SHO concerned, electronically for necessary compliance.

Scanned copy of the order be also sent to Computer Branch for uploading on Delhi District Court Website.

  
(RISHABH KAPOOR)

MM-03(Central),THC,Delhi

05.08.2020

**FIR No.128/20**  
**State Vs. Vehicle No. DL 1SAB 8684**  
**PS I.P. Estate**

**05.08.2020**

**(Through Video Conferencing over Cisco Webex Meeting)**

**Case taken up in view of directions issued by Hon'ble High Court of Delhi vide office order No. 26/DHC/2020 dt. 30.07.2020.**

**Present:** Ld. APP for the State.

Sh. Nitin Pandey and Ms. Charu Nagpal, Ld. Counsel for applicant.

IO/SI Deepak Kumar.

Scanned copy of reply under the signature of IO/SI Deepak Kumar is received through email.

Copy stands supplied to counsel for applicant, electronically.

Counsel for applicant seeks time to bring on record the documents qua entitlement of applicant over vehicle in question. Time granted.

Let the requisite documents on behalf of applicant be file through email on 07.08.2020 by 10:00 am.

Put up for consideration on 07.08.2020 at 02:00 pm.

Scanned copy of this order be uploaded on Delhi District Court, Website.

**(RISHABH KAPOOR)**  
**MM-03(Central),THC,Delhi**  
**05.08.2020**