

FIR No. 243/2017
PS: Burari
State Vs. Feroz
U/s 363/365/302/120B34 IPC and 25 of Arms Act

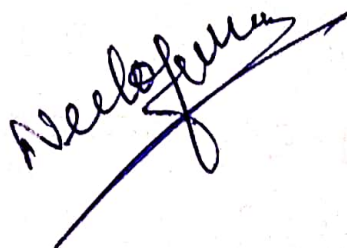
07.07.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)
Sh. Javed Ali, Counsel for accused-applicant (through video conferencing)
Hearing conducted through Video Conferencing.

This is an application for grant of interim bail for 45 days under Section 439 CrPC filed on behalf of accused Feroz in case FIR No. 243/2017 invoking guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020.

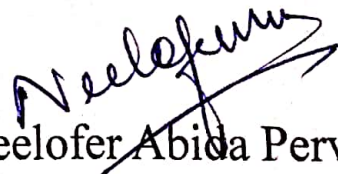
Report in respect of accused Feroz is received from Jail Superintendent to the effect that accused Feroz is in custody in the present case from 27.05.2017 and that his over all conduct in jail is satisfactory and he has not been awarded any punishment in jail today. As per report received from the IO, accused-applicant is not involved in any other case. Id. Addl. PP submits that the case of the accused-applicant is not covered under the guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi as the accused-applicant is involved in commission of murders of six members of the family and that multiple murder cases are not specifically included in the guidelines.

Heard. Record is perused.



I have gone through the record. The present case involves murder of six members of the family. However, accused-applicant is alleged to be involved in the murder of one of the members of the family only and no role in respect of the murder of other members of the family is attributed to him.

In such facts and circumstances relying upon the guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020 for release of undertrial prisoners on 45 days interim bail in order to decongest the prisons in Delhi in the wake of out break of covid-19 pandemic, and as the accused-applicant Feroz S/o Shabir fulfills all the criteria prescribed under the guidelines, interim bail for 45 days is granted to the accused Feroz S/o Shabir in case FIR No. 243/2017 on furnishing personal bond in the sum of Rs.50,000/- to the satisfaction of the Jail Superintendent and subject to the condition that during the period of interim bail he shall not in any manner threaten/ influence the witnesses in this case or tamper with the evidence or interfere with the course of justice in any manner whatsoever, and shall furnish his mobile phone number and that of one responsible member of the family to the IO and shall ensure that the mobile phone number remains throughout on switched on mode with location activated and shared with the IO. That the accused-applicant shall not leave the territorial limits of NCR Region without prior intimation to the IO concerned.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
07.07.2020

FIR No. 327/2019
PS: Crime Branch
State Vs. Inder Singh
U/s 21/29 NDPS Act

07.07.2020

Fresh application received. Be registered.


Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)

Sh. Vinod Kumar Verma, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application under Section 91 CrPC on behalf of accused Inder Singh in case FIR No.327/2019

Put up alongwith main application on **09.07.2020**.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
07.07.2020

FIR No. 592/2014

PS: Timarpur

State Vs. Shyam Kumar Shah

U/s 302/201/435 IPC

07.07.2020

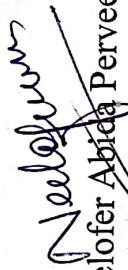
Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video

conferencing)

Intimation has been received from Jail Superintendent that accused Shyam Kumar Shah has not been released from jail in view of the directions issued vide order dated 06.07.2020 as in the said order, the FIR number has been mentioned as "592/2017" instead of "592/2014", Sections of the FIR has been mentioned as "302 IPC" instead of "302/201/435 IPC"

I have seen the order. There appears to be typographical error in recording the particulars of the case in the order dated 06.07.2020.

By way of a clarification it is ordered that accused **Shyam Kumar Shah** accused in case **FIR No. 592/2014 Under Section 302/201/435 IPC** has been ordered to be released on interim bail of 45 days in terms of the guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020 for release of undertrial prisoners for 45 days interim bail in order to decongest the prisons in Delhi in the wake of out break of covid-19 pandemic, upon furnishing personal bond in the sum of **Rs.50,000/-** to the satisfaction of the Jail Superintendent vide order dated **6.7.2020** subject to the conditions as mentioned in the said order. Oder be forwarded to Jail Superintendent concerned for compliance.


(Neelofer Abida Perveen)

ASJ (Central)THC/Delhi

07.07.2020

FIR No. 34/2012
PS: Crime Branch
State Vs. Ranjit Sahu
U/s 20 NDPS Act

07.07.2020

Fresh application received. Be registered.

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)

Sh. Ravi Kaushal, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application under section 439 CrPC for grant of regular bail on behalf of accused Ranjit Sahu in case FIR No.34/2012.


Ld. Counsel for the accused-applicant submits that accused-applicant is in custody since 11.02.2012 and has suffered incarceration of 8½ years. That on two occasions trial has been directed to be concluded by the Hon'ble High Court of Delhi within a time frame, however, now there is no possibility of the trial being concluded in the near future due to the situation prevailing from the outbreak of covid-19 pandemic and suspension of regular working of the Court since March 2020 which continues till date. That the only public witness cited by the prosecution has already been examined and discharged. That accused-applicant is the sole bread earner for his family. Ld. Counsel for the accused has relied upon judgment titled as **Kumari Suman Pandey v. State of UP (SC) 64 2007 (2) RCR (Criminal)**.

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Ld. Addl. PP on the other hand submits that the case pertains to the recovery of 190 kgs of Ganja i.e. commercial quantity of the contraband and that the rigors of Section 37 of the NDPS Act are required to be satisfied. That trial is now at its fag end. That prosecution relies upon the testimony of the public witness who has supported the case of the prosecution in order to prove the recovery.

Heard.

The present case pertains to recovery of commercial quantity of the contraband thereby attracting the rigors of Section 37 of the Act. The prosecution relies upon the testimony of an independent public witness who now stands examined and has supported the case of the prosecution. There is therefore no material before this Court to record the satisfaction that the accused has not committed the offence. As twin requirement of Section 37 of the Act are not met with, no ground is made out to grant bail to the accused-applicant Ranjit Sahu. The judgment cited by ld. Counsel for the accused-applicant is distinguishable on facts. Application for accused-applicant Ranjit Sahu for grant of regular bail in case FIR No. 34/2012 is therefore dismissed.


(Neelofer Abida Perveen)
ASI (Central)THC/Delhi
07.07.2020

FIR No. 699/2015

PS: RMD

State Vs. Sunil @ Ballu

U/s 302/394/397/34 IPC

07.07.2020

Fresh application received. Be registered.

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)

Sh. Sandeep Srivastava, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of regular bail on behalf of accused Sunil @ Ballu in case FIR No.699/2015.

Ld. Counsel for the accused-applicant submits that the last bail application of the accused-applicant was dismissed on 20.06.2020 but that it was an application for grant of interim bail. When Ld. Counsel for the accused-applicant is called upon to read the first page of the order dated 20.06.2020, Ld. Counsel for the accused-applicant submits that infact the said application was considered as an application for grant of regular bail. Ld. Counsel submits that the continued incarceration of the accused-applicant in itself is a change in circumstance from the date of dismissal of the last bail application and that the last bail application is obtained by misrepresentation of the facts before the Court by Ld. Addl. PP of State as it has been said to be projected that the mobile phone was recovered, however, as is clear from the chargesheet itself, as per the disclosure statement made

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by Sunil Pavva, the sim/mobile remained untraced. That eye witness has not supported the case of the prosecution and has failed to identify the accused-applicant as one of the offenders and deposed in the Court that in the course of TIP proceedings he had identified the accused-applicant due to threats and coercion at the hands of the police/ officials, and that case of the accused-applicant and that of co-accused Sunil Pavva already on bail is not on any different footing. That the only witnesses that remain to be examined in prosecution evidence are police witnesses and there is no possibility of tampering with the evidence or influencing police witnesses who remain to be examined and that these are the same police officials who had built up a false case against the accused-applicant and now accused-applicant has been acquitted in the said case and judgment is annexed alongwith the application. Ld. Counsel further submits that accused-applicant is in custody now for over 5 ½ years and that custody before conviction amounts to punishment without conviction. Ld. Counsel for the accused-applicant has relied upon **Ibrahim Munna Sali Shaikh v. State of Maharashtra** 196 Cri. LJ 1419.

Ld. Addl. PP, on the other hand submitted that case of the accused-applicant and that of co-accused Sunil Pavva is not on the same footings as that though no mobile phone was recovered from the possession of the accused Sunil Pavva, however, accused Sunil Pavva had used the mobile phone of the deceased to make a call and from the said call made by accused Sunil Pavva, he was traced in the present case and connected to the incident, however, in the course of TIP proceedings, accused Sunil Pavva

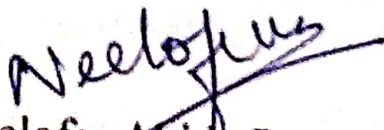
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was not identified to be one of the offenders who had intercepted the deceased and the complainant and subsequently committed the murder of the deceased.

I have heard the Id. Counsel for the accused-applicant at length. The last application of the accused pressed upon as an application for regular bail is considered as such and dismissed on 20.6.2020 dealing with most of the contentions as are raised in the course of arguments today. The contention raised today that the mobile phone was not recovered, would be tenable as a ground for grant of bail not to the accused-applicant but co-accused Sunil @Pavva, as there was no material qua that co-accused except for one call made to the relatives of the said co-accused using the sim of the deceased, the accused applicant however was identified as one of the offenders who had intercepted the deceased and the complainant, robbed and murdered the deceased in the course of TIP Proceedings by the complainant. So far as the waivering testimony of the complainant in the court is concerned, this aspect at length is dealt with in the order dated 20.6.200, dismissing the bail application of the accused. Ld. Counsel for the accused-applicant in fact has impugned as erroneous the observations made on the basis of which the previous bail application of the accused-applicant was dismissed on 20.06.2020 calling upon the Court to revisit the same grounds. I am afraid, such an exercise would amount to review of order dated 20.06.2020, a jurisdiction not vested with this Court under the Code of Criminal Procedure. Ld. Counsel for the accused-applicant has relied upon judgment rendered in **Ibrahim @ Munna Sali Shaikh** (supra)



to impress upon the Court that merely on the ground that offence is heinous bail cannot be denied to the accused. The said order pertains to the commission of offence under Section 395 IPC whereas the accused herein is alleged to have committed offence under Section 302 IPC. The said judgment is therefore distinguishable. That the accused-applicant has been acquitted in case FIR No. 1046/2015 PS Vivek Vihar as the Court in that case has not believed the testimony of the police officials who are also witnesses in the present case in itself is not a ground to disbelieve the case of the prosecution and discredit testimonies yet to come on the record of this case. The judgment in the said case FIR is rendered on the facts of the said case and on the basis of evidence available in the said case and the present adjudication is to rely exclusively on the evidence produced/to be produced in the present case. The last bail application of the accused-applicant is dismissed taking into consideration the heinous nature of the offence, criminal antecedents and also conduct during custody. There is no change in the circumstances warranting fresh consideration. No ground is made out for grant of regular bail to the accused-applicant Sunil @ Ballu in the present case. **Application of the accused-applicant Sunil@ Ballu for grant of regular bail in case FIR No. 699/2015 is therefore dismissed.**


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
07.07.2020

FIR No. 1360/2015

PS: Burari

State Vs. Rahul Bainsla

U/s 302/365/201/120B IPC and 25 Arms Act

07.07.2020

Fresh application received. Be registered.

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)

Sh. Sumit Rana, Counsel for accused-applicant (through video conferencing)

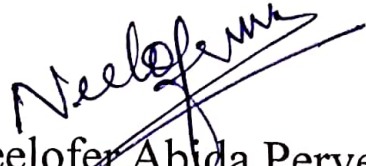
Hearing conducted through Video Conferencing.

This is an application for extension of interim bail of 45 days granted to the accused-applicant namely Rahul Bainsla in case FIR No. 1360/2015 vide order dated 29.05.2020 in accordance with the guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 07.04.2020. It emerges that the High Powered Committee in its meeting dated 20.06.2020 had recommended for extension of interim bails further by 45 days of the undertrial prisoners who had been granted interim bail in the first place on the basis of guidelines issued by the High Powered Committee.

The prayer for extension, however, is rendered infructuous in the wake of the directions issued by the Hon'ble the High Court of Delhi in WP (C) No. 3080/2020 titled as Court on its own motion v. Govt. of NCT Delhi & Anr. Dated 22.06.2020 vide which accepting the recommendations of High Powered Committee dated 20.06.2020, the interim bail for a period

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of 45 days granted to 2961 UTPs as per High Powered Committee criteria has been are ordered to have been extended by another period of 45 days from the date of the respective expiry on the same terms and conditions. Case of the accused-applicant is covered under the blanket order of Hon'ble High Court dated 22.06.2020 of extension of interim bails. There arises no necessity by this Court to pass individual extension orders separately in every such case covered under the blanket order extending interim bails granted as per Covid-19 criteria by further period of 45 days. Application is disposed of as infructuous in terms of order dated 22.06.2020 passed by the Hon'ble the High Court of Delhi in WP (C) No. 3080/2020 titled as Court on its own motion v. Govt. of NCT Delhi & Anr.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
07.07.2020

FIR No. 308/2018
PS: Crime Branch
State Vs. Sobhe Ram
U/s 20/29 NDPS Act

07.07.2020

Fresh application received. Be registered.

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)

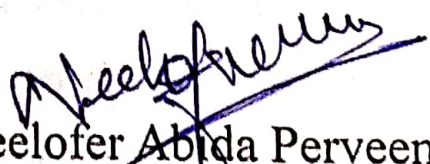
Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of interim bail of 30 days on behalf of accused Sobhe Ram in case FIR No. 308/2018 on the ground of admission of his minor daughter in school.

Let the contents of the application and family status of the accused-applicant be verified.

As the address of the accused-aplicant pertains to Kullu, Himachal Pradesh, for report and consideration, put up on **15.07.2020**.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
07.07.2020

FIR No. 142/2018
PS: Darya Ganj
State Vs. Rahul @ Salman
U/s 302/201/34 IPC

07.07.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)

Sh. Amjad Khan, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application for grant of interim bail of 45 days under Section 439 CrPC filed on behalf of accused Rahul @ Mohd. Salman in case FIR No. 142/2018 invoking guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020.

Report in respect of previous involvement is received alongwith custody certificate and conduct report from the jail. However, in terms of the last order as per apprehension expressed by the prosecution that permanent or temporary address of the family of the accused-applicant could not be traced, directions were issued for filing on record the permanent address of the accused-applicant.


Ld. Counsel for the accused-applicant has informed that despite best efforts he could not trace out the permanent address of the accused-applicant. That prior to his arrest, accused-applicant was living in Delhi and that the mother of the accused-applicant is also living somewhere in Delhi though the address is not known. That one relative is pursuing the

Amjad Khan

matter on behalf of the accused-applicant. It is directed that complete particulars with mobile phone number, permanent/temporary address of the relative who is pursuing the matter on behalf of the accused-applicant be placed on record alongwith known details of the family of the accused-applicant with last known permanent and temporary address of the accused-applicant.

Ld. Counsel for the accused-applicant has sought time till 13.07.2020. Requisite information be placed on record by the next date of hearing.

For consideration, put up on 13.07.2020.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
07.07.2020