

FIR No. 155/2018
PS: DBG Road
State Vs. Vinay
U/s 394/397/304/34 IPC and 25 Arms Act

06.08.2020

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

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

Hearing conducted through Video Conferencing.

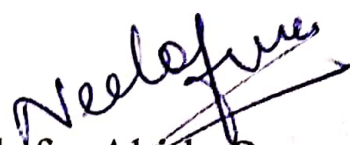
This is an application for extension of interim bail on behalf of accused Vinay in case FIR No. 150/2018.

Accused-applicant Vinay in case FIR No. 150/2018 has been granted interim bail of 45 days vide order dated 22.06.2020 in accordance with the guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 07.04.2020 and the application is for extension of the period of interim bail in pursuance to order dated 13.7. 2020 passed by H'ble the High Court of Delhi in W.P.(C)No.3070/2020.

The prayer for extension of the period of interim bail is now 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 04.08.2020 vide which accepting the recommendation of High Powered Committee dated 31.07.2020, the interim bail for a period of 45 days granted to 2901 UTPs as per High Powered Committee criteria has been are ordered to have been

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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 31.07.2020 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 4.8.2020 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
06.08.2020

FIR No. 288/2019
PS: Sarai Rohilla
State Vs. Pawan @ Jaat
U/s 394/397/411/34 IPC

06.08.2020

Fresh bail application received. Be registered.

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

Hearing conducted through Video Conferencing.

This is an application on behalf of accused-applicant Pawan @ Jaat for grant of interim bail for 30 days in case FIR No. 288/2019.

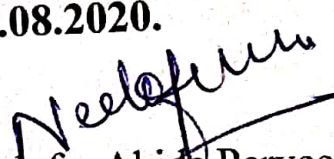
Ld. counsel for the accused-applicant sought adjournment telephonically.

Ld. Addl. PP submits the reply on merits has been received, however, medical documents could not be verified.

Reply of the State on merits be forwarded on the email ID of the Court i.e. ndpscourt222@gmail.com and copy be forwarded to the Ld. Counsel for the accused-applicant.

Let medical record and family status of the accused-applicant be got verified.

For consideration, put up on 17.08.2020.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
06.08.2020

FIR No. 209/2017
PS: Karol Bagh
State Vs. Madan
U/s 380/392/395/397/482/452/419/120B/34 IPC

06.08.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)
Sh.B. S. Chaudhary, Counsel for accused-applicant (through video conferencing)

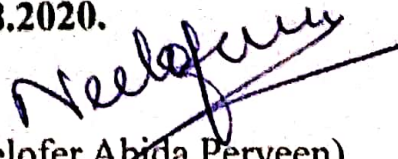
Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of interim bail for a period of one month on behalf of the accused-applicant Madan in case FIR No. 209/2017 on the ground of illness of his mother.

Report is received. It is verified from Fortis Hospital that mother of the accused-applicant had telephonically consulted first with the doctor concerned and thereafter visited Fortis Hospital and was advised certain tests. There is no surgery as such advised as per report.

Ld. counsel for the accused-applicant submits that in fact surgery has already been advised and that he has forwarded certificate of the doctor to this effect on 30.07.2020. When the Ld. counsel is called upon to read from the said certificate, ld. counsel submits that his file is not readily available with him. No such report, however, is found annexed with the application. State also has not received any such certificate on 30.07.2020. Ld. counsel for accused-applicant may resend any such medical certificate on the email ID of the Court i.e. ndpscourt222@gmail.com., with copy forwarded to the prosecution for verification.

For consideration, put up on 10.08.2020.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
06.08.2020

FIR No. 468/2018
PS: Burari
State Vs. Kanhiya
U/s 302/207/323 IPC

06.08.2020


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

Counsel for accused-applicant (through video conferencing)

This is an application for grant of bail filed on behalf of accused Kanhiya in case FIR No.468/2018.

Arguments heard.

For orders, put up on **11.08.2020**.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
06.08.2020

FIR No. 99/2019
PS: Timarpur
State Vs. Jishan
U/s 302/307/34 IPC

06.08.2020

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

Sh. Ghanshyam Mishra, Counsel for accused-applicant (through video conferencing)

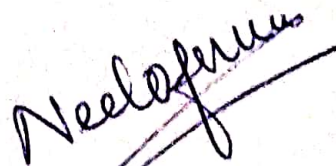
Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of bail on behalf of accused Mohd. Jishan in case FIR No. 99/2019.

Reply is received.

Ld. counsel for the accused-applicant submits that copy of reply has not been supplied to him. Reader of the Court is directed to forward copy of reply on the email ID of Ld. counsel for accused-applicant, as furnished in the application. Ld. counsel seeks some time to go through the reply.

For consideration, put up on **14.08.2020**.



(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
06.08.2020

FIR No. 99/2019
PS: Timarpur
State Vs. Shahrukh
U/s 302/307/34 IPC

06.08.2020

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

Sh. Ghanshyam Mishra, Counsel for accused-applicant (through video conferencing)

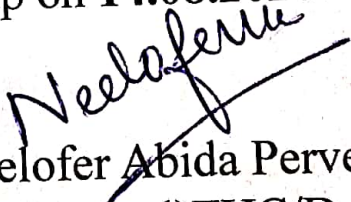
Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of bail on behalf of accused Shahrukh in case FIR No. 99/2019.

Reply is received.

Ld. counsel for the accused-applicant submits that copy of reply has not been supplied to him. Reader of the Court is directed to forward copy of reply on the email ID of Ld. counsel for accused-applicant, as furnished in the application. Ld. counsel seeks some time to go through the reply.

For consideration, put up on **14.08.2020**.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
06.08.2020

FIR No. 168/2015
PS I. P. Estate
State v. Ragib
U/s 395/397/365/412/120B IPC

06.08.2020

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

Sh. Naiem Ahmed, counsel for accused (through video conferencing)

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of regular bail on behalf of accused-applicant Ragib in case FIR No. 168/2015.

Ld. counsel for accused-applicant submits that accused-applicant is in JC in connection with present case for almost five years, that accused-applicant has clean antecedents, that all the material witnesses have been examined, that co-accused Mustafa has already been granted bail, that due to the lockdown, the family of the accused-applicant, particularly his minor children, are facing acute financial hardship and are on the vrge of starvation.

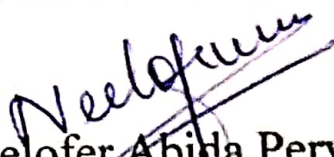
Ld. Addl. PP, on the other hand, submits that case of the co-accused already granted bail is not on the same footing as that of the accused-applicant as the co-accused Mustafa was only a receiver of the stolen property whereas accused-applicant is the main offender and has also been identified as one of the robbers by the complainant, who has been examined and stolen mobile phone has also been recovered from the

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possession of the accused-applicant. That accused-applicant is also involved in another criminal case of similar nature.

Heard.

The complainant has identified the accused-applicant as the robber and the stolen mobile phone has also been recovered from the possession of the accused-applicant, accused-applicant does not have clean antecedents, the matter is now at its fag end, at the stage of recording of statement of accused under Section 313 CrPC for which purpose, the matter is now listed on 18.08.2020, in the totality of such facts and circumstances, no ground is made out to grant regular bail to the accused-applicant. **The application under Section 439 CrPC for grant of regular bail on behalf of accused-applicant Ragib in case FIR No. 168/2015 is therefore dismissed.**


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
06.08.2020

FIR No. 104/2019
PS: Crime Branch
State Vs. Kuldeep Sharma
U/s 20/29 NDPS Act

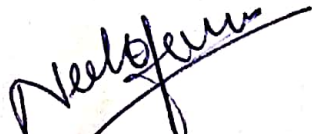
06.08.2020

ORDER

This is an application under Section 439 CrPC for grant of bail on behalf of accused Kuldeep Sharma in case FIR No. 104/2019.

Ld. counsel for the accused-applicant has contended that accused applicant has nothing to do with the present case, ^{no} no illegal substance or contraband is recovered from his possession. That black material is alleged to have been recovered weighing 1200 gram but in the FIR nowhere it is mentioned as to how many pieces of different shapes were recovered. That in the FIR it is alleged that 25 grams each were taken out as sample Mark A and B but in the FIR it is not mentioned from which piece were the alleged samples That the arrest memo of the accused-applicant is prepared in contravention of Section 41B CRPC as it does not bear any signature of relative or respectable person of society. That provisions of Section 50 and 52A of the NDPS Act have not been complied with by the Police. That police has failed to join public persons during investigation. That accused-applicant has clean antecedents and has no previous criminal record. In support of his contention, Ld. counsel for the accused-applicant has relied upon following judgments:-

1. Deen Mohd. V. Narcotics Control Bureau decided by Hon'ble High Court of Punjab and Haryana on 02.02.2018;



2. Amani Fidel Chris v. Narcotics Control Bureau
MANU/DE/0803/2020;
3. Gaunter Edwin Kricher v. State of Goa, Secretariat, Panaji, Goa
1993 AIR 1456;
4. Basant Rai v. State Crl. Appeal no. 909/2005 decided by Hon'ble
High Court of Delhi on 02.07.2012;
5. Javed A. Bhat v. Union of India 2007 CriLJ 3145;
6. Charise Howell v. NCB 2018XAD(Delhi) 128.

Ld. PP, on the other, submits that accused-applicant Kuldeep and co-accused Moti Lal were arrested by police on 22.04.2019 in pursuance of secret information received by SI Vikrant Singh and from their possession 1.2 kgs of charas was recovered. That the case pertains to the commercial quantity of contraband and that the accused are apprehended with the contraband on secret information and have disclosed to be engaged in the trafficking of the contraband and are likely to commit the same offence if released on bail.

Arguments heard. Record perused.

Secret information was received by SI Vikrant Singh on 22.04.2019 that Sonu Pandit and accused-applicant Kuldeep Sharma resident of Bhuntar, HP supply charas in bulk in Delhi after procuring the same from Manali and that on that date in between 6.30 pm to 7.30 pm, they are likely to come in front of Majnu Ka Tila Gurudwara in their gypsy bearing no. HP 58 B 5006 to supply charas. The secret information was put

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up before the seniors and upon the directions of ACP, Stars-II, Crime Branch raiding party was constituted. The accused were seen approaching towards Majnu Ka Tila in a green colour gypsy at around 7.05 pm. Accused Sonu Pandit was at the driver seat and accused-applicant Kuldeep Singh was on the seat next to the driver. They parked the gypsy towards Chandgi Ram Akhara side. Accused-applicant Kuldeep alighted from the gypsy and accused Sonu Pandit retrieved one heavy thaili from the car and handed over the same to accused-applicant Kuldeep, who stood along the road side with the thaili in hand and the raiding party apprehended both of them at that spot. ACP Stars-II, Crime arrived at the spot. Personal search of the accused was effected in his presence and thereafter the thaili was checked, which was found containing charas weighing 1200 grams i.e. commercial quantity of the contraband.

The case pertains to recovery of commercial quantity of contraband ie Charas, and therefore for the purposes of grant of bail the mandate of Section 37 NDPS Act is required to be satisfied. The recovery is effected in the presence of a Gazetted officer and the sampling is also conducted in his presence. The recovery otherwise also is not from the personal search of the accused-applicant but from a bag from his possession. Ld. Counsel for the accused applicant vehemently contended that the sample sent to FSL from the contents of FIR is shown to be not a representative sample drawn in accordance with the Standing orders and therefore in such circumstances the mandate of section 37 of the Act stands satisfied. Only on the basis of the contents of the FIR, it is incapable of

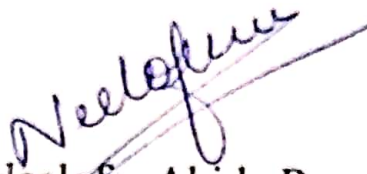
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being ascertained as to whether the sample drawn is representative sample or not, unless the recovery officer steps into the witness box and describes for the court the manner in which the recovery proceedings were conducted by him, there is no material before the court to assess the contravention of the Standing Orders pertaining to sampling in matters under the NDPS Act. Without the benefit of testimony of recovery officer, it would be premature for this Court to arrive at any conclusion on the aspect as to whether the sample that was sent to FSL was representative sample or not.

In Deen Mohd's case (supra), the bail was granted in the facts of the case. Remaining judgments relied upon by the Ld. counsel for accused-applicant were passed after appreciating all aspects upon assessment of evidence lead including in respect of sampling in appeal against judgement of conviction. That stage has not been reached in the case at hand. There is no material before the court to arrive at a satisfaction that the accused has not committed the offence particularly when on a secret information after compliance of Section 42 of the Act, the seizure is effected in the presence of a Gazetted officer of commercial quantity of the charas, and in the face of such case of the prosecution at this stage it cannot be derived by the court that the accused if released on bail is not likely to commit similar offence only for the reason that this is his first arrest. The twin requirements of section 37 are rigorous and compelling and where the same are not met, bail in cases under the NDPS Act, to accused involved in

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commercial quantities of contraband is incapable of being granted. The present application under Section 439 CrPC for grant of bail on behalf of accused Kuldeep Sharma in case FIR No. 104/2019 is therefore dismissed.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
06.08.2020

FIR No. 117/2016
PS: Sarai Rohilla
State Vs. Ajeet Singh Verma
U/s 302/34 IPC

06.08.2020

Fresh bail application received. Be registered.

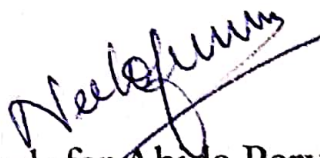
Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)
Sh.Nishant Rana, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is second application on behalf of accused-applicant Ajeet Singh Verma for grant of interim bail of two months in case FIR No. 117/2016.

Ld. Addl. PP submits that report is received. However, office reports that report is not received on the email ID of the Court. Let the report be forwarded on the email ID of the Court i.e. ndpscourt222@gmail.com and to Ld. Counsel for the accused also.

For consideration, put up on **07.08.2020**.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
06.08.2020

FIR No. 131/2018
PS: Hauz Qazi
State Vs. Dolly Chaudhary
U/s 364/365/302/201/120B/34 IPC

06.08.2020

ORDER

This an application under Section 439 CrPC for grant of bail on behalf of accused Dolly Chuadhary in case FIR N o. 131/2018.

Ld. Counsel for the accused-applicant has contended that accused-applicant has been falsely implicated in the present case. That it is alleged against the accused-applicant that she fixed meeting with Sushil Kumar on 11.08.2018 at Mathura and she stayed with co-accused Manish Kumar at Mathura till the afternoon of 11.08.2018 and in the evening, she met Sushil Kumar, they checked into hotel Varun Residency at 11 pm and after sometime she ordered two soft drinks and a veg briyani and when Sushil Kumar was in toilet, she mixed 50 sleeping pills in his soft drink who became unconscious upon consuming the same and then she called her co-accused Manish and both of them took Sushil on a scooty and threw him in Yamuna river from the Old Yamuna Bridge, Laxmi Nagar, Mathura. That the prosecution has weaved an imaginery story with no evidence worth credence in support thereof. That there is no eye witness no material against the accused applicant and the entire case of the prosecution is based on flimsy circumstantial evidence and for the same the accused-applicant shall stand trial. That the co-accused has already been granted bail. That the accused applicant belongs to a respectable family was

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pursuing her graduation and is a young girl ¹⁰ hardly ^d of 22 years of age and is languishing in jail for the last almost two years. That accused-applicant has clean antecedents. That co-accused Manish has already been granted bail from the Hon'ble High Court of Delhi vide order dated 23.05.2019 passed in B. A. No. 1039/2019 and case of the accused-applicant is on the similar footing. That accused-applicant is in custody since 31.08.2018. That now the investigation is complete and chargesheet is filed and trial is likely to take some time. That the accused has deep roots in the society and there is no likelihood of her absconding. ¹⁰

Ld. Addl. PP, on the other hand, submits that ~~the case of the prosecution~~ that though ^{Case} the ¹⁰ of the prosecution is based upon circumstantial evidence and the dead body has not been recovered which has been disposed of by the accused-applicant in conspiracy with the co-accused, however the prosecution has credible evidence and ample material to secure ¹⁰ the conviction of the accused applicant. That the accused-applicant in pursuance to a well calculated conspiracy had first called the deceased who was her lover to Mathura using a mobile phone number secured on a fake identity and thereafter committed the heinous offence in ¹⁰ complicity with the co-accused. There are several public witnesses to be examine ¹⁰ in prosecution evidence, including the the last seen together witness. The prosecution also relies upon CDR Details and location. That the accused- applicant if released on bail may tamper with the evidence.

Arguments heard. Record perused.

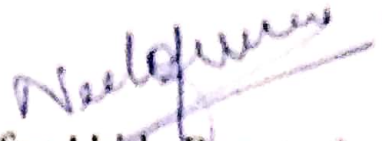
Allegation against accused-applicant is that she was in

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relationship with deceased Sushil Kumar and had called the deceased at hotel Varun Regency, Mathura in furtherance of a criminal conspiracy entered into between the accused -applicant and co-accused Manish Chaudhary, her paramour, where she had administered 50 sleeping pills to Sushil Kumar with the intention to kill him and thereafter she alongwith the co-accused Manish Chaudhary had taken Sushil Kumar on the scooty of the applicant-accused along the banks of Yamuna river and had thrown him into the yamuna river to cause disappearance of evidence of commission of murder of Sushil Kumar. There are no eye witnesses and the entire evidence at the disposal of the prosecution is circumstantial in nature. However, that does not take away in any manner from the barbarity and gravity of the offence. There is no parity between the case of the accused-applicant and co-accused Manish Chaudhary, who has been granted bail by Hon'ble the High Court of Delhi as the deceased is lured into the trap by the accused-applicant who made the call asking him to come to Varun Regency, Mathura, UP and it is the accused-applicant who is alleged to have administered sleeping pills to the deceased before throwing him in the yamuna river alongwith the co-accused. Prosecution has statements of witnesses who sold sleeping pills to the accused-applicant and employees of the hotel where the accused had arranged their stay and CDR details. Trial is yet to commence. In such facts and circumstances, taking into consideration the gravity of the offence, the cold blooded and calculated manner in which it is executed, no ground is made out to grant bail to accused-applicant Dolly Chaudhary @ Dimple. This ~~is~~ ^{is}

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application under Section 439 CrPC for grant of bail on behalf of accused Dolly Chuadhary in case FIR N o. 131/2018 is therefore dismissed.



(Neelofer Abida Perveen)

ASJ (Central)THC/Delhi

06.08.2020

FIR No. 80/2018
PS: Crime Branch
State Vs. Ansalam Nayak
U/s 20NDPS Act

06.08.2020

ORDER

This application was put up before this Court, as it is informed by the staff of the Court of Sh. Deepak Dabas, Ld. ASJ, Delhi that Ld. Presiding Officer is not holding court due to covid-19 infection, as Link Court.

This is an application under Section 439 CrPC for grant of interim bail for 30 days on behalf of the accused-applicant Ansalam Nayak in case FIR No. 80/2018.

Ld. counsel for the accused-applicant submitted that the health condition of the accused-applicant in custody is deteriorating day by day and report received from Jail Superintendent also shows that he is in a pitiable state of health and requires surgery and for this purpose is to be taken to DDU Hospital, however, in the wake of out break of covid-19, DDU Hospital has become a hotspot for contracting infection. Therefore, applicant is desirous of getting treatment from a private hospital at his own expenses. That accused-applicant has very weak health condition and he is at greater risk of contracting infection in custody.

Ld. Addl. PP on the other hand submits that case pertains to the recovery of commercial quantity of contraband i.e. 65 Kgs of Ganja from the possession of the accused-applicant. It is also not disputed that accused-applicant has no previous involvement.

Report was called from Jail Superintendent in respect of the medical health condition of the accused-applicant. As per report, accused-applicant came

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to be admitted in Tihar Prison on 21/06/2018 wherein his medical examination was done by the duty doctor on the same day but he did not give any significant history. Thereafter on 28/06/2018 accused-applicant was seen by doctor on duty for complaint of weakness with giddiness for four to five days for which he was thoroughly examined and provided treatment accordingly. That on 07/11/2018 and 12/12/2019 accused-applicant was seen by jail visiting Skin Specialist for a diagnosis of Pityriasis Versicolor for which he was thoroughly examined and provided treatment accordingly. That further on 14/03/2020 and 02/06/2020 inmate patient was seen by jail visiting Dentist for complaint of pain in tooth for which he was thoroughly examined and provided treatment accordingly. That further on 13/06/2020 inmate patient was seen by doctor on duty for complaint of pain in scrotum for which he was thoroughly examined and provided treatment accordingly and also advised to review with surgery SR. That on 17/06/2020 inmate patient was seen by jail visiting SR Ortho for a diagnosis of ganglion Left wrist for which he was thoroughly examined and provided treatment accordingly. Further on 19/06/2020 inmate patient was seen by jail visiting SR Surgery for complaint of pain in scrotum region, ganglion Left wrist and burning micturation for which he was thoroughly examined and provided treatment accordingly and also advised to FNAC test and urine R/M. That On 25/06/2020, 26/06/2020, 27/06/2020, 01/07/2020 and 04/07/2020 accused-applicant was seen by doctor on duty for complaint of bleeding per rectum (Hemorrhoids) for which he was thoroughly examined and provided treatment accordingly and also advised to review with surgery SR. That on 07/07/2020 and 08/07/2020 accused-applicant was seen by doctor on duty for complaint of pain in testes, weakness and bleeding per rectum for which he was thoroughly examined and provided treatment accordingly and also advised to review with

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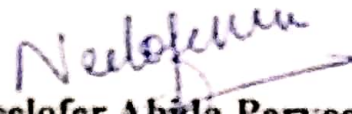
surgery SR. Thereafter on 10/07/2020 inmate patient was seen by jail visiting SR Surgery for complaint of pain and bleeding per rectum and ganglion over Left wrist for which he was thoroughly examined and provided treatment accordingly and also advised to get intralesional injection hyalase/excision from DDU Hospital. Thereafter on 16/07/2020, 20/07/2020, 23/07/2020 and 25/07/2020 inmate patient visited jail dispensary for complaints related to above mentioned diagnosis for which he was thoroughly examined and provided treatment accordingly. That accused-applicant is planned to review in Surgery department at DDU Hospital as advised by jail visiting SR Surgery. That all the medicines are being provided to him from the jail dispensary itself.

It emerges that accused-applicant has repeatedly been visiting Jail Dispensary and has been reffered and reviewed several times in the month of June and July, 2020 to and by the Surgery SR and the SR Orthopedic and is experiencing weakness due to bleeding per rectum and surgical procedure though minor has been advised to be got conducted from DDU Hospital and for this purpose accused is to be reviewed in the Surgical Department of DDU Hospital. Though all the medications are provided to the accused-applicant from the jail dispensary, however taking into consideration that accused-applicant has been advised to undergo surgical procedure and the accused-applicant is desirous for getting procedure from a private facility, application is allowed and accused-applicant Ansalam Nayak is granted interim bail of 7 days, to enable himself to get treatment and surgically operated upon from a private facility, upon furnishing personal bond in the sum of Rs.50,000/- with two sureties in the like amount to the satisfaction of the Court/ld. Duty MM and subject to the condition that he shall mention his mobile phone number, which number it shall be ensured by the accused remains on switched on mode throughout

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the period of interim bail with location activated and shared with the IO at all times. Moreover, once in 24 hours every day, accused-applicant through said mobile phone shall telephonically inform the IO about his whereabouts. That accused shall not threaten, intimidate witnesses or interfere with the course of justice or tamper with the evidence in any manner. That accused-applicant shall not leave the Delhi NCT without the prior permission of the Court.

Applicant-accused to surrender on expiry of the interim bail period.


(Neelofer Abida Perveen)
Link Special (Central)THC/Delhi
06.08.2020