

FIR No.91/2018

PS: Kotwali

State Vs. Mohsin Alam

U/s 342/395/397/412/120B/34 IPC and 25/27 Arms Act

29.10.2020

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

Sh. Akram Khan, counsel for accused-applicant (through video conferencing)

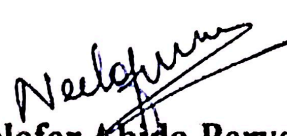
Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of regular bail/extension of interim bail on behalf of accused-applicant Mohsin Alam in case FIR No. 91/2018.

Ld. counsel for the accused-applicant submits that though the application is captioned as application for regular bail/extension of interim bail, however at this stage, he presses upon the prayer for extension of interim bail.

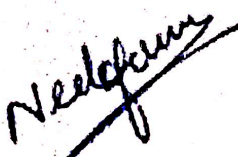
Arguments heard.

For orders, put up at 4 pm.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
29.10.2020

At 4 pm
ORDER

This is an application under Section 439 CrPC for extension of



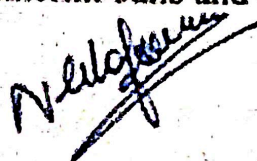
interim bail on behalf of accused-applicant Mohsin Alam in case FIR No. 91/2018.

Ld. counsel for the accused-applicant has contended that accused-applicant was granted interim bail of 45 days vide order dated 22.06.2020 and was released from jail on 24.06.2020 and the interim bail of the accused was extended from time to time. That vide order dated 20.10.2020, Hon'ble High Court has directed the prisoners to surrender before the Jail and in view the said directions of Hon'ble High Court, accused-applicant is to surrender on 02.11.2020. That in terms of the recommendations of the H'ble High Powered Committee as contained in the minutes of meeting dated 24.10.2020, the interim bail so granted and as extended may further be extended by a period of 30 days.

Heard.

The accused-applicant is granted interim bail of 45 days on 22.06.2020 in accordance with the guidelines issued by the High Powered Committee of H'ble the High Court of Delhi towards decongestion of prisons in Delhi which was subsequently further extended in terms of orders passed by H'ble the High Court of Delhi in W. P. (C) N.3080/2020 titled as Court on Its Own Motion v. Govt of NCT of Delhi & Ors. dated 04.08.2020. Subsequently vide orders dated 18.9.2020 passed in the same writ petition by way of a blanket order all the interim bails for a period of 45 days granted to the UTP's in view of the recommendations of the HPC which were going to expire on 21.9.2020 and thereafter were further extended by a period of 45 days.

Full Bench of Hon'ble the High Court of Delhi in W. P. (C) N.3027/2020 titled as Court on Its Own Motion v. Govt of NCT of Delhi & Ors. vide order dated 20.10.2020 has observed and directed as under on the aspect of further extension of interim bails and orders:-



"This Court vide order dated 25th March, 2020 took suo moto notice of outbreak of Covid-19 and the restricted functioning of this Courts vide notification number No.51/RG/DHC/dated 13.03.2020 as well as Government notification dated 24 March, 2020 declaring nationwide lockdown for a period of 21 days wef. 25 March, 2020 and passed a detailed order of which operative portion is as under:

"Taking suo moto cognizance of the aforesaid extraordinary circumstances, under Article 226 & 227 of the Constitution of India, it is hereby ordered that in all matters pending before this court and courts subordinate to this court, where in such interim orders issued were subsisting as on 16.03.2020 and expired or will expire thereafter, the same shall stand automatically extended till 15.05.2020 or until further orders, except where any orders to the contrary have been passed by the Hon'ble Supreme Court of India in any particular matter, during the intervening period.

Need less to clarify that in case, the aforesaid extension of interim order causes any hardship of an extreme nature to a party to such proceeding, they would be at liberty to seek appropriate relief, as may be advised".

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7. After considering all aspects and in view of the fact that the interim bail and interim stay extension order was necessitated because functioning of the Courts was curtailed due to complete lockdown declared on 25.03.2020 but now the situation has changed and Courts at High Court and District Court level are functioning through physical mode/VC mode and since there is no spread of Covid-19 in the jails and out of about 16,000 prisoners only 3 are infected and they have been segregated and are admitted in hospital, we deem it proper to modify our order dated 25 March, 2020 which was lastly extended on 24" August, 2020 as under:

(i) As far as the first category of 2318 undertrials involved in heinous crimes, who were granted interim bail by the District Courts, there shall be no further extension of interim bails under the orders of this Court. However, to facilitate their surrender before jail authorities and to avoid any inconvenience being caused to the jail authorities during surrender of a large number

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of under trials, it is ordered that the surrender shall take place in the following phased manner:

(a) The prisoners of Central District, Tis Hazari Courts, shall surrender on 2nd November, 2020.

(b) The prisoners of West District, Tis Hazari Courts, shall surrender on 3rd November, 2020.

(c) The prisoners of Patiala House Courts, New Delhi District shall surrender on 4 November, 2020.

(d) The prisoners of East District, Karkardooma Courts shall surrender on 5th November, 2020,

(e) The prisoners of North East District, Karkardooma Courts shall surrender on 6 November, 2020,

(f) The prisoners of Shahdara District, Karkardooma Courts shall surrender on 7th November, 2020.

(g) The prisoners of North District, Rohini Court shall surrender on 8th November, 2020,

(h) The prisoners of North West District, Rohini Courts shall surrender on 9th November, 2020.

(i) The prisoners of South West District, Dwarka Courts shall surrender on 10 November, 2020.

(j) The prisoners of South District, Saket Courts, shall surrender on 11 November, 2020.

(k) The prisoners of South East District, Saket Courts shall surrender on 12 November, 2020.

(l) The prisoners of Rouse Avenue Courts Complex, New Delhi shall surrender on 13th November, 2020.

(ii) The above 2,318 prisoners are at liberty to move the respective courts for extension of their interim bails and the concerned courts shall consider the said applications for extension of interim bails on its own merits and take a decision accordingly without being influenced by any order passed by this Court in the past.

(iii) As far as 2,907 prisoners, who have been granted bail on the recommendation of High Power Committee are concerned, a request is made to the High Power Committee to take a decision in respect of the said prisoners within ten days from today.

Subsequent to the above referred order of the H'ble Full Bench, the

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High Powered Committee of Hon'ble High Court of Delhi in its Minutes of Meeting dated 24.10.2020 has observed and resolved as under regarding extension of interim bails granted to UTPs as per the guidelines issued from time to time:

.....
Members of the Committee have considered that as on date against this capacity, there already are 15887 inmates. Even if the additional accommodation of 1800 inmates in the newly created 'temporary jail' is taken into consideration, it would be highly inconvenient for the jail authorities to accommodate UTPs/convicts released on 'interim bail/emergency parole' under the criteria laid down by this Committee, alongside those who would be surrendering in terms of orders dated 20.10.2020 passed by Full Bench of Hon'ble Delhi High Court.

Considering the fact that UTPs/convicts who would be surrendering as per orders passed by Full Bench of Hon'ble High Court are required to be kept in Isolation Cells for a period of 14 days from their respective dates of surrender, Members of the Committee, therefore, found the contention raised by D.G. (Prisons) to be reasonable.

Members of the Committee are of the opinion that it would be appropriate to prevent any chaos or inconvenience to the jail authorities, if the UTPs/convicts granted 'interim bail/emergency parole' on the basis of criteria laid down by this Committee are asked to surrender from December, 2020. As by that time the quarantined/Isolation period of UTPs/convicts surrendering as per orders dated 20.10.2020 of Full Bench of Hon'ble High Court, would be over.

Taking into account the cumulative effect of all these relevant factor i.e.:

- (a) Actual holding capacity of Delhi Prison,*
- (b) Present occupancy,*
- (c) No. of UTPs/convicts surrendering from 02.11.2020 till 13.11.2020, as per orders dated 20.10.2020 of Full Bench of Hon'ble High Court and*
- (d) Period of of 14 days keeping them in Isolation Cells before sending them to regular jail.*

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Members of the Committee are of the opinion that interim bail granted to 3337 UTPs under HPC criteria needs to be extended for a further period of 30 days.

Member Secretary, DSLSA has further apprised the Committee that Special Bench so constituted by Hon'ble the Chief Justice, which had earlier extended interim bail vide order dated 18.09.2020 has listed the said matter on 03.11.2020

The Committee is of the opinion that in this regard, a judicial order would be required from Hon'ble High Court of Delhi and recommends accordingly.


.....
In the event of passing of any such order by Hon'ble High Court of Delhi on the basis of recommendations of this Committee, it is made clear that jail administration shall inform such UTPs about extension of their "interim bail" for a further period of 30 days from the date, the earlier period of interim bail is expiring, telephonically. D.G. (Prisons) assures that jail administration shall do the needful and shall inform all such UTPs about the exact date of their surrender.

.....
Needless to add that no further extension of interim bail shall be made by this Committee. All such UTPs are at liberty to move their respective Courts seeking regular bail through their private counsel or by panel lawyer of DSLSA, as the case may be, and all such Courts shall consider the bail application so filed on merits, de hors the criteria laid down by this Committee."

In the wake of the recommendations embodied in the minutes of meeting dated 24.10.2020 of the High Powered Committee, as reproduced supra, and awaiting further orders and directions of the H'ble High Court of Delhi in W. P. (C) N.3080/2020 titled as Court on Its Own Motion v. Govt of NCT of Delhi & Ors, in respect of further extension of interim bails allowed to the UTP's based upon the guidelines of the HPC, at this stage the interim bail granted to the accused-applicant, as

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such interim bail was granted in the first instance as per the guidelines of the HPC, is extended further till 4.11.2020 on the same terms and conditions.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
29.10.2020

FIR No. 491/2017
PS: Timarpur
State Vs. Shiv Kumar Sharma
U/s 302/304/323/341/34 IPC
29.10.2020

Fresh application received. Be registered.

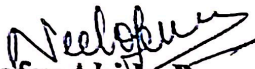
Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)

Sh. Kunal Mittal , counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for extension of interim bail for a period of two months on behalf of accused Shiv Kumar Sharma in case FIR No. 491/2017.

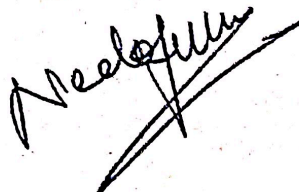
Arguments heard. For orders, put up at 4 pm.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
29.10.2020

At 4 pm
ORDER

This is an application under Section 439 CrPC for extension of interim bail for a period of two months on behalf of accused Shiv Kumar Sharma in case FIR No. 491/2017.

Ld. counsel for the accused-applicant has contended that applicant is filing the present application seeking extension of interim bail granted to the applicant by this Hon'ble Court in terms of the directions of



the Hon'ble High Court of Delhi and recommendations of the HPC headed by HMJ Hima Kohli, due to the ongoing Covid 19 Pandemic which was extended from time to time. That in terms of the recommendations of the H'ble High Powered Committee as contained in the minutes of meeting dated 24.10.2020, the interim bail so granted and as extended may further be extended by a period of 30 days.

Heard.

The accused-applicant is granted interim bail of 45 days on 14.07.2020 in accordance with the guidelines issued by the High Powered Committee of H'ble the High Court of Delhi towards decongestion of prisons in Delhi which was subsequently further extended in terms of orders passed by H'ble the High Court of Delhi in W. P. (C) N.3080/2020 titled as Court on Its Own Motion v. Govt of NCT of Delhi & Ors. dated 04.08.2020. Subsequently vide orders dated 18.9.2020 passed in the same writ petition by way of a blanket order all the interim bails for a period of 45 days granted to the UTP's in view of the recommendations of the HPC which were going to expire on 21.9.2020 and thereafter were further extended by a period of 45 days.

Full Bench of Hon'ble the High Court of Delhi in W. P. (C) N.3027/2020 titled as **Court on Its Own Motion v. Govt of NCT of Delhi & Ors.** vide order dated 20.10.2020 has observed and directed as under on the aspect of further extension of interim bails and orders:-

"This Court vide order dated 25th March, 2020 took suo moto notice of outbreak of Covid-19 and the restricted functioning of this Courts vide notification number

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No.51/RG/DHC/dated 13.03.2020 as well as Government notification dated 24 March, 2020 declaring nationwide lockdown for a period of 21 days wef. 25 March, 2020 and passed a detailed order of which operative portion is as under:

"Taking suo moto cognizance of the aforesaid extraordinary circumstances, under Article 226 & 227 of the Constitution of India, it is hereby ordered that in all matters pending before this court and courts subordinate to this court, where in such interim orders issued were subsisting as on 16.03.2020 and expired or will expire thereafter, the same shall stand automatically extended till 15.05.2020 or until further orders, except where any orders to the contrary have been passed by the Hon'ble Supreme Court of India in any particular matter; during the intervening period.

Need less to clarify that in case, the aforesaid extension of interim order causes any hardship of an extreme nature to a party to such proceeding, they would be at liberty to seek appropriate relief, as may be advised".

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7. After considering all aspects and in view of the fact that the interim bail and interim stay extension order was necessitated because functioning of the Courts was curtailed due to complete lockdown declared on 25.03.2020 but now the situation has changed and Courts at High Court and District Court level are functioning through physical mode/VC mode and since there is no spread of Covid-19 in the jails and out of about 16,000 prisoners only 3 are infected and they have been segregated and are admitted in hospital, we deem it proper to modify our order dated 25 March, 2020 which was lastly extended on 24th August, 2020 as under:

(i) As far as the first category of 2318 undertrials involved in heinous crimes, who were granted interim bail by the District Courts, there shall be no further extension of

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interim bails under the orders of this Court. However, to facilitate their surrender before jail authorities and to avoid any inconvenience being caused to the jail authorities during surrender of a large number of under trials, it is ordered that the surrender shall take place in the following phased manner:

- (a) The prisoners of Central District, Tis Hazari Courts, shall surrender on 2nd November, 2020.
- (b) The prisoners of West District, Tis Hazari Courts, shall surrender on 3rd November, 2020.
- (c) The prisoners of Patiala House Courts, New Delhi District shall surrender on 4 November, 2020.
- (d) The prisoners of East District, Karkardooma Courts shall surrender on 5th November, 2020,
- (e) The prisoners of North East District, Karkardooma Courts shall surrender on 6 November, 2020,
- (f) The prisoners of Shahdara District, Karkardooma Courts shall surrender on 7th November, 2020.
- (g) The prisoners of North District, Rohini Court shall surrender on 8th November, 2020,
- (h) The prisoners of North West District, Rohini Courts shall surrender on 9th November, 2020.
- (i) The prisoners of South West District, Dwarka Courts shall surrender on 10 November, 2020.
- (j) The prisoners of South District, Saket Courts, shall surrender on 11 November, 2020.
- (k) The prisoners of South East District, Saket Courts shall surrender on 12 November, 2020.
- (l) The prisoners of Rouse Avenue Courts Complex, New Delhi shall surrender on 13th November, 2020.
- (ii) The above 2,318 prisoners are at liberty to move the respective courts for extension of their interim bails and the concerned courts shall consider the said applications for extension of interim bails on its own merits and take a decision accordingly without being influenced by any order passed by this Court in the past.

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(iii) As far as 2,907 prisoners, who have been granted bail on the recommendation of High Power Committee are concerned, a request is made to the High Power Committee to take a decision in respect of the said prisoners within ten days from today.

Subsequent to the above referred order of the H'ble Full Bench, the High Powered Committee of Hon'ble High Court of Delhi in its Minutes of Meeting dated 24.10.2020 has observed and resolved as under regarding extension of interim bails granted to UTPs as per the guidelines issued from time to time:

.....
Members of the Committee have considered that as on date against this capacity, there already are 15887 inmates. Even if the additional accommodation of 1800 inmates in the newly created 'temporary jail' is taken into consideration, it would be highly inconvenient for the jail authorities to accommodate UTPs/convicts released on 'interim bail/emergency parole' under the criteria laid down by this Committee, alongside those who would be surrendering in terms of orders dated 20.10.2020 passed by Full Bench of Hon'ble Delhi High Court.

Considering the fact that UTPs/convicts who would be surrendering as per orders passed by Full Bench of Hon'ble High Court are required to be kept in Isolation Cells for a period of 14 days from their respective dates of surrender, Members of the Committee, therefore, found the contention raised by D.G. (Prisons) to be reasonable.

Members of the Committee are of the opinion that it would be appropriate to prevent any chaos or inconvenience to the jail authorities, if the UTPS/convicts granted 'interim bail/emergency parole' on the basis of criteria laid down by this Committee are asked to surrender

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from December, 2020. As by that time the quarantined/Isolation period of UTPs/convicts surrendering as per orders dated 20.10.2020 of Full Bench of Hon'ble High Court, would be over.

Taking into account the cumulative effect of all these relevant factor i.e.:

- (a) Actual holding capacity of Delhi Prison,
- (b) Present occupancy,
- (c) No. of UTPs/convicts surrendering from 02.11.2020 till 13.11.2020, as per orders dated 20.10.2020 of Full Bench of Hon'ble High Court and
- (d) Period of of 14 days keeping them in Isolation Cells before sending them to regular jail.

Members of the Committee are of the opinion that interim bail granted to 3337 UTPs under HPC criteria needs to be extended for a further period of 30 days.

Member Secretary, DSLSA has further apprised the Committee that Special Bench so constituted by Hon'ble the Chief Justice, which had earlier extended interim bail vide order dated 18.09.2020 has listed the said matter on 03.11.2020

The Committee is of the opinion that in this regard, a judicial order would be required from Hon'ble High Court of Delhi and recommends accordingly.

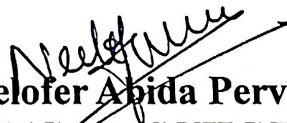
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In the event of passing of any such order by Hon'ble High Court of Delhi on the basis of recommendations of this Committee, it is made clear that jail administration shall inform such UTPS about extension of their "interim bail" for a further period of 30 days from the date, the earlier period of interim bail is expiring, telephonically. D.G. (Prisons) assures that jail administration shall do the needful and shall inform all such UTPs about the exact date of their surrender.

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interim bail shall be made by this Committee. All such UTPs are at liberty to move their respective Courts seeking regular bail through their private counsel or by panel lawyer of DSLSA, as the case may be, and all such Courts shall consider the bail application so filed on merits, de hors the criteria laid down by this Committee."

In the wake of the recommendations embodied in the minutes of meeting dated 24.10.2020 of the High Powered Committee, as reproduced supra, and awaiting further orders and directions of the H'ble High Court of Delhi in W. P. (C) N.3080/2020 titled as Court on Its Own Motion v. Govt of NCT of Delhi & Ors, in respect of further extension of interim bails allowed to the UTP's based upon the guidelines of the HPC, at this stage the interim bail granted to the accused-applicant, as such interim bail was granted in the first instance as per the guidelines of the HPC, is extended further till 4.11.2020 on the same terms and conditions.


(Neelofer Aqida Perveen)
ASJ (Central)THC/Delhi
29.10.2020

FIR No. 327/2019
PS: Prasad Nagar
State Vs. Ramesh

29.10.2020


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

Sh. Om Sharma, Counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for extension of interim bail moved on behalf of accused Ramesh in case FIR No. 327/2019.

Arguments heard. For orders, put up at 4 pm.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
29.10.2020

At 4 pm
ORDER

This is an application under Section 439 CrPC for extension of interim bail moved on behalf of accused Ramesh in case FIR No. 327/2019.

Ld. counsel for the accused-applicant has contended that accused-applicant was granted interim bail of 45 days under guidelines issued by High Powered Committee of Hon'ble High Court of Delhi vide order dated 06.06.2020 which was further extended by 45 days vide order



dated 21.07.2020. That in terms of the recommendations of the H'ble High Powered Committee as contained in the minutes of meeting dated 24.10.2020, the interim bail so granted and as extended may further be extended by a period of 30 days.

Heard.

The accused-applicant is granted interim bail of 45 days on 08.06.2020 in accordance with the guidelines issued by the High Powered Committee of H'ble the High Court of Delhi towards decongestion of prisons in Delhi which was subsequently extended on 21.07.2020 in terms of orders passed by H'ble the High Court of Delhi in W. P. (C) N.3080/2020 titled as Court on Its Own Motion v. Govt of NCT of Delhi & Ors. dated 04.08.2020. Subsequently vide orders dated 18.9.2020 passed in the same writ petition by way of a blanket order all the interim bails for a period of 45 days granted to the UTP's in view of the recommendations of the HPC which were going to expire on 21.9.2020 and thereafter were further extended by a period of 45 days.

Full Bench of Hon'ble the High Court of Delhi in W. P. (C) N.3027/2020 titled as **Court on Its Own Motion v. Govt of NCT of Delhi & Ors.** vide order dated 20.10.2020 has observed and directed as under on the aspect of further extension of interim bails and orders:-

"This Court vide order dated 25th March, 2020 took suo moto notice of outbreak of Covid-19 and the restricted functioning of this Courts vide notification number No.51/RG/DHC/dated 13.03.2020 as well as Government notification dated 24 March, 2020 declaring nationwide lockdown for a period of 21 days wef. 25 March, 2020 and

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passed a detailed order of which operative portion is as under:

"Taking suo moto cognizance of the aforesaid extraordinary circumstances, under Article 226 & 227 of the Constitution of India, it is hereby ordered that in all matters pending before this court and courts subordinate to this court, where in such interim orders issued were subsisting as on 16.03.2020 and expired or will expire thereafter, the same shall stand automatically extended till 15.05.2020 or until further orders, except where any orders to the contrary have been passed by the Hon'ble Supreme Court of India in any particular matter, during the intervening period.

Need less to clarify that in case, the aforesaid extension of interim order causes any hardship of an extreme nature to a party to such proceeding, they would be at liberty to seek appropriate relief, as may be advised".

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7. After considering all aspects and in view of the fact that the interim bail and interim stay extension order was necessitated because functioning of the Courts was curtailed due to complete lockdown declared on 25.03.2020 but now the situation has changed and Courts at High Court and District Court level are functioning through physical mode/VC mode and since there is no spread of Covid-19 in the jails and out of about 16,000 prisoners only 3 are infected and they have been segregated and are admitted in hospital, we deem it proper to modify our order dated 25 March, 2020 which was lastly extended on 24th August, 2020 as under:

(i) As far as the first category of 2318 undertrials involved in heinous crimes, who were granted interim bail by the District Courts, there shall be no further extension of interim bails under the orders of this Court. However, to facilitate their surrender before jail authorities and to avoid any inconvenience being caused to the jail authorities

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during surrender of a large number of under trials, it is ordered that the surrender shall take place in the following phased manner:

(a) The prisoners of Central District, Tis Hazari Courts, shall surrender on 2nd November, 2020.

(b) The prisoners of West District, Tis Hazari Courts, shall surrender on 3rd November, 2020.

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(ii) The above 2,318 prisoners are at liberty to move the respective courts for extension of their interim bails and the concerned courts shall consider the said applications for extension of interim bails on its own merits and take a decision accordingly without being influenced by any order passed by this Court in the past.

(iii) As far as 2,907 prisoners, who have been granted bail on the recommendation of High Power Committee are concerned, a request is made to the High

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Power Committee to take a decision in respect of the said prisoners within ten days from today.

Subsequent to the above referred order of the H'ble Full Bench, the High Powered Committee of Hon'ble High Court of Delhi in its Minutes of Meeting dated 24.10.2020 has observed and resolved as under regarding extension of interim bails granted to UTPs as per the guidelines issued from time to time:

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Members of the Committee have considered that as on date against this capacity, there already are 15887 inmates. Even if the additional accommodation of 1800 inmates in the newly created 'temporary jail' is taken into consideration, it would be highly inconvenient for the jail authorities to accommodate UTPs/convicts released on 'interim bail/emergency parole' under the criteria laid down by this Committee, alongside those who would be surrendering in terms of orders dated 20.10.2020 passed by Full Bench of Hon'ble Delhi High Court.

Considering the fact that UTPs/convicts who would be surrendering as per orders passed by Full Bench of Hon'ble High Court are required to be kept in Isolation Cells for a period of 14 days from their respective dates of surrender, Members of the Committee, therefore, found the contention raised by D.G. (Prisons) to be reasonable.

Members of the Committee are of the opinion that it would be appropriate to prevent any chaos or inconvenience to the jail authorities, if the UTPs/convicts granted 'interim bail/emergency parole' on the basis of criteria laid down by this Committee are asked to surrender from December, 2020. As by that time the quarantined/Isolation period of UTPs/convicts surrendering as per orders dated 20.10.2020 of Full Bench

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of Hon'ble High Court, would be over.

Taking into account the cumulative effect of all these relevant factor i.e.:

- (a) Actual holding capacity of Delhi Prison,
- (b) Present occupancy,
- (c) No. of UTPs/convicts surrendering from 02.11.2020 till 13.11.2020, as per orders dated 20.10.2020 of Full Bench of Hon'ble High Court and
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Member Secretary, DSLSA has further apprised the Committee that Special Bench so constituted by Hon'ble the Chief Justice, which had earlier extended interim bail vide order dated 18.09.2020 has listed the said matter on 03.11.2020

The Committee is of the opinion that in this regard, a judicial order would be required from Hon'ble High Court of Delhi and recommends accordingly.

.....

In the event of passing of any such order by Hon'ble High Court of Delhi on the basis of recommendations of this Committee, it is made clear that jail administration shall inform such UTPS about extension of their "interim bail" for a further period of 30 days from the date, the earlier period of interim bail is expiring, telephonically. D.G. (Prisons) assures that jail administration shall do the needful and shall inform all such UTPs about the exact date of their surrender.

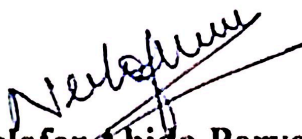
.....

Needless to add that no further extension of interim bail shall be made by this Committee. All such UTPs are at liberty to move their respective Courts seeking regular bail through their private counsel or by panel

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lawyer of DSLSA, as the case may be, and all such Courts shall consider the bail application so filed on merits, de hors the criteria laid down by this Committee."

In the wake of the recommendations embodied in the minutes of meeting dated 24.10.2020 of the High Powered Committee, as reproduced supra, and awaiting further orders and directions of the H'ble High Court of Delhi in W. P. (C) N.3080/2020 titled as Court on Its Own Motion v. Govt of NCT of Delhi & Ors, in respect of further extension of interim bails allowed to the UTP's based upon the guidelines of the HPC, at this stage the interim bail granted to the accused-applicant, as such interim bail was granted in the first instance as per the guidelines of the HPC, is extended further till 4.11.2020 on the same terms and conditions.


(Neelofar Abida Perveen)
ASJ (Central)THC/Delhi
29.10.2020

FIR No. 351/2019
PS: Kotwali
State Vs. Manoj Bahadur
U/s 304B/498A/34 IPC

29.10.2020

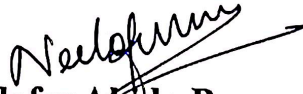
Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)

Sh. A. K. Sharma, 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 45 days invoking guidelines of the High Powered Committee of Hon'ble High Court dated 18.05.2020 moved on behalf of accused Manoj Bahadur in case FIR No. 351/2019.

Arguments heard. For orders, put up at 4 pm.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
29.10.2020

At 4 pm
ORDER

This is an application under Section 439 CrPC for grant of interim bail of 45 days invoking guidelines of the High Powered Committee of Hon'ble High Court dated 18.05.2020 moved on behalf of accused Manoj Bahadur in case FIR No. 351/2019.

Ld. counsel for the accused-applicant has contended that



accused-applicant has been falsely implicated in the present case. That accused-applicant has never harassed or demanded dowry from the deceased wife or his family members. That accused-applicant is in JC since 28.10.2019. That in the story of prosecution the essence "soon before the death the deceased was subjected to cruelty or harassment by the applicant or any relative of the deceased for or in connection with any demand for dowry is missing. That accused-applicant fulfills the criteria laid down by High Powered Committee of Hon'ble High Court dated 18.5.2020.

Ld. Addl. PP submits that case of the accused-applicant does not fall under the criteria laid down by High Powered Committee of Hon'ble High Court of Delhi dated 20.06.2020, as accused-applicant being husband of the deceased has not completed two years in custody.

Heard.

The High Powered Committee of H'ble the High Court of Delhi constituted to suggest ways and means towards the effective implementation of the directions issued by H'ble the Supreme Court of India and H'ble the High Court of Delhi in the wake of the outbreak of Covid -19 pandemic particularly towards the decongestion of the prisons in order to establish social distancing protocol, has issued from time to time several guidelines for the release of prisoners on 45 days interim bail. It is in the Minutes of Meeting dated 22.06.2020 that while further extending the criteria as laid down under the guidelines issued prior thereto, that the prisoners incarcerated in connection with commission of offences under

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section 304-B are specifically included as a category to be extended the benefit of 45 days interim bail as follows:

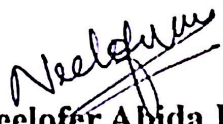
(i) Under trial prisoners (UTPs)(who are related as spouse of the deceased) facing trial for a case under Section 498A and 304B IPC and are in jail for more than two years with no involvement in any other case;

(ii) Under trial prisoners (UTPs) (who are related as father-in-law, mother-in-law, brothers-in-law, sisters-in-law of the deceased) facing trial for offence under Section 498A and 304B IPC and are in jail for more than one year with no involvement in any other case.

The accused-applicant is the spouse of the deceased, and the case pertains to commission of offence under section 304 B. It is the Guidelines issued vide minutes of meeting dated 22.6.2020 that are specifically applicable to the case of the accused-applicant and not any of the categories determined under the guidelines dated 18.5.2020. The accused-applicant being spouse is required under the guidelines to have at least undergone 2 years in custody for his case to be considered thereunder for the grant of interim bail in terms thereof, whereas of the own submission of the Ld. Counsel for the accused-applicant he has undergone almost one year. The reliance upon guidelines dated 18.5.2020, is misplaced and even if the case were to be considered under the said guidelines, the custody period undergone would still be insufficient. No ground is therefore made

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out for grant of interim bail to the accused-applicant under the guidelines issued by the High Powered Committee on 22.6.2020 or any other guidelines as issued for the purposes of decongestion of prisons in Delhi from time to time. The application accordingly stands dismissed.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
29.10.2020

FIR No. 41/2018
PS: Kashmere Gate
State Vs. Wasim & Anr.
U/s 392/397/34 IPC & 25 Arms Act

29.10.2020

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

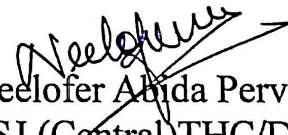
Sh. S. B. Shaily, Legal Aid Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of interim bail on behalf of accused-applicant Wasim in case FIR No. 41/2018 invoking guidelines issued by High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020.

Conduct report in respect of accused-applicant received from Jail.

Arguments heard. For orders, put up on 2.11.2020.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
29.10.2020

FIR No. 43/2018
PS: Sadar Bazar
State Vs. Shahrukh @ Tannu
U/s 302/34/120B IPC and 25 of Arms Act

29.10.2020

Fresh application received. Be registered.

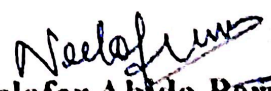
Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)

Sh. Hemant Chaudhary, counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for extension of interim bail on behalf of accused Shahrukh @ Tannu in case FIR No. 43/2018.

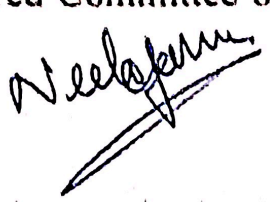
Arguments heard. For orders, put up at 4 pm.


(Neelofar Abida-Perveen)
ASJ (Central)THC/Delhi
29.10.2020

At 4 pm
ORDER

This is an application under Section 439 CrPC for extension of interim bail on behalf of accused Shahrukh @ Tannu in case FIR No. 43/2018.

Ld. counsel for the accused-applicant submitted that on 21.08.2020, accused-applicant was granted interim bail for 45 days under the guidelines of High Powered Committee of Hon'ble High Court which



was subsequently extended till 31.10.2020 and that in terms of the recommendations of the H'ble High Powered Committee as contained in the minutes of meeting dated 24.10.2020, the interim bail so granted and as extended may further be extended by a period of 30 days.

Heard.

The accused-applicant is granted interim bail of 45 days on 21.08.2020 in accordance with the guidelines issued by the High Powered Committee of H'ble the High Court of Delhi towards decongestion of prisons in Delhi which was subsequently extended on 9.9.2020 in terms of orders passed by H'ble the High Court of Delhi in W. P. (C) N.3080/2020 titled as Court on Its Own Motion v. Govt of NCT of Delhi & Ors. dated 04.08.2020. Subsequently vide orders dated 18.9.2020 passed in the same writ petition by way of a blanket order all the interim bails for a period of 45 days granted to the UTP's in view of the recommendations of the HPC which were going to expire on 21.9.2020 and thereafter were further extended by a period of 45 days.

Full Bench of Hon'ble the High Court of Delhi in W. P. (C) N.3027/2020 titled as **Court on Its Own Motion v. Govt of NCT of Delhi & Ors.** vide order dated 20.10.2020 has observed and directed as under on the aspect of further extension of interim bails and orders:-

"This Court vide order dated 25th March, 2020 took suo moto notice of outbreak of Covid-19 and the restricted functioning of this Courts vide notification number No.51/RG/DHC/dated 13.03.2020 as well as Government notification dated 24 March, 2020 declaring nationwide lockdown for a period of 21 days wef. 25 March, 2020 and

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passed a detailed order of which operative portion is as under:

"Taking suo moto cognizance of the aforesaid extraordinary circumstances, under Article 226 & 227 of the Constitution of India, it is hereby ordered that in all matters pending before this court and courts subordinate to this court, where in such interim orders issued were subsisting as on 16.03.2020 and expired or will expire thereafter, the same shall stand automatically extended till 15.05.2020 or until further orders, except where any orders to the contrary have been passed by the Hon'ble Supreme Court of India in any particular matter, during the intervening period.

Need less to clarify that in case, the aforesaid extension of interim order causes any hardship of an extreme nature to a party to such proceeding, they would be at liberty to seek appropriate relief, as may be advised".

xxxxxx

xxxxxxx

xxxxxx

7. After considering all aspects and in view of the fact that the interim bail and interim stay extension order was necessitated because functioning of the Courts was curtailed due to complete lockdown declared on 25.03.2020 but now the situation has changed and Courts at High Court and District Court level are functioning through physical mode/VC mode and since there is no spread of Covid-19 in the jails and out of about 16,000 prisoners only 3 are infected and they have been segregated and are admitted in hospital, we deem it proper to modify our order dated 25 March, 2020 which was lastly extended on 24th August, 2020 as under:

(i) As far as the first category of 2318 undertrials involved in heinous crimes, who were granted interim bail by the District Courts, there shall be no further extension of interim bails under the orders of this Court. However, to facilitate their surrender before jail authorities and to avoid any inconvenience being caused to the jail authorities

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during surrender of a large number of under trials, it is ordered that the surrender shall take place in the following phased manner:

(a) The prisoners of Central District, Tis Hazari Courts, shall surrender on 2nd November, 2020.

(b) The prisoners of West District, Tis Hazari Courts, shall surrender on 3rd November, 2020.

(c) The prisoners of Patiala House Courts, New Delhi District shall surrender on 4 November, 2020.

(d) The prisoners of East District, Karkardooma Courts shall surrender on 5th November, 2020,

(e) The prisoners of North East District, Karkardooma Courts shall surrender on 6 November, 2020,

(f) The prisoners of Shahdara District, Karkardooma Courts shall surrender on 7th November, 2020.

(g) The prisoners of North District, Rohini Court shall surrender on 8th November, 2020,

(h) The prisoners of North West District, Rohini Courts shall surrender on 9th November, 2020.

(i) The prisoners of South West District, Dwarka Courts shall surrender on 10 November, 2020.

(j) The prisoners of South District, Saket Courts, shall surrender on 11 November, 2020.

(k) The prisoners of South East District, Saket Courts shall surrender on 12 November, 2020.

(l) The prisoners of Rouse Avenue Courts Complex, New Delhi shall surrender on 13th November, 2020.

(ii) The above 2,318 prisoners are at liberty to move the respective courts for extension of their interim bails and the concerned courts shall consider the said applications for extension of interim bails on its own merits and take a decision accordingly without being influenced by any order passed by this Court in the past.

(iii) As far as 2,907 prisoners, who have been granted bail on the recommendation of High Power Committee are concerned, a request is made to the High

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Power Committee to take a decision in respect of the said prisoners within ten days from today.

Subsequent to the above referred order of the H'ble Full Bench, the High Powered Committee of Hon'ble High Court of Delhi in its Minutes of Meeting dated 24.10.2020 has observed and resolved as under regarding extension of interim bails granted to UTPs as per the guidelines issued from time to time:

.....
Members of the Committee have considered that as on date against this capacity, there already are 15887 inmates. Even if the additional accommodation of 1800 inmates in the newly created 'temporary jail' is taken into consideration, it would be highly inconvenient for the jail authorities to accommodate UTPs/convicts released on 'interim bail/emergency parole' under the criteria laid down by this Committee, alongside those who would be surrendering in terms of orders dated 20.10.2020 passed by Full Bench of Hon'ble Delhi High Court.

Considering the fact that UTPs/convicts who would be surrendering as per orders passed by Full Bench of Hon'ble High Court are required to be kept in Isolation Cells for a period of 14 days from their respective dates of surrender, Members of the Committee, therefore, found the contention raised by D.G. (Prisons) to be reasonable.

Members of the Committee are of the opinion that it would be appropriate to prevent any chaos or inconvenience to the jail authorities, if the UTPS/convicts granted 'interim bail/emergency parole' on the basis of criteria laid down by this Committee are asked to surrender from December, 2020. As by that time the quarantined/Isolation period of UTPs/convicts surrendering as per orders dated 20.10.2020 of Full Bench

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of Hon'ble High Court, would be over:

Taking into account the cumulative effect of all these relevant factor i.e.:

(a) Actual holding capacity of Delhi Prison,

(b) Present occupancy,

(c) No. of UTPs/convicts surrendering from 02.11.2020 till 13.11.2020, as per orders dated 20.10.2020 of Full Bench of Hon'ble High Court and

(d) Period of 14 days keeping them in Isolation Cells before sending them to regular jail.

Members of the Committee are of the opinion that interim bail granted to 3337 UTPs under HPC criteria needs to be extended for a further period of 30 days.

Member Secretary, DSLSA has further apprised the Committee that Special Bench so constituted by Hon'ble the Chief Justice, which had earlier extended interim bail vide order dated 18.09.2020 has listed the said matter on 03.11.2020

The Committee is of the opinion that in this regard, a judicial order would be required from Hon'ble High Court of Delhi and recommends accordingly.

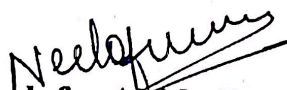
.....
In the event of passing of any such order by Hon'ble High Court of Delhi on the basis of recommendations of this Committee, it is made clear that jail administration shall inform such UTPs about extension of their "interim bail" for a further period of 30 days from the date, the earlier period of interim bail is expiring, telephonically. D.G. (Prisons) assures that jail administration shall do the needful and shall inform all such UTPs about the exact date of their surrender.

.....
Needless to add that no further extension of interim bail shall be made by this Committee. All such UTPs are at liberty to move their respective Courts seeking regular bail through their private counsel or by panel

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lawyer of DSLSA, as the case may be, and all such Courts shall consider the bail application so filed on merits, de hors the criteria laid down by this Committee."

In the wake of the recommendations embodied in the minutes of meeting dated 24.10.2020 of the High Powered Committee, as reproduced supra, and awaiting further orders and direction of the H'ble High Court of Delhi in W. P. (C) N.3080/2020 titled as Court on Its Own Motion v. Govt of NCT of Delhi & Ors, in respect of further extension of interim bails allowed to the UTP's based upon the guidelines of the HPC, at this stage the interim bail granted to the accused-applicant, as such interim bail was granted in the first instance as per the guidelines of the HPC, is extended further till 4.11.2020 on the same terms and conditions.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
29.10.2020

FIR No. 420/2020
PS Civil Lines
State v. Rooma

29.10.2020

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


IO ASI Munesh through vide conferencing

Accused Rooma in JC produced through video conferencing.

An application is moved by the IO seeking extension of judicial remand of the accused Rooma for 14 days.

Heard.

It is submitted that accused was arrested on 13.10.2020 with 106 grams of smack in her possession. That samples are in the process of being sent to FSL for analysis. In view thereof, accused is remanded to JC for being produced on **09.11.2020 through VC.**


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
29.10.2020

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

29.10.2020

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

Sh.Areeb Ahmed, counsel for accused-applicant (through video conferencing)


Hearing is conducted through video conferencing.

This is fifth application under Section 439 CrPC for grant of regular bail on behalf of accused-applicant Inder Singh in case FIR No. 327/2019.

Reply is filed.

Arguments heard in part.

For further consideration, put up on **03.11.2020**, date fixed for physical hearing of the Court.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
29.10.2020

FIR No. 309/2019
PS: Crime Branch
State Vs. Ravinder Singh Sondhiya @ Ravi

29.10.2020

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

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


Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for extension of interim bail on behalf of accused Ravinder Singh Sondhiya @ Ravi in case FIR No. 309/2019.

Ld. counsel for the accused-applicant submits that extension is sought as the accused-applicant has been tested positive for Covid-19 and documents have been annexed with the application.

Let the documents annexed with the application be verified.

For report and consideration, put up on **06.11.2020**. **Interim bail is extended till the next date of hearing as it is contended that accused-applicant is advised to be quarantined having tested positive for COVID-19.**


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
29.10.2020

FIR No. 94/2018
PS: BHR
State Vs. Kumail
U/s 302/326/34 IPC

29.10.2020


Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)
Sh. Nadeem, Counsel for applicant (through video conferencing)
Hearing is conducted through video conferencing.

This is an application on behalf of mother of accused Kumail seeking directions to the Jail Superintendent for allowing her to give the accused clothes and other daily necessary items and to meet him.

Heard.

Let report be called from Superintendent bail in respect of the averments made in the application.

For report and consideration, put up on **10.11.2020**.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
29.10.2020

FIR No. 132/2020
PS: Subzi Mandi
State Vs. Manish @ Hauwa
U/s 188/392/397/411 IPC

29.10.2020

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

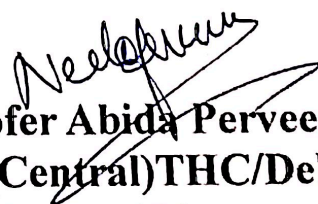
Sh. Jitender Chaudhary, Counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is third application under Section 439 CrPC for grant of bail moved on behalf of accused Manish @ Hauwa in case FIR No. 132/2020.

Arguments heard in part.

For further consideration, put up on **02.11.2020** as the main case is stated to be listed on the said date.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
29.10.2020

FIR No. 19/2018
PS: Crime Branch
State Vs. Iqbal Ali

29.10.2020

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

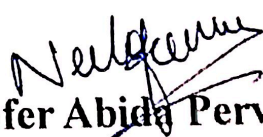
Sh. U. K. Giri, Counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for extension of interim bail on behalf of accused Iqbal Ali in case FIR No. 19/2018.

Ld. Addl. PP submits that IO has sought time to verify the medical documents annexed with the application. Let the documents be verified and report be filed on or before the next date of hearing.

For report and consideration, put up on **05.11.2020**. **Interim bail is extended till the next date of hearing as it is contended that the accused-applicant is scheduled for surgery on 4.11.2020.**


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
29.10.2020

FIR No. 194/2020
PS: Subzi Mandi
State Vs. Kashmiri Lal

29.10.2020

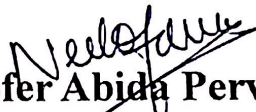
Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)

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

Hearing is conducted through video conferencing.

This is application under Section 439 CrPC for grant of interim bail moved on behalf of accused Kashmiri Lal in case FIR No. 194/2020.

Arguments heard. For orders, put up at **05.11.2020**.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
29.10.2020

FIR No. 1360/2015
PS: Burari
State Vs. Jitender Bhati etc.
U/s 302/364/120B IPC

29.10.2020

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

Sh. Saurabh Tyagi, Counsel for applicant (through video conferencing)

Accused Rahul Kumar Bainsla on interim bail with counsel Sh. Sumit Rana (through video conferencing)

Accused Rahul Kumar on interim bail (through video conferencing).

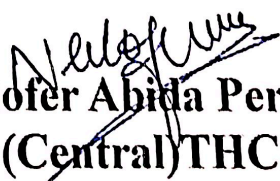
Sh. Ravinder Narayan, counsel for accused Jitender Bhati (through video conferencing)

Hearing is conducted through video conferencing.

This is an application for cancellation of bail on behalf of applicant in case FIR No. 1360/2015.

Adjournment is sought on behalf of the applicant on the ground that Ld. Main Counsel is not available.

For consideration, put up on 12.11.2020.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
29.10.2020

FIR No.195/2017
PS: Subzi Mandi
State Vs. Yasin @ Gilli
U/s 302/201/34 IPC

29.10.2020

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


Sh. Shivendra Singh, counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is second application under Section 439 CrPC for grant of regular bail on behalf of accused-applicant Yasin @ Gilli in case FIR No. 195/2017.

Arguments heard in part.

For further consideration, put up on **09.11.2020**, date fixed for physical hearing of the Court as the record is require dot be referred to for the purposes of the present bail application.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
29.10.2020

FIR No. 309/2019
PS: Crime Branch
State Vs. Jasbir Singh @ Bittu
U/s 15/25/29 NDPS Act

29.10.2020


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

Sh.Vindo Charan, counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is second application under Section 439 CrPC for extension of interim bail moved on behalf of accused Jasbir Singh @ Bittu in case FIR No. 309/2019.

After arguing for sometime, Ld. counsel for the accused-applicant submits that he does not want to press upon the present bail application at this stage, and that the same may be dismissed as withdrawn. It is ordered accordingly. This second application under Section 439 CrPC for extension of interim bail moved on behalf of accused Jasbir Singh @ Bittu in case FIR No. 309/2019 is **dismissed as withdrawn.**


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
29.10.2020

B. A. No. 3274
FIR No. 385/2020
PS: Subzi Mandi
State Vs. Anil Kumar
U/s 33 Delhi Excise Act

29.10.2020

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

None for accused-applicant

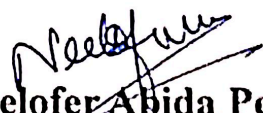
Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of regular bail on behalf of accused-applicant Anil Kumar in case FIR No.385/2020.

None has joined on behalf of accused-applicant through Webex Meeting.

Ld. Addl. PP submits that reply is already on record. Same be forwarded to the Ld. counsel for accused-applicant in his email ID.

For consideration, put up on 17.11.2020.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
29.10.2020

B. A. No. 3273
FIR No. 27/2020
PS: Gulabi Bagh
State Vs. Narender Rana
U/s 323/376/506 IPC

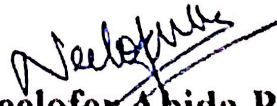
29.10.2020

Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)
Sh. Sagar Dhama, 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-applicant Narender in case FIR No.24/2020.

Ld. counsel for the accused-applicant submits that he does not want to press upon the present bail application on behalf of accused-applicant Narender for grant of regular bail and that the same may be dismissed as withdrawn. It is ordered accordingly. This application under Section 439 CrPC for grant of regular bail on behalf of accused-applicant Narender in case FIR No.24/2020 is **dismissed as withdrawn.**


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
29.10.2020

B. A. No. 3263
FIR No. 517/2020
PS: Wazirabad
State Vs. Jai Prakash @ Raj
U/s 376 IPC

29.10.2020


Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)
Ms. Gita Dhingra, 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-applicant Jai Prakash @ Raj in case FIR No.517/2020.

Reply is filed. Copy of the same be forwarded to the Ld. counsel for the accused-applicant. It emerges that FIR pertains to the commission of offence under Section 376 IPC. In view thereof, notice be issued in the application to the prosecutrix through the IO for hearing through videoconferencing.

For consideration, put up on 07.11.2020.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
29.10.2020

B. A. No. 3276
FIR No. 465/2020
PS: Wazirabad
State Vs. Yogesh Pandey
U/s 308/34 IPC


29.10.2020

Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)
Sh. Rajiv Kumar Jha, counsel for accused-applicant (through vide
conferencing)

Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of regular
bail on behalf of accused-applicant Yogesh Pandey in case FIR No.465/2020.

Arguments heard. For orders, put up at 4 pm.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
29.10.2020

At 4pm
ORDER

This is an application under Section 439 CrPC for grant of regular
bail on behalf of accused-applicant Yogesh Pandey in case FIR No.465/2020.

Ld. counsel for the accused-applicant has contended that
accused has been falsely implicated in the present case and is not alleged
to have inflicted any injuries which otherwise as per the MLC are simple
in nature. The only allegation against the accused-applicant is that he had
downed the shutter of the shop when the altercation was going on. that the
accused-applicant is JC in connection with the present case 11.10.2020.



That the accused/applicant is an innocent person and he has nothing to do with the commission of the present offence. That the accused/applicant has clean antecedents.

Ld. Addl. PP submitted that the case has arisen out of a landlord tenant dispute and that the accused-applicant as such had not inflicted any injuries and is not alleged to have given any beatings which allegations are levelled against the Landlord father and Son, and the accused-applicant while the Landlord Father and Son were beating up the complainant tenant he had pulled down the shutter of the shop. That the complainant who is a senior citizen was beaten mercilessly by the co-accused and the accused-applicant had facilitated the same by lowering the shutter to ensure that the complainant does not get any help.

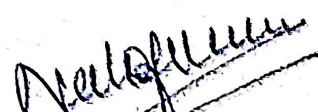
Heard.

Present case is registered on the statement of complainant Rakesh Kumar that on 05.10.2020 he was present at his shop and at about 5 pm, landlord Veer Singh with his son Gaurav came to the shop and demanded rent of the shop. Complainant told them that he has already paid the rent to the wife of Veer Singh, on which Veer Singh and his son got annoyed and started beating the complainant inside the shop. Accused-applicant Yogesh and one another person had shut down the shutter of the shop so that complainant could not escape from the clutches of Veer Singh and his son Gaurav.

Veer Singh and Gaurav are alleged to have mercilessly beaten up the complainant and on the query put by the Court Ld. APP clarified



that as per the M.C the complainant has suffered simple injuries. The accused-applicant is not alleged to have given beatings in any manner to the complainant, his participation is restricted to the downing of the shutter of the shop. One of the co-accused as per the reply, the son of the landlord, is stated to be absconding, however the custody of the accused-applicant is not sought by the prosecution for the purposes of investigation, no recoveries are to be effected. In such totality of the facts and circumstances therefore, the present application is allowed and accused Yogesh Pandey is granted regular bail in case FIR No. FIR No.465/2020 subject to his furnishing personal bond in the sum of Rs. 50,000/- with one local surety in the like amount to the satisfaction of the Ld. Trial Court/Duty MM. and upon the condition that he shall cooperate in every manner with the ongoing investigation as and when called upon to do so by the IO, he shall appear on each and every date of hearing before the Ld. Trial Court and shall not delay nor defeat the trial or interfere with the trial in any manner whatsoever, he shall not threaten, intimidate or influence witnesses nor tamper with the evidence in any manner whatsoever, he shall mention the mobile phone number to be used by him in the bond and shall ensure that the same is kept on switched on mode with location activated and shared with the IO at all times, he shall under no circumstances be found within 100 meters radius of the complainant, the surety shall also intimate the IO in the event of change of their mobile phone number or address mentioned in the bond.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
29.10.2020

B. A. No. 1640
FIR No. 19001/2020
PS: Sarai Rohilla
State Vs. Gulam Nabi
U/s 379/411/34 IPC

29.10.2020

Present application is put up before me by the Reader of the Court of Sh. Naveen Kumar Kashyap, Ld. Additional Sessions Judge, Delhi while submitting that Ld. Presiding Officer is on leave today.

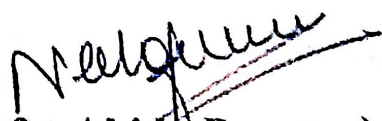
Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)
Mohd. Imran, Counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of regular bail on behalf of accused-applicant Gulam Nabi in case FIR No.19001/2020.

Reply is filed. Ld. Addl. PP submits that as the reply is filed before the Link Court, he has not received the copy of the reply. Let reply be forwarded to the Ld. Addl. PP. Ld. counsel for accused-applicant submits that he has also not received copy of reply. Let the same be also forwarded to Ld. counsel for accused-applicant.

Put up at 2 pm.


(Neelofer Abida Perveen)
1st Link Addl. Sessions Judge(Central),
Tis Hazari Courts, Delhi
29.10.2020

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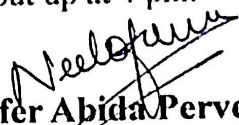
At 2 pm
Present:

Sh. K.P.Singh, Addl. PP for State (through video conferencing)
Mohd. Imran, Counsel for accused-applicant (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 in case FIR No.

Arguments heard. For orders, put up at 4 pm.


(Neelofer Abida Perveen)
1st Link Addl. Sessions Judge(Central),
Tis Hazari Courts, Delhi
29.10.2020

At 4 pm
ORDER

This is an application under Section 439 CrPC for grant of regular bail on behalf of accused-applicant Gulam Nabi in case FIR No.19001/2020.

Ld. counsel for the accused-applicant has contended that the applicant has falsely been arrayed in the present case and he has no concern with the present case. That the applicant was arrested by the Police on 15/08/20 and since then he is in JC. That the alleged car bearing no. DL1CZ3520 has been recovered and nothing is to be discovered or recovered from or at the instance of the applicant. That nothing incriminating was recovered from the possession of the applicant. That the investigation in this case is complete and recovery has been made. That parity is being claimed as co-accused Yasir has been granted bail on 07/10/20. That in view of the outbreak of the pandemic COVID-19 the conclusion of trial would take some time and further judicial custody of the accused is not required for the purposes of any investigation.



Ld. Addl. PP for State submits that accused-applicant is a habitual offender and used to steal luxury cars and is a member of auto theft gang. That number of stolen luxury cars were recovered at the instance of the accused-applicant and his co-accused. That accused-applicant does not have clean antecedents and has involvement in 15 criminal cases.

Heard.

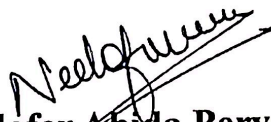
Present case came to be registered on the complaint of Sh. Chote Singh wherein he alleged that on the intervening night of 10-11/08/2020, his Maruti Swift Car bearing registration Number DL 1CZ-3520 was stolen from Gulabi Bagh. On 14/08/2020, during investigation acting on a secret information was received in respect of accused-applicant who is a notorious receiver of stolen cars and sells stolen cars in Kolkata and North Eastern region and notorious auto lifter Yashir @ Shikari, are involved in the theft/receiving of this vehicle for further sale in Kolkata and North Eastern region in pursuance whereof trap was laid in course whereof one Baleno Car number DL-12CJ-6498 was intercepted and signaled to stop, but the driver increased the speed of his car and tried to flee however, anticipating the move of accused, the alert team immediately swung into action and managed to stop the said car by putting barricades swiftly and strategically. On checking the said car two persons were found inside the car and their identity was revealed as Yashir @ Shikari (driver) and Ghulam Nabi. On verification the said Maruti Baleno car was found to be stolen vide e FIR No. 018896/20, from the area of PS Ashok Vihar. On search of Ghulam Nabi, R/C of stolen Maruti Swift car of complainant was recovered from his possession.



The accused-applicant is allegedly apprehended alongwith the co-accused on the basis of a secret information in a stolen car carrying the RC of the stolen car in respect whereof the present FIR is registered. The co-accused has already been granted bail, though the RC is shown to have been recovered from the pocket of the jacket worn by the accused-applicant however it is not alleged that it is the accused-applicant alone who is involved in the commission of the offence pertaining to the stolen vehicle in question, the case of the accused-applicant is not alleged to be on a separate footing to that of the co-accused who has been granted bail. In such facts and circumstances taking into consideration that the nature of the accusation and as the co-accused has already been granted bail and as the investigation is now complete and there are no recoveries that remain to be effected, the present application is allowed and accused Gulam Nabi is granted regular bail in case FIR No. FIR No.19001 /2020 subject to his furnishing personal bond in the sum of Rs. 20,000/- with one local surety in the like amount to the satisfaction of the Ld. Trial Court/ Duty MM, and upon the condition that he shall cooperate in every manner with the ongoing investigation as and when called upon to do so by the IO, he shall scrupulously appear on each and every date of hearing before the Ld. Trial Court and shall not delay nor defeat the trial or interfere with the trial in any manner whatsoever, he shall not threaten, intimidate or influence witnesses nor tamper with the evidence in any manner whatsoever, he shall mention the mobile phone number to be used by him in the bond and shall ensure that the same is kept on switched on mode with location activated

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and shared with the IO at all times and shall inform the IO in the event of change of his address or mobile phone number, the surety shall also intimate the IO in the event of change of their mobile phone number or address mentioned in the bond, he shall not leave the territorial limits of NCT without prior intimation to the IO.


(Neelofer Abida Perveen)
1st Link Addl. Sessions Judge(Central),
Tis Hazari Courts, Delhi
29.10.2020

FIR No. 411/2020

**PS: Wazirabad
State Vs. Gulfam
U/s 308/34 IPC**

29.10.2020 at 4 pm

ORDER

This is an application under Section 439 CrPC for grant of bail moved on behalf of accused Gulfam in case FIR No.411/2020.

Ld. counsel for the accused-applicant has contended that accused-applicant is innocent and has been falsely implicated in the present case and that accused-applicant is complainant in FIR No. 410/2020 and present FIR has been filed just as a counterblast to take revenge and after a considerable and unexplained delay of over 24 hours. That accused-applicant himself had received injuries in case FIR No. 410/2020 from the complainant party in the present case. That a highly improbable story is cooked up to cover up the delay that the injured was lying unconscious at his room, despite the fact that the police had visited the premises on the call made by the co-accused and ambulance had removed the injure dot the hospital in the FIR registered prior in time on behalf of the accused-applicant. That accused-applicant is the sole bread earner for his family and was working as auto driver and is in JC since 24.09.2020. That the dispute if any was with the co-accused and the accused-applicant is falsely implicated. That it is the co-accused who is stated to be armed with tawa. That nothing incriminating has been

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recovered at the instance of the accused-applicant. That accused-applicant has clean antecedents and has no criminal record.

Ld. Addl. PP on the other hand submitted that though cross-FIRs have been registered in the present case and the dispute arose due to the reason that the daughter of the co-accused had accompanied the complainant to the Jamuna river where co-accused had gone for fishing in the night however the assault on the complainant is premeditated and did not occur on the spur of the moment as the co-accused returned home and after consuming liquor with the accused-applicant went to the room of the complainant armed with tawa and that the accused-applicant had danda in his hand and both of them beat up the complainant due to which the complainant suffered severe head injuries and was rendered unconscious and when he gained consciousness he went to the hospital. That the injuries on the head are grievous and life threatening. On the query of the Court it has been clarified that the co-accused has also suffered injuries which too are on the head and grievous in nature and that the injuries suffered by the accused-applicant are only simple injuries but that the accused-applicant and the co-accused are the first aggressors. On the query of the Court it has been submitted that the Tawa has since been recovered and that it could not be ascertained as to whether the head injury is due to the Tawa blow or danda blow and that infact both the accused inflicted blows on the head with their respective weapons.

Heard.

Present case is registered on a set of allegations that the

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complainant who is an auto driver on 21.09.2020 alongwith Rajesh @ Raju and his wife were going to Yamuna River for fishing and that the daughter of Raj Kumar requested the complainant to take her alongwith them as her father had already went to Yamuna River for fishing and when they reached Yamuna river, complainant handed over daughter of Raj Kumar to him, however, on seeing his daughter with them Raj Kumar got annoyed and started hurling abuses but was pacified and went away with his daughter. Later when the complainant with his friends returned to their house, they found that Raj Kumar and Gulfam (accused-applicant) were consuming liquor and upon sighting them both of them started hurling abuses at them. Thereafter at about 11.30 pm and 11.45 pm, Raj Kumar and accused-applicant Gulfam knocked the door of the house of the complainant and when complainant came out, Raj Kumar armed with an iron tawa and accused-applicant armed with a wooden danda attacked him in course whereof Raj Kumar hit iron tawa on the head of the complainant and accused-applicant started beating him with danda. On hearing hue and cry of the complainant, Rajesh @ Raju and his wife came out and on seeing them, Raj Kumar and accused-applicant beat them up also. That Complainant managed to escape and became unconscious and regained consciousness on 22.09.2020 and thereupon he went to trauma Centre for his treatment and his statement was recorded by the police in the Trauma Centre.

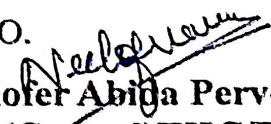
The cross case registered at the instance of the accused-applicant is prior in time, injuries are sustained by both the sides and there are

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contrary versions set up as to who is the first aggressor, and who is acting in self defense. Injuries inflicted upon the co-accused in the first FIR are no less grave in nature, he has also sustained head injuries as has the complainant in this case. All the parties are autorickshaw drivers and previously known to each other and the entire incident is a result of the unhappiness of the co-accused in this case over the fact that the complainant had brought his daughter outside during night time on the banks of River Jamuna where he had gone fishing. It is not ascertained if the head injury is sustained by any blow with the danda. In the statement of the complainant specifically head blow has been attributed to the co-accused-applicant. In such totality of the facts and circumstances, taking in to consideration that the present is a cross case and the case registered on the complaint of the accused-applicant is registered prior in time, and as both the sides have sustained grievous injuries on the head though the injury on the person of the accused-applicant is simple in nature and as the head injury is not clearly and specifically attributed to the accused-applicant and as the investigation so far as the accused-applicant is concerned are complete and no recoveries remain to be effected at the instance of the accused-applicant, the present application is allowed and accused Gulfam is granted regular bail in case FIR No. 411/2020 subject to his furnishing personal bond in the sum of Rs. 50,000/- with one local surety in the like amount ^{to the satisfaction of the Ld. Trial Court / Duty MM,} and upon the condition that he shall cooperate in every manner with the ongoing investigation as and when called upon to do so by the IO, he shall scrupulously appear on each and every date of hearing before the Ld. Trial Court and shall not delay nor defeat the trial or interfere with the trial in any

M. Gulam

manner whatsoever, he shall not threaten, intimidate or influence witnesses nor tamper with the evidence in any manner whatsoever, he shall mention the mobile phone number to be used by him in the bond and shall ensure that the same is kept on switched on mode with location activated and shared with the IO at all times, the surety shall also intimate the IO in the event of change of their mobile phone number or address mentioned in the bond, he shall not leave the territorial limits of NCR without prior intimation to the IO.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
29.10.2020

B. A. No. 3167
FIR No. 449/2020
PS: Burari
State Vs. Nitin Bansal
U/s 498A/406/34 IPC

And

B. A. No. 3166
FIR No. 449/2020
PS: Burari
State Vs. Smt. Vipin Bansal
U/s 498A/406/34 IPC

29.10.2020

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

Hearing conducted through Video Conferencing.

These are two applications under Section 438 CrPC for grant of anticipatory bail on behalf of accused-applicants Nitin Bansal and Vipin Bansal, both in case FIR No. 449/2020.

Matter is listed today for clarifications as it is found mentioned in the application that application for grant of anticipatory bail was filed before the H'ble High Court of Delhi which has since been rendered infructuous but there is no emphatic statement in the contents of the application that the same has been dismissed by the H'ble High Court as such. Ld. Counsel for the accused-applicant when called upon to clarify as to how the present applications also for grant of anticipatory bail would be maintainable during the pendency of the application for the same relief


Manoj Gahlaut

on behalf of the accused-applicants in the H'ble High Court of Delhi, at which Ld. Counsel for the accused-applicants submitted that it is for the Court to clarify as to how the application pending before the H'ble High Court of Delhi would now not be rendered infructuous as the same was filed when the complaint was pending before the CAW cell and now the FIR has been registered on the said complaint. When it is put to the Ld. Counsel for the accused-applicant that the FIR is on the basis of the same complaint and set of allegations Ld. Counsel for the accused-applicant is unable to render assistance on the aspect.

In terms of section 438 Cr.PC any person having reason to believe that he may be arrested on accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under section 438 Cr. PC that in the event of such arrest he shall be released on bail. It is certainly not the intention of the statute that such a relief can be sought by filing applications simultaneously both before the High Court and the Court of Session which course would infact be an abuse of the process of law to be deprecated as an example of forum hunting, where a litigant unable to secure the desired outcome from one forum seeks the same relief taking chances before another forum. The H'ble the High Court of Delhi is already seized of the matter of grant of anticipatory bail to the accused-applicants in connection with the present case. Ld. Counsel seeks clarification from this Court as to how the application pending before the H'ble High Court of Delhi is on the same set of allegations when the same was filed at the stage when the complaint

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was pending in the CAW cell. Copy of the first application for grant of anticipatory bail filed in connection with the present case has not been annexed with the present application, no order passed by the H'ble High Court of Delhi that the same has been rendered infructuous following the registration of the FIR is placed on record. What infact transpires is that the same is still pending and is not disposed of in any manner whatsoever. Ld. Counsel for the accused-applicants is unable to render assistance and demonstrate as to how the present applications for anticipatory bail during the pendency of the application before H/ble the High Court of Delhi for the same relief would be maintainable. In such facts and circumstances therefore, the present applications for grant of anticipatory bail are dismissed as not maintainable.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
29.10.2020