

B.A. No. 3771, B.A. No. 3772 & B.A. No. 3773

FIR No. 226/2020

PS Gulabi Bagh

State v. Trilok Chand Gupta

State v. Saurabh Gupta

State v. Shushant Gupta

U/s 323/341/427/506/34 IPC & Sec 4 of Medicare Services Person and Medicare Service Institution Act

04.12.2020

Present: Sh. K. P. Singh, Addl. PP for State with IO SI Rahul Singh.
Sh. Sanjeev Nasiar, Counsel for accused-applicant Trilok Chand.
Dr. Alok, counsel for accused-applicants Saurabh Gupta and
Sushant Gupta.

Sh. Rishi Pal Singh, Counsel for complainant.

These are three applications u/s 438 Cr.P.C for grant of anticipatory bail on behalf of accused-applicants Trilok Chand Gupta, Saurabh Gupta and Sushant Gupta in case FIR No. 226/2020.

IO has brought the CCTV footage of the incident. Clips from the CCTV footage have been played today in Court. Copies of PMR report, MLC, statement of complainant filed.

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


(Neelofer Aabida Perveen)
ASJ (Central) THC/Delhi

04.12.2020

At 4 pm

ORDER

Three applications u/s 438 Cr.P.C for grant of anticipatory bail on behalf of accused-applicants Trilok Chand Gupta, Saurabh Gupta and Sushant Gupta in case FIR No. 226/2020 were taken up together for consideration.

Ld. Counsel for the applicants submitted that applicants are law



abiding citizens with clean antecedents. That the father of the applicants Sushant Gupta and Saurabh Gupta who was the brother of applicant Trilok Chand died in NKS hospital on the intervening night of 15-16.11.2020 and the unfortunate incident occurred as the applicant sons were not being handed over the dead body of their father and the hospital administration was insisting on remaining payments. That the father of the applicant was taken to the NKS hospital as it was the nearest hospital and when the condition of the father was opined to be critical by the doctor concerned, the applicants only wanted to ensure that the adequate facility for intensive care were available at the said hospital. however, the hospital authority after declaring the father dead without appreciating the emotional state of the applicant instead of handing over the dead body began raising payment dispute and did not permit the relatives to take the body saying it was police case. That the rituals attending the death of the father are to be performed by the applicants. Moreover the marriage of accused Sushant Gupta is to be solemnized on 10.12.2020. That the applicants have deep roots in the society and there is no possibility of their absconding and there is no requirement in the facts of the case of custodial interrogation. Ld. counsel for accused Trilok Chand Gupta also submitted that accused-applicant was in fact trying to pacify and control the situation and he is a senior citizen facing several severe health issues having only recently recovered from Covid-19 infection fact that he himself had lost his brother and was under absolute shock and emotional turmoil.

Ld. Addl. PP submits that the custodial interrogation of the accused-applicant is required as the other relatives of the accused-applicant who were also involved in the incident are yet to be identified. That it is in the statement of the complainant that when the accused-applicants and other

Neelofar

relatives were informed that police is required to be intimated as the death is suspected due to poisoning, accused-applicants and other relatives refused for postmortem and thereafter created ruckus in the hospital and destroyed the hospital property, misbehaved with the doctors and that it as has come in the statement of the complainant doctor that he was also slapped and the two security guards received injuries and as per MLC, one of the injuries is a lacerated wound and the weapon of offence is yet to be recovered.

Ld. counsel for the complainant submitted that the present applications are not maintainable as the same application which was earlier dismissed as withdrawn with the same affidavit has been filed and which is not permissible as per law and that offence is grave in nature as the hospital where the incident took place is designated covid hospital and doctors were under so much stress due to prevailing pandemic situation and the accused-applicant alongwith their relatives created complete lawlessness, threatened the doctors who are covid warriors, damaged hospital property and also caused injuries on the person of security guard.

Heard.

FIR is registered on the statement of the Administrator of the NKS Hospital, Delhi alleging that the accused-applicants and relatives of the patient misbehaved with the Doctor attending, interfered in the treatment, even slapped the Doctor attending and when the patient was declared brought dead and they were informed that death is suspected due to poisoning and MLC has been prepared and the further proceedings are to be conducted by the police, they refused Post mortem and demanded the dead body and threatened the hospital staff, damaged hospital property and assaulted the security guards when they tried to reason with them. It emerges from the MLC of the deceased that



deceased was brought to the hospital at around 11.30 pm with alleged history of alcoholism / poisoning in unconscious state with frothing from his mouth and unstable vitals, dilated and fixed pupils, pulse rate, blood pressure, respiratory were not readable and ECG showed flat line. Patient was given CPR immediately and was intubated, but could not be resuscitated and as per postmortem examination report, was declared brought dead. Excerpts from the CCTV footage pertaining to the incident were played in the Court. The son of the deceased upon hearing the unfortunate news is seen kicking at the door, and thereafter in the parking lot area hitting at some artificial pillar/dustbin, more as an emotional outlet of the frustration and helplessness unable to accept the painful loss of his father, not necessarily in order to overawe the hospital authorities or to create a lawlessness. The applicants and other relatives were demanding the dead body not necessarily understanding the legal implications of the situation. The interference in the treatment, with the son time and again enquiring into the oxygen levels of the father and the threat extended, it is more in the nature of an emotional outburst of a son fearful of losing his father. The applicants and the relatives let their emotions get the better of them, and did act irrationally, the delicate situation was required to have been handled with utmost sensitivity, but it went out of control with the accused-applicants demanding the release of the dead body of a loved one and the Hospital authorities following the protocol as per law. Accused-applicant let their emotions, anger and frustration to prevail upon their good sense on hearing the unfortunate news of death. This is in no measure justifying the unlawful acts and conduct of the accused-applicants however, for the purposes of the present application in such totality of the facts and the circumstances of the incident, as the investigating authority has the advantage of a CCTV footage to facilitate the identification of

N. Raju

the other offenders, and investigation on the aspect if infact there was any kind of weapon used which had caused the lacerated wound on the person of one of the injured is still at a very rudimentary stage with there being no clarity as to which of the several persons could have been attributed the same, in my humble opinion, for the progress of the investigation at this stage it would suffice if the accused-applicants are directed to join investigation and accordingly, interim protection is granted to the accused-applicants **Trilok Chand Gupta, Saurabh Gupta and Sushant Gupta** till the next date of hearing subject to the condition that they shall join the investigation in case FIR no.226/2020, on **08.12.2020, 11.12.2020, 14.12.2020 & 17.12.2020** and as and when so directed by the IO and render their full cooperation, and with the further direction that they shall deposit their passports if they hold any with the IO.

For report and consideration, put up on **19.12.2020** physical hearing of the Court.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
04.12.2020

B. A. No. 3022
FIR No. 204/2020
PS: Roop Nagar
State Vs. Naresh Lal Chaudhary
U/s 409/420/467/468/471/34 IPC

&

B. A. No. 3023
FIR No. 204/2020
PS: Roop Nagar
State Vs. Tara Chand Talwar
U/s 409/420/467/468/471/34 IPC

04.12.2020

Present: Sh. K. P. Singh, Addl. PP for State

Sh. Bharat Singh Tomar, proxy counsel for accused-applicants

These are two applications for grant of anticipatory bail on behalf of accused-applicants Tara Chand Talwar and Naresh Lal Chaudhary in case FIR No. 240/2020.

Reply is filed.

Ld. Addl. PP submits that the Investigating Agency requires custodial interrogation of the accused for the purpose of investigation into the forgery of the documents and for recovery of the record of the firm as the accused has not cooperated in the investigation and has not joined investigation on any of the dates mentioned in order dated 12.11.2020.

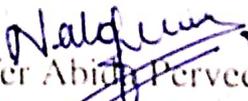
Ld. Proxy counsel submits that Ld. Main counsel Sh. Arpit

Nalpur

Bhalla is not available today as his father is hospitalized. It emerges that on the last date it was submitted that accused-applicant himself tested positive for covid-19 and thereafter had lost his wife and it ~~would~~^{was} under such circumstances that he could not join investigation and on such submissions, interim protection was extended till the next date with direction to join investigation as mentioned in the order.

Today again objection is being raised by the prosecution that accused-applicant despite directions has failed to join investigation on any of the dates as mentioned in order dated 12.11.2020. Under such circumstances, there is no ground to extend interim protection further. It is also directed that medical record in support of the contentions raised and considered on 12.11.2020 be also filed on next date of hearing.

As the Ld. Main counsel is not available today, in the interest of justice, for arguments, put up on 07.12.2020.


(Neelofer Abid Perveen)
ASJ (Central) HC/Delhi
04.12.2020

B. A. No. 1872

FIR No. 367/2019

PS: Wazirabad

State Vs. Molana Mohd. Haris

U/s 420 IPC

04.12.2020

Present: Sh. K.P.Singh, Addl. PP for State
Sh. Mukesh Kalia, counsel for accused-applicant
Sh. Rohit Baisla, counsel for complainant.

This is an application under Section 438 CrPC for grant of anticipatory bail on behalf of accused-applicant Molana Mohd. Haris in case FIR No.367/2019.

Ld. Counsel for the accused-applicant submits that present FIR has arisen out of a dispute centered around on the agreement to sell entered into between the complainant and accused-applicant and that FIR is registered for commission of offence under Section 420 IPC which in itself is compoundable with the permission of the Court. That there is possibility that the dispute may be amicably resolved and a joint request is being made for referral of the parties for mediation.

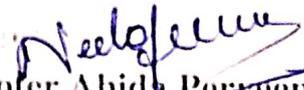
Taking into consideration the nature of the dispute and as there appears to be a likelihood that the dispute may be resolved amicably, the parties are being referred to Mediation. The mobile phone numbers of the parties and Ld. Counsels be mentioned in the Referral Form.

M. A. J.

Parties to appear before Mediation Centre, Tis Hazari Courts on 07.12.2020 at 2 pm. Thereafter parties shall appear before Worthy Mediator, on the dates as fixed by the Worthy Mediator through video conferencing or otherwise as deemed appropriate by ~~Ld. Counsels.~~ ^{the Worthy Mediator} ~~98~~

Put up for report of Mediation Centre on 15.12.2020.

As the parties are exploring the possibility of amicable resolution of the dispute, which as per ^{the} contention of Ld. Counsel for the accused-applicant is primarily civil in nature, at this stage, it is ordered that no coercive action be taken against the accused-applicant till the next date of hearing.


(Neelofar Abida Perveen)
ASJ (Central) THC/Delhi
04.12.2020

FIR No. Not known
PS: Not known
State Vs. Ganga Dayal
U/s Not Known

04.12.2020

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

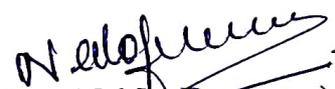
Sh. Pradeep Kumar, counsel for accused-applicant.

This is an application under Section 438 CrPC for grant of anticipatory bail moved on behalf of accused-applicant Ganga Dayal.

Reply is filed.

It emerges that though the particulars of the FIR are mentioned in the reply, however, FIR is not placed on record. In the course of arguments, it emerges that FIR pertains to commission of bailable offences.

Let copy of FIR be placed on record. Put up at 2 pm.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
04.12.2020

At 2 pm

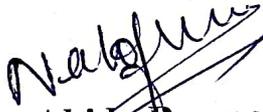
Present: As above.

Copy of FIR is placed on record.

Ld. Counsel for the accused-applicant submits that he has now received the copy of the FIR and as all the offences are bailable in nature,



he does not wish to press upon the present bail application and that the same may be dismissed as withdrawn. This application under Section 438 CrPC for grant of anticipatory bail moved on behalf of accused-applicant Ganga Dayal is **dismissed as withdrawn.**


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
04.12.2020

FIR No. Not Known
PS: Not Known Dabul
Spec: Not Known
Dist: Not Known

10.11.2020
Sh. K. Singh
Present: ...

FIR No. 122/2019
PS Nabi Karim
State v. Dharamveer
U/s 304B/498A/306 IPC

04.12.2020

Present: Sh. K. P. Singh, Addl. PP for State

None for accused-applicant

This is an application u/s 439 Cr.P.C for grant of regular bail on behalf of accused-applicant Dharamveer in case FIR No. 122/2019.

Reply is filed. None appeared on behalf of the accused-applicant on the last date of hearing. None has appeared for the accused-applicant even today. In the interest of justice, ^{by way of} ~~the~~ last opportunity, for consideration, put up on 21.12.2020.


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

04.12.2020

B.A. No. 3707

FIR No. 342/2020

PS Wazirabad

State v. Deepu @ Deepak

U/s 336/506/440/34 IPC & 25/27 Arms Act

04.12.2020

Present: Sh. K. P. Singh, Addl. PP for State.

Sh. Suraj Gupta, proxy counsel for accused-applicant.

This is an application u/s 439 Cr.P.C for grant of bail on behalf of accused-applicant Deepu @ Deepak in case FIR No. 342/2020.

Chargesheet is received.

Pass over is being sought on behalf of the accused-applicant as Ld.

Main Counsel for the accused-applicant is stated to be travelling from Sonapat.

In view thereof, for hearing through video conferencing, put up at 12.30 pm.


(Neelofer Abida Perveen)

ASJ (Central)THC/Delhi

04.12.2020

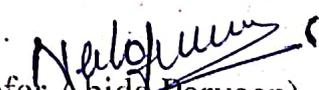
At 12.30 pm

Present: Sh. K. P. Singh, Addl. PP for State.

Sh. Suraj Prakash Sharma, counsel for accused-applicant.

This is an application u/s 439 Cr.P.C for grant of bail on behalf of accused-applicant Deepu @ Deepak in case FIR No. 342/2020.

Arguments heard. For orders, put up at **08.12.2020**.


(Neelofer Abida Perveen)

ASJ (Central)THC/Delhi

04.12.2020

B.A. No. 3887
FIR No. 184/2020
PS Bara Hindu Rao
State v. Javed Khan
U/s 354/354A IPC

04.12.2020

Fresh application received. Be registered.

Present: Sh. K. P. Singh, Addl. PP for State with IO SI Priyanka Dabar.

Complainant in person with counsel Ms. Nisha.

Sh. Mir Akhtar Hussain, Counsel for accused-applicant.

This is an application w/s 438 Cr.P.C for grant of anticipatory bail on behalf of accused-applicant Javed Khan in case FIR No. 184/2020.

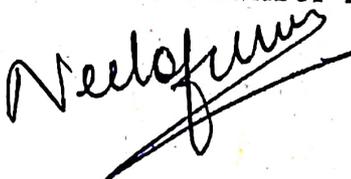
Arguments heard. For orders, put up at 4 pm.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
04.12.2020

ORDER

This is an application u/s 438 Cr.P.C for grant of anticipatory bail on behalf of accused-applicant Javed Khan in case FIR No. 184/2020.

Ld. counsel for the accused-applicant has contended that due to the behavior of the complainant, complainant and her husband were given separate accommodation in the same premises on the second floor and that on the date of the incident complainant herself alongwith police officials had come to the portion in the occupation of the accused-applicant on the pretext that her husband has gone missing. Ld. counsel for the accused-applicant has also drawn attention of the Court to the CCTV footage image in respect thereof. Ld. counsel further submitted that for



their own safety and security accused had installed CCTV camera and on the date of incident the complainant herself had come to the accused-applicant and quarrelled with them which is captured in the CCTV footage. That the parents of the accused apprehending danger to their life at the hands of the complainant and false implication at her behest had filed a Criminal Writ Petition in which directions were issued for their protection by H'ble the High Court of Delhi which order is also filed with the present application

Ld. Addl PP submits that as per reply of IO complainant has supported the allegations in her statement under Section 164 CrPC and also leveled further allegations against her brother in law Javed Khan upon which Section 354C IPC is added in the FIR.

Heard.

Present case is registered on the statement of complainant Yasmin Khan, W/o. Mr Parvez Khan, alleging that on 31.10.2020 at around 1.00 PM she was being harassed by her in-laws including husband and the mother in -law and she asked her son to call police immediately, on this her in - laws fled away. However, everyone. except her husband returned late at night and on the next day she informed the police about the incident vide complaint dated 01.11.2020 which was acknowledged vide DD No 22A. After filing complaint she returned to her matrimonial home and inquired from mother - in - law and father-in-law regarding the whereabouts of her husband. However, instead of providing information, they started threatening her of dire consequences. On this she made call

Neelofar

at 100 number. That the police official visited her "matrimonial home at around 12.30 PM. Her brother-in-law Javed Khan started making video when she was giving statement to police official on which she objected and asked him not to make any video film as he was focusing the camera on her body part. That on this her brother - in - law tried to hit her but she managed to escape. After sometime police official went away after talking to her husband on phone and knowing about his whereabouts. That after the police officer left the matrimonial home, she started going to second floor, her brother-in-law caught hold of her on the stairs from back side and when she tried to come out of his clutches, he pressed her hard inappropriately while threatening her and she got injury on her forearm and right eye due to the attack.

In the course of arguments, it transpired that alleged incident took place along the stairs leading upto the second floor portion of the complainant after the police had left the premises. The complainant was in the process of climbing the stairs to go to the second floor when scuffle took place with the accused-applicant. On the query of the Court from the IO, as to whether IO has seized the CCTV camera footage of the day of the incident, IO submitted that she had been pre-occupied in the arrangement of law and order arising out of farmers' agitation and today also she has come straight from her duty and therefore she could not seize the CCTV footage of the relevant day.

The complainant in her statement recorded under section 164 Cr.PC, has rather elaborately narrated several incidents from the day of her

Neelgurus

marriage though FIR in question pertains to one specific incident dated 1.11.2020. The parents of the applicant had preferred a criminal writ petition before the Hon'ble High Court seeking protection as they were apprehending false implication at the hands of the complainant and which was disposed of with directions vide order dated 12.11.2020.

In such circumstances of the case and as the IO due to her official duties has not been able to proceed with the investigation in this case and has not been able to seize the CCTV footage of the day of incident which is also relied upon by the accused-applicant himself, it would be appropriate in the totality of facts and circumstances of the case that at this stage, in order to further the progress of the investigation, that the accused-applicant is joined in investigation and the CCTV footage is seized and perused and accordingly **interim protection is being granted to the accused-applicant Javed Khan till the next date of hearing subject to the condition that accused-applicant shall join the investigation in case FIR 184/2020 on 08.12.2020, 12.12.2020, 15.102.2020, 18.12.2020 & 21.12.2020 and as and when so called upon to do so by the IO and extend full cooperation therein.**

For report and consideration, put up on **22.12.2012**.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
04.12.2020

FIR No. 389/2020
PS Civil Lines
State v. Saraswati
U/s 21/61/85 NDPS Act

04.12.2020

Fresh application received. Be registered.

Present:

Sh. K. P. Singh, Addl. PP for State.

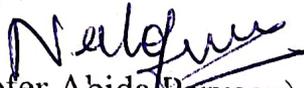
Sh. Abdul Aziz, Counsel for accused-applicant.

Hearing is conducted through video conferencing.

This ^{u/s} ~~second~~ application u/s 439 Cr.P.C for grant of regular bail on behalf of accused-applicant Saraswati in case FIR No. 389/2020.

Arguments heard in part. Ld. Counsel for accused-applicant seeks some more time to address arguments.

For further consideration, put up on 17.12.2020.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi.
04.12.2020

B. A. No. 3876

FIR No. 632/2020

PS: Burari

State Vs. Pawan Kaushik

U/s 308/506/34 IPC

04.12.2020

Fresh application received. Be registered.

Present: Sh. K. P. Singh, Addl. PP for State

Sh. Aman Singh, counsel for accused-applicant

This is an application under Section 439 CrPC for grant of bail on behalf of accused-applicant Pawan Kaushik in case FIR No. 632/2020.

Reply is filed. Copy be supplied to Ld. Counsel for accused-applicant.

Arguments are heard in part. Let the MLC be filed on or before the next date of hearing.

For consideration, put up on **14.12.2020**.


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

04.12.2020

B. A. No. 3077
FIR No. 632/2020
PS: Burari
State Vs. Amit Tyagi
U/s 308/506/34 IPC

04.12.2020

Fresh application received. Be registered.

Present: Sh. K. P. Singh, Addl. PP for State

Sh. Aman Singh, counsel for accused-applicant

This is an application under Section 439 CrPC for grant of bail on behalf of accused-applicant Amit Tyagi in case FIR No. 632/2020.

Reply is filed. Copy be supplied to Ld. Counsel for accused-applicant.

Arguments are heard in part. Let the MLC be filed on or before the next date of hearing.

For consideration, put up on **14.12.2020**.


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

04.12.2020

B.A. No. 3751
FIR No. Not Known
PS Gulabi Bagh
State v. Om Chand
U/s Not Known

04.12.2020

Present: Sh. K. P. Singh, Addl. PP for State
Ms. Sharda Garg, Counsel for accused-applicant

This is an application u/s 438 Cr.P.C for grant of anticipatory bail on behalf of accused-applicant Om Chand.

Ld. Counsel for accused-applicant submits that she does not wish to press upon the present bail application and that the same may be dismissed as withdrawn. It is ordered accordingly. This application under Section 438 CrPC for grant of anticipatory bail on behalf of accused-applicant Om Chand is dismissed as withdrawn.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
04.12.2020

B. A. No. 3878
FIR No. 623/2020
PS: Wazirabad
State Vs. Jaspal Singh
U/s 376/377/384/451/506/328 IPC

04.12.2020

Fresh application received. Be registered.

Present: Sh. K. P. Singh, Addl. PP for State
Sh. Yash Mittal, counsel for accused-applicant

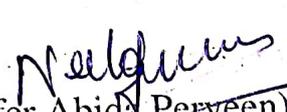
This is an application under Section 439 CrPC for grant of bail on behalf of accused-applicant Jaspal Singh in case FIR No. 623/2020.

It emerges that present case pertains to the commission of offence under Section 376/377 IPC. Notice is required to be issued to the prosecutrix.

Notice of application be issued to the prosecutrix to be served through the IO to join the proceedings through video conferencing on the next date of hearing.

Ld. Counsel for accused-applicant also seeks time on the ground that there are some more documents which are required to be filed for the purpose of the present application.

For consideration, put up on 17.12.2020.


(Neelofer Abida Perveen)
ASJ (Central)TWC/Delhi
04.12.2020

FIR No. 567/2020
PS Wazirabad
State v. Babu Lal
U/s 20/25 NDPS Act

04.12.2020

Fresh application received. Be registered.

Present: Sh. K. P. Singh, Addl. PP for State with SI Hansa Ram.
Sh. Pranay Abhishek, Counsel for accused-applicant.

This is an application under Section 439 CrPC for grant of bail on behalf of accused-applicant Babu Lal in case FIR No. 567/2020.

Id. Counsel for the accused-applicant that he does not press upon the present bail application at this stage as the chargesheet is yet to be filed in this case and that the same may be dismissed as withdrawn. It is ordered accordingly. This application under Section 439 CrPC for grant of bail on behalf of accused-applicant Babu Lal in case FIR No. 567/2020 is dismissed as withdrawn.


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

04.12.2020

FIR No. 395/2020
PS Civil Lines
State v. Manish
U/s 392/394/411/34 IPC

04.12.2020

Fresh application received. Be registered.

Present: Sh. K. P. Singh, Addl. PP for State.

Sh. Diwakar chaudhary, LAC for accused-applicant.

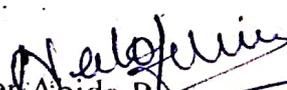
This is an application seeking release on personal bond on behalf of accused-applicant Manish in case FIR No. 395/2020.

It is submitted that accused-applicant has been granted regular bail vide order dated 09.11.2020 subject to furnishing personal bond in the sum of Rs.20,000/- with two sureties in the like amount and other conditions. It is submitted that accused-applicant is unable to arrange two sureties and is still languishing in custody.

Heard. Perused.

In view of the above facts and circumstances, the order dated 09.11.2020 is modified only to the extent that accused-applicant be released subject to furnishing personal bond and one local surety in the sum of Rs.20,000/- each and subject to the condition that on first of ^{day of} each calendar month, accused-applicant shall get his presence marked before the SHO PS Civil Lines.

Application stands disposed of.


(Neejofer Abida P. P. Veer)
ASJ (Central) THC/Delhi

B.A.No.1732/2020
FIR No. 385/2020
PS Subzi Mandi
State v. Anil Kumar
U/s 33 Delhi Excise Act.

04.12.2020

Present: Sh. K. P. Singh, Addl. PP for State.

Sh. Murari Chaudhary, Counsel for accused-applicant.

Hearing is conducted through video conferencing.

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

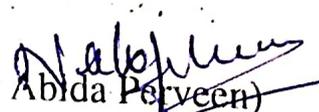
Ld. Counsel for the accused-applicant submits that accused is in custody since 22.10.2020 and that the recovery has been planted upon him. No public witness is joined in the proceedings. That accused-applicant is the sole bread winner for his family.

Ld. Addl. PP submits that in the course of regular patrolling duty, police officials saw accused-applicant standing with two plastic katta and the accused-applicant on seeing the police officials started running away but was apprehended and that when the plastic kattas were checked, they were found containing 150 quarters bottles of illicit liquor for sale in Haryana only. As per record available in SCRB, two ^{no.} other matters are registered under the Delhi Excise Act against the accused-applicant in 2015 and 2018.

On the query of the Court, it ^{is} submitted that investigation is now complete though chargesheet is not yet filed and is pending only for FSL report.

Taking into consideration, the nature of accusation and as the accused-applicant is in custody since 22.10.2020 and as investigation is now complete and custody of the accused-applicant is not required further for the purpose of investigation, application is allowed. Accused-applicant Anil Kumar is granted regular bail **subject to furnishing personal bond in the sum of Rs.20,000/- with two sureties in the like amount, out of which one surety must be local surety, to the satisfaction of the Ld. Trial Court/Duty MM** and subject to the condition that he shall appear scrupulously before the Ld. Trial Court on each and every date of hearing and shall not delay, subvert or defeat the trial in any manner whatsoever, he shall not threaten, intimidate or influence witnesses nor tamper with the evidence or interfere with the trial in any manner whatsoever. He shall not change her address or mobile phone number mentioned in the personal bonds without prior intimation to the IO. He shall also keep the said mobile, phone number switched on mode at all times with location activated and shared with the IO. Surety shall also intimate in the event of change in address and mobile phone number to be mentioned in the respective bonds.

Application stands disposed of.


(Neelofer Abida Perveen)
ASJ (Central) THE Delhi

04.12.2020

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

04.12.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State
Sh. Ram Singh, counsel for the accused-applicant.

M. A. No. 09/2020

It emerges that report in respect of the application seeking directions for preservation of CCTV footage of the cameras installed near the place of recovery was filed on 01.02.2020. As per report, inquiry was conducted and it was reported that no CCTV footage is installed near Pramanand Hospital, Ring Road, Delhi on both sides of the road. In view of the report, no further directions are required to be passed in the application and the application stands disposed of accordingly.

M. A. No. 08/2020

Ld. Addl. PP submits that reply of the IO is on record and as per reply in the personal search of the accused-applicant, no mobile phone was recovered from the accused-applicant.

Ld. Counsel for the accused-applicant submits that it is the defence of the accused-applicant that mobile phone no. 7042925350 was in possession of the accused-applicant when police arrived at the area near Azadpur Flyover from where he was taken to the polices station and during this entire period his mobile phone was switched on and active and that CDR and location chart is required for the purposes of defence as the police had reached near the Azadpur flyover alongwith one Deepak and call was made on the mobile phone of the accused-applicant and thereafter he was illegally apprehended and taken to the police station. Ld. Counsel for the accused-applicant further submits that location chart of the mobile phone numbers of the raid



party members during the said period is also to be relied upon in defence and same may also be directed to be preserved.

Heard.

In view thereof, in order to enable the accused to set up the proposed defence on the part of the accused and to meet the ends of justice, it is directed that the CDR and tower locations dated 08.02.2019 in respect of the mobile phone number no. 7042925350 be preserved for period from 11 am to 1 pm. Report be filed on or before 15.12.2020.

It is further directed that IO shall file further reply providing the mobile phone numbers of ASI Sudhir Kumar, First IO and HC Dharmendra, who was a member of the raiding party in use by them as on 08.02.2019.

For report and consideration, put up on 15.12.2020.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
04.12.2020

B. A. No. 3370 (New B. A. No. 1712)

FIR No. 278/2020

PS: Burari

State Vs. Rahul

U/s 304B/498A/306 IPC

04.12.2020

Present: Sh. K.P.Singh, Addl. PP for State

Sh. Vivek Sharma, counsel for accused-applicant

Sh. Anil Kumar, counsel for complainant

This is an application under Section 439 CrPC for grant of regular bail on behalf of accused-applicant Rahul in case FIR No.278/2020.

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


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
04.12.2020

At 4 pm
ORDER

This is an application under Section 439 CrPC for grant of regular bail on behalf of accused-applicant Rahul in case FIR No.278/2020.

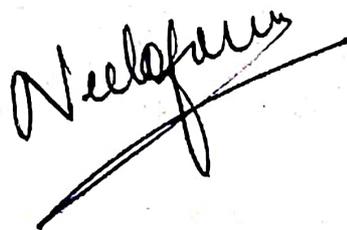
Ld. counsel for the accused-applicant submitted that initially the FIR was registered under Section 498A/306 IPC but subsequently, offence under Section 304B was added. That there is no allegation that deceased was subjected to cruelty soon before her death in connection with any demand of dowry and the brother of the deceased only alleged that he has suspicion that it is due to ill-treatment / harassment that his sister has committed the suicide. That the deceased on earlier occasions of her own accord had left the matrimonial home and had admitted her mistake by executing note in her hand in the presence of her parental family members including the brother of the deceased on whose statement the FIR is registered which is also part of the chargesheet.



Ld. Addl. PP has submitted that offence under Section 304B IPC was added subsequently on the basis of the statement of the brother recorded in the presence of the SDM. That accused-applicant subjected the deceased to mental and physical torture. That trial is yet to commence and complainant is yet to be examined.

Heard.

Chargesheet was received and is perused. The wife of the accused-applicant died within seven years of marriage and the death is by hanging though the opinion on viscera from FSL is yet to be obtained. The deceased was living with her husband separate from the other in-law family members and the room was found locked from inside, and despite banging at the door nobody was opening it and at that time and it was Vijay brother of accused-applicant who alongwith one neighbour Sonu who forcefully broke open the door and found that the had deceased had hanged herself. The IO, in the course of the investigation, he has recorded statement of the said neighbour namely Sonu, and it emerges from his statement that at the time of incident accused-applicant was away on his duty and was not at home. Another neighbor Smt. Rajwati stated that she had never heard any quarrel or altercation between the accused and his wife. Smt. Kamlesh, another public witness stated that deceased was of rude nature and on previous occasion also she had left home without telling anybody anything and returned after 3-7 days and she has never heard them fighting or her complaining. The IO has recorded statement of 10 public witnesses. All the public witnesses have come out in support of the accused-applicant. It emerges that on earlier occasion also deceased had left the house and one missing report was also registered on 22.05.2020. As per the accusations raised by the complainant brother of the deceased, the deceased was working in a factory which was not liked by the accused-applicant and it was also not acceptable to the inlaws and accused-applicant that deceased used to visit her parental house and she used to tell her brother that they quarrel with her every day that she should get money for her expenses from her parental home. There are no



specific allegations of harassment or cruelty immediately before the death in connection with any dowry demand. Taking into consideration such facts and circumstances of the case and statements of the public witnesses recorded by the IO, application is allowed and accused-applicant Rahul is granted regular bail in case FIR No.278/2020 subject to his furnishing personal bond with one surety in the sum of Rs.20,000/- each to the satisfaction of the Ld. Trial Court/Duty MM and subject to the condition that he shall appear scrupulously before the Ld. Trial Court on each and every date of hearing and shall not delay, subvert or defeat the trial in any manner whatsoever, he shall not threaten, intimidate or influence witnesses nor tamper with the evidence or interfere with the trial in any manner whatsoever. He shall not change her address or mobile phone number mentioned in the personal bonds without prior intimation to the IO. He shall also keep the said mobile, phone number switched on mode at all times with location activated and shared with the IO. Surety shall also intimate in the event of change in address and mobile phone number to be mentioned in the respective bonds.

Application stands disposed of.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
04.12.2020

B. A. No. 3896 (New B. A. No. 2057)
C-657/2020
PS: Roop Nagar
State Vs. Mahesh Kumar Verma
U/s 420/354 IPC

04.12.2020

Fresh application received. Be registered.

Present: Sh. K. P. Singh, Addl. PP for State

Sh. Vishal Vashisht, counsel for accused-applicant.

This is an application under Section 438 CrPC for grant of anticipatory bail on behalf of accused-applicant Mahesh Kumar Verma in C-657/2020.

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


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
04.12.2020

**At 4 pm
ORDER**

This is an application under Section 438 CrPC for grant of anticipatory bail on behalf of accused-applicant Mahesh Kumar Verma in C-657/2020.

Ld. counsel for the accused-applicant submitted that applicant has received one notice to join the inquiry from SI Ranjit Singh of PS Roop Nagar which is annexed with the application on 12.11.2020 and that applicant apprehends that he will be arrested in the false complaint made by the complainant and that directions may be passed for giving advance notice to the applicant upon registration of any FIR against him based on the said complaint. Ld. counsel for the accused-applicant submits that though no FIR is registered against the accused-applicant, however protection may be granted to him in the manner that the investigating agency before registration of the FIR shall serve four days prior notice upon him.



Ld. Addl. PP submits that there is no FIR registered against the accused-applicant and that one complaint is received in PS Burari against the accused-applicant and applicant has been called upon to join the fact finding inquiry. That in the economic offences cases, standard protocol being followed is that on receipt of such complaints, first fact finding inquiry is conducted and thereafter if commission of cognizable offence is made out, after obtaining permission from Sr. Police officer/DCP alone FIR is registered. In this case complaint against the accused-applicant is still at the stage of fact finding inquiry and the applicant however, has not come forward to join the inquiry. That as no FIR is registered, no question arises of any such apprehension of arrest and there is no provision of serving advance notice in the event of registration of FIR, and pre arrest bail is not permissible as per the judgements rendered by H'ble the Supreme Court and High Court of Delhi.

Heard.

As per reply of the IO, complainant Ms. Usha Gupta filed a complaint vide No. 657/20 at PS Roop Nagar with allegations that Mahesh Kumar Verma who is known to Sh. Rajiv Gupta & family for past 30 years and has been working with him in construction activities. That in the month of June 2019, Mahesh Kumar Verma approached Sh. Rajiv Gupta and requested for financial help to the tune of Rs 35 lacs in order to buy some property and promised to return the same within three - four months and in order to discharge his liability also offered to do sale deed of the flat mentioned in the title as collateral security which sale deed was to be reversed after the payment is made to the complainant. That on 19/06/19, Mahesh Kumar Verma was given Rs. 35 lacs in cash after withdrawing the same from the HDFC Bank and registered sale deed was executed in favour of Sh. Rajiv Gupta before the Sub Registrar, Delhi. That after passing of 4 months, Sh. Rajiv Gupta called Mahesh Kumar Verma and reminded him to return the money of Rs. 35 lacs to which the accused person sought some more time



to return the same and after some time on repeated requests refused to return the money and started avoiding and disconnecting the phone of Sh. Rajiv Gupta. That in month of August 2020, the complainant again asked accused Mahesh Kumar Verma to return money, then apprised the whole story to the complainant to which she called the alleged Mahesh Kumar Verma on his mobile number, who after picking up the phone, and after identifying the complainant, started abusing her and Sh. Rajiv Gupta and started passing lewd comments.

Enquiry is being conducted into the complaint and it is found that Rs. 35 lacs was given to accused Mahesh Kumar Verma in Cash and sale deed of property RZ/49-50, Indira Park, Uttam Nagar, Delhi was executed by Mahesh Kumar Verma in favour of Sh. Rajiv Gupta in June 2019, but a tenant namely Naveen Kumar of Mahesh Kumar Verma, is residing in the said property and Mahesh Kumar Verma neither returned the alleged amount to the complainant, nor handed over the possession of said property dishonestly and the applicant has been called to join enquiry, but he did not cooperate in the same on the pretext of health issue.

Hon'ble the Supreme Court of India in **Arnesh Kumar v. State of Bihar & Anr.** CrI. Appeal No. 1277/2014 decided by the Hon'ble Supreme Court on 02.07.2014. issued directions for the police applicable particularly in cases pertaining to offence under Section 489A IPC and also all cases where the offence prescribed is upto 7 years and the same are being reproduced hereunder:-

"Our endeavour in this judgment is to ensure that police officers do not arrest accused unnecessarily and Magistrate do not authorise detention casually and mechanically. In order to ensure what we have observed above, we give the following direction:

All the State Governments to instruct its police officers not to automatically arrest when a case under Section 498-A of the IPC is registered but to satisfy themselves about the necessity for arrest



under the parameters laid down above flowing from Section 41, Cr.PC;

All police officers be provided with a check list containing specified sub- clauses under Section 41(1)(b)(ii);

The police officer shall forward the check list duly filed and furnish the reasons and materials which necessitated the arrest, while forwarding/producing the accused before the Magistrate for further detention;

The Magistrate while authorising detention of the accused shall peruse the report furnished by the police officer in terms aforesaid and only after recording its satisfaction, the Magistrate will authorise detention;

The decision not to arrest an accused, be forwarded to the Magistrate within two weeks from the date of the institution of the case with a copy to the Magistrate which may be extended by the Superintendent of police of the district for the reasons to be recorded in writing;

Notice of appearance in terms of Section 41A of Cr.PC be served on the accused within two weeks from the date of institution of the case, which may be extended by the Superintendent of Police of the District for the reasons to be recorded in writing;

Failure to comply with the directions aforesaid shall apart from rendering the police officers concerned liable for departmental action, they shall also be liable to be punished for contempt of court to be instituted before High Court having territorial jurisdiction. Authorising detention without recording reasons as aforesaid by the judicial Magistrate concerned shall be liable for departmental action by the appropriate High Court.”

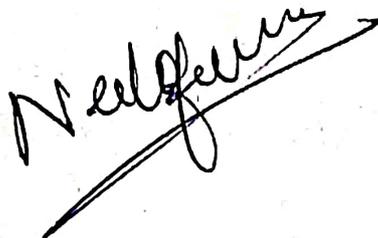
The enquiry with the economic offences wing in the complaint of Smt Uma Gupta is pending and at this stage there is no FIR registered,

Neelgurus

as per established protocol, there is no permission sought for registration of the FIR , and the applicant has only been asked to join the fact finding enquiry and set the facts straight. Even upon the registration of the FIR, in terms of the mandatory directions issued as produced supra by the Apex Court, in the first instance there has to be a notice in terms of section 41A issued and it is only where the applicant fails to comply with the notice and the arrest of the applicant is rendered necessary for the purposes of investigation, after recording in writing his satisfaction to this effect, that the IO can proceed for the apprehension of the applicant in connection therewith. The applicant seeks pre-arrest notice/notice before the registration of FIR against him. Such genre of directions have been deprecated upon by H'ble the Apex Court and H'ble the High of Delhi. In **Enforcement Directorate's case Enforcement Directorate v. Tilak Raj Arora** CrI. M. C. 1659/2017 & CrI.M. A.6734/2017 decided by Hon'ble High Court on 21.11.2019 Hon'ble High Court relying upon the judgement of H'ble the Apex Court has observed as under:-

'3. Learned counsel for petitioner submitted that the directions passed by the Ld. Judge are contrary to the settled law. The Apex Court in a catena of judgments has held that the directions of this nature cannot be passed while disposing of application for anticipatory bail. The Hon'ble Supreme Court in the case of Union of India vs. Padam Narain Aggarwal (2008) 13 SCC 305 in identical circumstances has held as under: -

"64. In our judgment, on the facts and in the circumstances of the present case, neither of the above directions can be said to be legal, valid or in consonance with law. Firstly, the order



passed by the High Court is a blanket one as held by the Constitution Bench of this Court in Gurbaksh Singh and seeks to grant protection to respondents in respect of any non-bailable offence. Secondly, it illegally obstructs, interferes and curtails the authority of Custom Officers from exercising statutory power of arrest a person said to have committed a non-bailable offence by imposing a condition of giving ten days prior notice, a condition not warranted by law. The order passed by the High Court to the extent of directions issued to the Custom Authorities is, therefore, liable to be set aside and is hereby set aside.

xxxxx

xxxxx

xxxxx

18. Keeping in view the reports of the Law Commission, Section 438 was inserted in the present Code. Sub-section (1) of Section 438 enacts that when any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or to the Court of Session for a direction that in the event of his arrest he shall . Bar & Bench (www.barandbench.com) CRL.M.C. 1659/2017 Page 10 of 11 be released on bail, and the Court may, if it thinks fit, direct that in the event of such arrest he shall be released on bail.

19. Sub Section (2) of 438 lays down that when the High Court or the Court of Sessions makes a direction under sub- section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit. Sub Section (3) of 438 lays down that if such person is thereafter arrested without warrant by an officer in charge of a police station on such accusation, and is prepared either at the time of arrest or at any time while in the custody of such officer to give bail, he shall be released on bail; and if a Magistrate taking cognizance of such offence decides that a warrant should issue in the first instance against that person, he shall issue a bailable warrant in conformity with the direction of the Court under sub- section (1).

20. Finally, the ratio of judgment of the Hon'ble Supreme Court in the case of PN Aggarwal (supra) is that the Court has power to grant or not to grant anticipatory bail. But the court has no power to direct the IO to issue notice prior to arrest.'

Neelgaur

The relief sought is not mandated in exercise of the discretion vested under section 438 Cr. PC, there is no apprehension at this stage as there is not even an FIR registered against the applicant and the applicant has been served with notice to join the fact finding enquiry into the allegations and the Investigating agency is bound to follow the procedure as laid down by the H'ble Apex Court. There is also a likelihood that once the applicant joins the fact finding enquiry commission of cognizable offence is ruled out by the inquiry officer and no permission is accorded for registration of the FIR. At this stage therefore there are no directions required to be passed for release of the applicant in the event of arrest and no such directions as sought by the applicant are capable of being passed. The application is accordingly dismissed.


(Neelofar Abida Perveen)
ASJ (Central) THQ Delhi
04.12.2020

B. A. No. 3298
FIR No. 428/2014
PS: Burari
State Vs. Gaurav
U/s 379/411/34 IPC

04.12.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State.
Sh. Ayub Khan, Counsel for accused-applicant.

This is an application under Section 439 CrPC for grant of regular bail moved on behalf of accused-applicant Gaurav in case FIR No. 428/2014.

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


(Neelofur Abida Perveen)
ASJ (Central) FHC/Delhi
04.12.2020

At 4 pm
ORDER

This is an application under Section 439 CrPC for grant of regular bail moved on behalf of accused-applicant Gaurav in case FIR No. 428/2014.

Ld. counsel for the accused-applicant submits that accused-applicant is in JC since 13.10.2020. That accused-applicant has clean antecedents and has no previous involvement. That accused-applicant was not informed by the counsel representing him at that stage that he is required to appear in the Court. That the accused-applicant is a driver by profession and was not served with any process and used to remain out of station most of the time. That the case pertains to commission of offence under section 379/411 IPC and the accused-applicant has already undergone over seven months in custody. That wife of the accused-applicant is in the last month of pregnancy and presence of accused-applicant with his wife is very much necessary.



Ld. Addl. PP for State has submitted that accused-applicant was declared proclaimed offender in the proceedings before the Ld. MM and that he deliberately avoided the trial and due to his absence, trial got delayed. That accused-applicant was arrested on 03.09.2020 and abstained from appearing for five years.

Heard.

Record is received and is perused. It emerges that accused-applicant was taken into custody in connection with the present case on 23.06.2014 and was granted regular bail by the Ld. MM on 03.07.2014. An application was filed by the accused-applicant for waiving of the condition for furnishing surety bond and was ordered to be released on personal bond of Rs.10,000/- and release warrants are ordered upon verification of the address on 31.01.2015 and since thereafter accused-applicant abstained from the proceedings and NBWs were issued on 25.06.2015 but remained executed. Process under Section 82 CrPC was ordered on 10.04.2018 and accused-applicant was declared as proclaimed person on 02.02.2019 and thereafter accused-applicant was taken into custody, after being declared proclaimed offender, on 13.10.2020 and is in custody since then.

Taking into consideration the nature of accusation and the period already undergone application is allowed and accused-applicant Gaurav is granted regular bail in case FIR No.428/2014 subject to furnishing personal bond in the sum of Rs.40,000/- with one local surety in the like amount **to the satisfaction of the Ld. Trial Court/Duty MM, upon verification of address** and subject to the condition that he shall appear scrupulously before the Ld. Trial Court on each and every date of hearing and shall not delay, subvert or defeat the trial in any manner whatsoever, he shall not threaten, intimidate or influence witnesses nor tamper with the evidence or interfere with the trial in any manner whatsoever. **Accused-applicant shall not leave NCR region without the prior permission of**



the IO. He shall not change his address or mobile phone number mentioned in the personal bonds without prior intimation to the IO. He shall also keep the said mobile, phone number on switched on mode at all times with location activated and shared with the IO. Surety shall also intimate in the event of change in address and mobile phone number to be mentioned in the respective bonds. **Accused-applicant shall get his presence marked on every Monday of the week before the SHO PS Burari.**

Application stands disposed of.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
04.12.2020

FIR No.24/2016
PS: Crime Branch
State Vs. Guddu Kumar Jha

04.12.2020

Present: Sh. K.P.Singh, Addl. PP for State

None for accused-applicant

This is an application under Section 439 CrPC for grant of bail on behalf of accused-applicant Guddu Kumar Jha in case FIR No. 24/2016.

Clarifications obtained. IO has also come present. Arguments also heard.

For orders, put up on 09.12.2020.


(Neelofar Abida Perveen)
ASJ (Central) THC/Delhi
04.12.2020

FIR No.214/2017
PS Crime Branch
State v. Gulshan & Anr.
U/s 20/29 NDPS Act

04.12.2020

No time left. For orders put up on next physical hearing date as record is required for the disposal of the present application.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
04.12.2020