

Bail application

Earlier all the matters were adjourned en-bloc pursuant to the directions passed by the Hon'ble High Court of Delhi from time to time amid lock-down. Now, vide officer order no. 26/DHC/2020 dated 30.07.2020, District Courts have been directed to take up all the cases listed before them through videoconferencing except the cases wherein evidence is to be recorded.

20.08.2020

Present: Learned APP for the State through V/C
Shri Deepak Rikhari, learned counsel for the accused/applicant through V/C
IO/SI Udai Singh, PS Mundka through V/C
Complainant through V/C
Accused not produced from J/C

Court is convened through V/C (CISCO WEBEX) from residence office.

Vide this order, I shall decide the bail application filed on behalf of the accused.

It is stated by the learned counsel for the accused that he was not aware about the present case as he was out of India. He further submitted that the accused cannot be punished before conclusion of trial and if he is kept behind the bars, not only he but his family would also suffer.

Reliance is placed on the judgment passed by Hon'ble Supreme Court of India in the case of *Sanjay Chandra Vs. Central Bureau of Investigation (2012)1 SCC 40* to contend that every man is deemed to be innocent until duly tried or duly found guilty and that refusal of bail is restriction on the personal liberty of the individual guaranteed under Article 21 of the Constitution of India.

He further submitted that bail is a right and jail is an exception; denial of bail would amount to pretrial conviction; applicant/accused is ready to abide by all

बबीता पूनिया
Ms. BABITA PUNIYA
हानगर दफ्तरीकारी न्यायालय-03
Metropolitan Magistrate-03
पुलिस थाना नं. 356, पुलिस थाना

the condition as imposed by this court. He, therefore, prays that the accused may be enlarged on bail.

Per contra, bail application is strongly opposed by the Ld. APP for State as well as by the complainant. Ld. APP has submitted that the accused does not deserve the concession of bail as huge amount is involved in this case.

It is stated by the complainant that if bail is granted to the accused, he may again flee from India.

I have heard the arguments and perused the police file very carefully.

Vide last order, IO was directed to file the reply, however, he has not submitted the reply. Though, it is stated by the learned APP for the State and the learned counsel for the accused that they have received the copy of reply. On court query, it is stated by the Reader that he has not received any reply from the IO. Further, concerned Naib Court is on leave. Let an explanation be called from the SHO concerned in this regard for next date of hearing.

Heard. File perused.

No doubt, the basic rule is bail, not jail.

Without commenting on the merits of the case, keeping in view the current COVID-19 pandemic situation, I deem it fit to admit the accused *Gaurav Marwah* on bail for a period of 45 days on his furnishing two bail bonds each in the sum of Rs. 50,000/- each with two sureties of like amount on the conditions:-

1. That at least one surety shall be local surety; and
3. That the accused shall co-operate in the investigation; and
4. That the accused shall not leave the jurisdiction of the concerned Police Station without the prior permission of the *Ilaka* Magistrate/Duty Magistrate/link court; and

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Ms. BABITA PUNIYA
महानगर दण्डाधिकारी न्यायालय
Metropolitan Magistrate
जिला पश्चिम, कमरा नं. 3
West District Court No. 3
कोस हजारी नं. 100/2023
T & Huzart Court, Lucknow

5. That the accused shall not directly or indirectly make any inducement or threat to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer; and
6. That the accused shall not commit an offence similar to the offence of which he is accused or suspected of the commission of which he is suspect; and
7. That he shall not take undue advantage of liberty or misuse the liberty; and
8. That he shall not change his residence without prior permission of this Court; and
9. That he shall surrender his passport to the IO.

It is made clear that if the accused/applicant commits breach of any of the above conditions, the bail granted to him shall be liable to be cancelled.

Any observation made herein shall have no bearing on the merits of the case.

Bail application stands disposed of.

Copy datsi.

(Babita Puniya)
MM-06, West District
Tis Hazari Court, Delhi
20.08.2020

बबीता पुनिया
Ms. BABITA PUNIYA
महानगर मेट्रोपॉलिटन कोर्ट-06
Metropolitan Magistrate-06
जिला बरिस, बंगलूर
District Barasat, Bengaluru
स हाजरी
Tis Hazari

Item No. 1

State vs. Nonu

FIR No. 532/2017

PS: Hari Nagar

Earlier all the matters were adjourned en-bloc pursuant to the directions passed by the Hon'ble High Court of Delhi from time to time amid lock-down. Now, vide officer order no. 26/DHC/2020 dated 30.07.2020, District Courts have been directed to take up all the cases listed before them through videoconferencing except the cases wherein evidence is to be recorded.

20.08.2020

Present: Learned APP for the State through V/C

Shri Kushal Dahiya, learned remand advocate through V/C

Court is convened through V/C (CISCO WEBEX) from residence office.

Heard. File perused.

Vide last order, summons were directed to be issued to the complainant and IO, however, summons could not be issued due to lock-down. Let previous order be complained afresh for 11.12.2020.

(Babita Puniya)

MM-06, West District
Tis Hazari Court, Delhi
20.08.2020

बबीता पूनिया
Ms. BABITA PUNIYA
महानगर दण्डाधिकारी न्यायालय-06
Metropolitan Magistrate-06
जिला परिषद, कमरा नं. 355, दूसरी मंजिल
West District, Room No. 355, Third Floor
तीस हजारी न्यायालय, दिल्ली
Tis Hazari Court, Delhi

Item No. 6

FIR No. 213/2016
PS: Hari Nagar

Earlier all the matters were adjourned en-bloc pursuant to the directions passed by the Hon'ble High Court of Delhi from time to time amid lock-down. Now, vide officer order no. 26/DHC/2020 dated 30.07.2020, District Courts have been directed to take up all the cases listed before them through videoconferencing except the cases wherein evidence is to be recorded.

20.08.2020


Present: Learned APP for the State through V/C
Shri Kushal Dahiya, learned remand advocate through V/C

Court is convened through V/C (CISCO WEBEX) from residence office.

Heard. File perused.

Perusal of the file reveals that matter is at the stage of PE. Consequently, matter stands adjourned in view of the office order issued by the Hon'ble High Court of Delhi.

Put up 11.12.2020 for PE.


(Babita Puniya)
MM-06, West District
Tis Hazari Court, Delhi
20.08.2020

बबीता पुनिया
Ms BABITA PUNIYA
महानगर दण्डनीतिकारी अ्यायालय-06
Metropolitan Magistrate-06
जिला पुलिस, कमरा नं 368
W District Room No 368
म हजारी नगरपालिका

Item No. 5

FIR No. 210/2014
PS: Hari Nagar

Earlier all the matters were adjourned en-bloc pursuant to the directions passed by the Hon'ble High Court of Delhi from time to time amid lock-down. Now, vide officer order no. 26/DHC/2020 dated 30.07.2020, District Courts have been directed to take up all the cases listed before them through videoconferencing except the cases wherein evidence is to be recorded.

20.08.2020

Present: Learned APP for the State through V/C
Shri Kunal Manav, learned counsel for the accused persons through V/C

Court is convened through V/C (CISCO WEBEX) from residence office.

Heard. File perused.

Be awaited for the accused persons.

At 10:41

Present: Learned APP for the State through V/C
Both accused through V/C
Learned counsel for the accused persons through V/C

Both the parties seek time to go through the case file.

Heard. Allowed.

Put up on 26.08.2020 for purpose fixed through V/C.

(Babita Puniya)
MM-06, West District
Tis Hazari Court, Delhi
20.08.2020
Ms. BABITA PUNYA
महानगर दण्डाधिकारी न्यायालय-06
Metropolitan Magistrate
जिला परिषद, कमरा नं. 35
District Room No. 35
Tis Hazari Court, Delhi

(Babita Puniya)
MM-06, West District
Tis Hazari Court, Delhi
20.08.2020
Ms. BABITA PUNYA
महानगर दण्डाधिकारी न्यायालय-06
Metropolitan Magistrate
जिला परिषद, कमरा नं. 35
District Room No. 35
Tis Hazari Court, Delhi

Item No. 3

FIR No. 312/2020

PS: Mundka

Earlier all the matters were adjourned en-bloc pursuant to the directions passed by the Hon'ble High Court of Delhi from time to time amid lock-down. Now, vide officer order no. 26/DHC/2020 dated 30.07.2020, District Courts have been directed to take up all the cases listed before them through videoconferencing except the cases wherein evidence is to be recorded.

20.08.2020

Present: Learned APP for the State through V/C

Shri Kushal Dahiya, learned remand advocate through V/C

Accused is stated to be in J/C

Court is convened through V/C (CISCO WEBEX) from residence office.

File received from the court of learned Duty MM. It be checked and registered as per rules.

Heard. File perused.

Put up on 03.09.2020 for consideration.

IO to also join the proceedings through V/C on the next date of hearing and apprise the court about the status of accused and the excise result.

(Babita Puniya)

MM-06, West District

Tis Hazari Court, Delhi

20.08.2020

बबीता पूनिया

Ms. BABITA PUNIYA

महानगर दण्डाधिकारी न्यायालय-06

Metropolitan Magistrate-06

जिला पश्चिम, कमरा नं. 356, तृतीय तल

West District, Room No. 356, Third Floor

तीस हजारि न्यायालय, दिल्ली

Tis Hazari Courts, Delhi

Untrace report

FIR No. 316/2017

PS: Mundka

Earlier all the matters were adjourned en-bloc pursuant to the directions passed by the Hon'ble High Court of Delhi from time to time amid lock-down. Now, vide officer order no. 26/DHC/2020 dated 30.07.2020, District Courts have been directed to take up all the cases listed before them through videoconferencing except the cases wherein evidence is to be recorded.

20.08.2020

Present: Learned APP for the State through V/C

Shri Kushal Dahiya, learned remand advocate through V/C

None for the complainant

Court is convened through V/C (CISCO WEBEX) from residence office.

Heard. File perused.

Perusal of the file reveals that on the last date of hearing, brother of the complainant had appeared and sought time to file protest petition, however, till date, complainant has not filed the protest petition. Let the same be filed on or before the next date of hearing.

Put up on 11.12.2020 for further proceedings.

(Babita Punia)

MM-06, West District

Tis Hazari Court, Delhi

20.08.2020

बबीता पुनिया
Ms. BABITA PUNIYA
महानगर दण्डाधिकारी न्यायालय-06
Metropolitan Magistrate-06
जिला परिषद, बंगला नं. 308, दूसरी मं
Vist: District Room No. 333, Third Floor
तिह हजारी न्यायालय, दिल्ली
Tis Hazari Courts, Delhi