

**IN THE COURT OF SH. SUNIL BENIWAL
ASJ/SPECIAL JUDGE (NDPS), WEST
TIS HAZARI COURTS, DELHI**

**FIR No. 94/17
PS: Crime Branch Old Kotwali
U/s 21 NDPS Act & 14 Foreigners Act
State Vs. Alex Jerry Peter**

10.09.2020

Present: Mr. Parvesh Ranga, Ld. Addl. PP for the State.
Mr. Mr. Amit Sharma, counsel for the applicant.

On request of counsel, application is adjourned to **18.09.2020**.

**(SUNIL BENIWAL)
ASJ/Special Judge (NDPS)
West District, THC
Delhi/10.09.2020**

**IN THE COURT OF SH. SUNIL BENIWAL
ASJ/SPECIAL JUDGE (NDPS), WEST
TIS HAZARI COURTS, DELHI**

**FIR No. 113/18
PS: Punjabi Bagh
U/s 394/397/411/34 IPC
State Vs. Sonu**

10.09.2020

Present: Mr. Parvesh Ranga, Ld. Addl. PP for the State.
Mr. Vineet Jain, counsel for applicant through videoconferencing.

By this order, I shall decide the present application requesting for grant of bail on behalf of accused/applicant Sonu. Facts as stated in the application are as follows:-

The applicant/accused has been falsely implicated in the present case and has nothing to do with the alleged offence and that the applicant is having clean antecedents. The applicant is in JC since 20.03.2018. That material witness/victim has already been examined and some cross examination has also been conducted before the Ld. Trial Court in the year 2019. 12 witnesses are yet to be examined. Applicant is having a family consisting of his old age parents and there is no one in his family to look after them except the applicant. That nothing incriminating has been recovered from the possession of applicant or at his instance. That there is no apprehension of applicant for tempering with prosecution evidence or jumping bail. Applicant undertakes to abide by all the terms and conditions imposed by the court. It is therefore prayed that the applicant be granted regular bail.

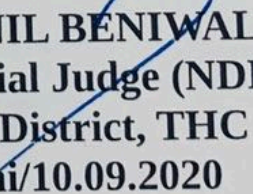
Ld. APP has strongly opposed the bail application. It is submitted by Ld. APP that at the time of incident the applicant used a deadly weapon i.e. gun. It is further submitted that during deposition, the complainant PW1 Mr. Ankit Jain categorically stated that it was the applicant who inflicted injuries on his hand and

thigh with knife at the time of incident. The applicant was also correctly identified by the complainant PW1 during TIP proceedings and as well as in the court during the deposition.

I have heard arguments from both the sides.

After hearing arguments, this court is inclined to agree with submissions of Ld. APP for the State. Accused/applicant was identified by the complainant during TIP. There is an apprehension that applicant may threaten or even harm the complainant if granted bail. Moreover, since cross examination of injured is not concluded, there is every possibility that given the nature of allegation against the accused, he might jump bail and run away or threaten and intimidate the prosecution witnesses. Therefore, keeping in view the above-mentioned observations, the present bail application is rejected at this stage.

Copy of this order be sent to counsel for applicant, to the concerned SHO and concerned Jail Superintendent on their e-mail IDs and through proper channel.


(SUNIL BENIWAL)
ASJ/Special Judge (NDPS)
West District, THC
Delhi/10.09.2020

**IN THE COURT OF SH. SUNIL BENIWAL
ASJ/SPECIAL JUDGE (NDPS), WEST
TIS HAZARI COURTS, DELHI**

**FIR No. 448/19
PS: Nihal Vihar
U/s 33/38/58 Excise Act
State Vs. Naresh Kumar Yadav**

10.09.2020

Present: Mr. Parvesh Ranga, Ld. Addl. PP for the State.
Mr. L.K Dahiya, counsel for the applicant/accused.

Reply not filed.

Issue notice to IO as well as SHO concerned to file reply by

14.09.2020.

**(SUNIL BENIWAL)
ASJ/Special Judge (NDPS)
West District, THC
Delhi/10.09.2020**

**IN THE COURT OF SH. SUNIL BENIWAL
ASJ/SPECIAL JUDGE (NDPS), WEST
TIS HAZARI COURTS, DELHI**

**FIR No. 656/20
PS: Ranhola
U/s 376/506 IPC
State Vs. Sanjay**

10.09.2020

Present: Mr. Parvesh Ranga, Ld. Addl. PP for the State.
Mr. Amit Kumar, counsel for the applicant.

Reply not filed.

IO is directed to file reply by tomorrow i.e. **11.09.2020**.

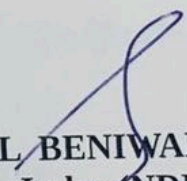
(SUNIL BENIWAL)
ASJ/Special Judge (NDPS)
West District, THC
Delhi/10.09.2020

State Vs. Pawan Kumar
FIR No. 38/2020
PS Anand Parbat
U/s 341/354/354(B)/509/34 IPC &
10 POCSO Act

10.09.2020


Present: Shri Parvesh Kumar Ranga, Learned Addl. Public Prosecutor for State.
IO ASI Kaushalya in person.
None for applicant despite repeated calls.

This is matter under POCSO Act. IO has submitted that prosecutrix has not come today. Now, presence of prosecutrix is mandatory for hearing arguments on bail application under the POCSO Act as per judgment of Hon'ble High Court of Delhi. Therefore, since none is present on behalf of applicant also, re-list the matter for hearing arguments on the bail application on **14.09.2020**. IO is directed to join the prosecutrix on the NDOH either in person or through videoconferencing.


(SUNIL BENIWAL)
ASJ/Spl. Judge (NDPS)
West District/THC/Delhi
10.09.2020

At this stage, Mr. Zishan, counsel for complainant has appeared through videoconferencing. At his request, DCP is directed to supply advance copy of reply to counsel for complainant through IO. Shri Nilkanth Kumar, counsel for the applicant/accused has also appeared in person. He is apprised about the order and NDOH.

Put up on the date already fixed.


(SUNIL BENIWAL)
ASJ/Spl. Judge (NDPS)
West District/THC/Delhi
10.09.2020

**IN THE COURT OF SH. SUNIL BENIWAL
ASJ/SPECIAL JUDGE (NDPS), WEST
TIS HAZARI COURTS, DELHI**

**FIR No. 353/20
PS: Mundka
U/s 20 (b) (ii) B NDPS Act
State Vs. Laxman @ Rockey**

10.09.2020

Present: Mr. Parvesh Ranga, Ld. Addl. PP for the State.
Mr. C.B Garg, counsel for the applicant.

On request of counsel, application is adjourned to **18.09.2020**.

**(SUNIL BENIWAL)
ASJ/Special Judge (NDPS)
West District, THC
Delhi/10.09.2020**

**IN THE COURT OF SH. SUNIL BENIWAL
ASJ/SPECIAL JUDGE (NDPS), WEST
TIS HAZARI COURTS, DELHI**

**FIR No. 267/19
PS: Hari Nagar
U/s 302/307/506/34/120B IPC
read with Section 25/27 Arms Act
State Vs. Keemat Singh & Ors.**

10.09.2020

Present: Mr. Parvesh Ranga, Ld. Addl. PP for the State.
Mr. Vijay Tiwari proxy for Mr. Mahesh Patel, counsel for the applicant.

On request of proxy counsel, application is adjourned to **15.09.2020**.

**(SUNIL BENIWAL)
ASJ/Special Judge (NDPS)
West District, THC
Delhi/10.09.2020**

**IN THE COURT OF SH. SUNIL BENIWAL
ASJ/SPECIAL JUDGE (NDPS), WEST
TIS HAZARI COURTS, DELHI**

**FIR No. 531/18
PS: Hari Nagar
U/s 307/323/341/34 IPC
State Vs. Parvinder @ Prince**

10.09.2020

Present: Mr. Parvesh Ranga, Ld. Addl. PP for the State.
Mr. Vijay Tiwari proxy for Mr. Mahesh Patel, counsel for the applicant.

On request of proxy counsel, application is adjourned to **15.09.2020**.

**(SUNIL BENIWAL)
ASJ/Special Judge (NDPS)
West District, THC
Delhi/10.09.2020**

IN THE COURT OF SH. SUNIL BENIWAL
ASJ/SPECIAL JUDGE (NDPS), WEST
TIS HAZARI COURTS, DELHI

FIR No. 410/2020
PS: Mayapuri
U/s 308 IPC
State Vs. Naresh Kumar

10.09.2020

Present: Mr. Parvesh Ranga, Ld. Addl. PP for the State.

Ms. Sunita Singh, counsel for applicant/accused.

By this order, I shall decide the present bail application moved on behalf of accused/applicant Naresh Kumar. Facts as stated in the application are as follows:-

This is a case under Section 308 IPC. Accused is in JC since 08.07.2020. It is submitted that applicant is innocent and has nothing to do with the alleged offence. It is submitted that applicant is the son of complainant and this is a family dispute as applicant requested the complainant for installation of electricity and water connection but the complainant flatly refused and told the applicant that wife of applicant should beg before the complainant otherwise the complainant will not allow the electricity and water connection. When the applicant was pulling his wife from the staircase then one brick fell down on the head of wife of complainant and she received injuries. It is submitted that above-mentioned incident is not intentional and deliberate. It is requested that the applicant be granted bail as applicant is ready to abide by any condition imposed by the court.


Ld. APP has strongly opposed the bail in view of reply filed by the IO. It is submitted that the applicant hit his own mother with brick on her head after getting drunk. It is submitted that after the incident, the applicant ran away from the home. As per final opinion on MLC of injured Lado Devi, doctor opined the nature

of injury as grievous. The bail application is opposed as crime committed by accused is heinous in nature. Accused may threaten the witnesses, jump the bail and may get involved in similar type of offence.

I have heard arguments from both the sides.

After hearing arguments, the court is inclined to agree with the submissions of Ld. APP. Applicant is accused of hitting his own mother with the brick on her head from upper floor of the house which could easily have resulted even in the death of the injured. Counsel for applicant has admitted that this is a family dispute. Dispute has been admitted, so, there is a strong possibility that if applicant is granted bail, he may again try to injure, threaten and intimidate the prosecution witnesses as evidence in the matter has not yet begun. Therefore, keeping in view the above-mentioned observations, the present bail application is rejected at this stage.

Copy of this order be sent to counsel for applicant, to the concerned SHO and concerned Jail Superintendent on their e-mail IDs and through proper channel.


(SUNIL BENIWAL)
ASJ/Special Judge (NDPS)
West District, THC
Delhi/10.09.2020

**IN THE COURT OF SH. SUNIL BENIWAL
ASJ/SPECIAL JUDGE (NDPS), WEST
TIS HAZARI COURTS, DELHI**

**FIR No. 600/2020
PS: Ranhola
U/s 308 IPC
State Vs. Rahul Kumar**

10.09.2020

Present: Mr. Parvesh Ranga, Ld. Addl. PP for the State.
Mr. Shiv Sahay, counsel for applicant/accused.
IO ASI Sunil Dutt also present.

By this order, I shall decide the present bail application moved on behalf of accused/applicant Rahul Kumar. Facts as stated in the application are as follows:-

Applicant is a young boy of 20 years having a bright future ahead and is in JC since 25.05.2020. The applicant/accused has been falsely implicated in the present case. Chargesheet has been filed and investigation is complete. That the applicant has not committed any offence and prosecution has filed the charge sheet on 23.07.2020 without explaining any role of applicant. The applicant is no more required by police for further investigation. Applicant is neither a previous convict nor habitual offender. That nothing incriminating has been recovered from the accused and further custodial investigation is not required. Applicant undertakes to comply with all the directions of the court. That applicant is the sole bread earner of his family consisting of old aged parents. It is therefore requested that the applicant be released on bail

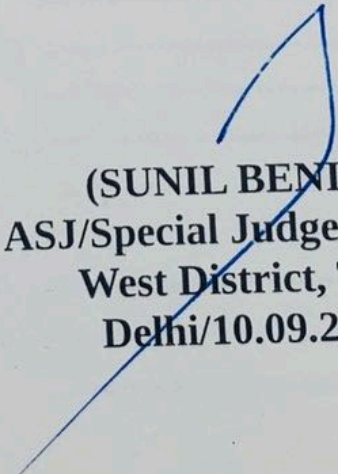
Ld. APP has strongly opposed the bail in view of reply filed by the IO. It is submitted by Ld. APP that multiple bail applications of the applicant have already been dismissed and one of them was dismissed by this court only. There is

no change in circumstance as to why applicant should be granted bail.

I have heard arguments from both the sides.

After hearing arguments, the court is inclined to agree with the submissions of Ld. APP as well as contentions put forward by IO ASI Sunil Dutt in his reply. Offence is serious in nature and applicant does not have his own house or residence. There is a strong possibility that applicant may jump bail and try to threaten, intimidate or even harm the prosecution witnesses, if granted bail. Multiple bail applications have already been dismissed. There is no change in circumstances, therefore, the present bail application is also dismissed as there is no merit in the present bail application at this stage.

Copy of this order be sent to counsel for applicant, to the concerned SHO and concerned Jail Superintendent on their e-mail IDs and through proper channel.


(SUNIL BENIWAL)
ASJ/Special Judge (NDPS)
West District, THC
Delhi/10.09.2020

**IN THE COURT OF SH. SUNIL BENIWAL
ASJ/SPECIAL JUDGE (NDPS), WEST
TIS HAZARI COURTS, DELHI**

FIR No. 218/20

PS: Mundka

**U/s 33/38/50.2 Delhi Excise Act & 51 DM Act
State Vs. Manish Kumar Dang**

10.09.2020

Present: Mr. Parvesh Ranga, Ld. Addl. PP for the State.
Mr. Jitender Singh counsel for applicant.

By this order, I shall decide the present application for grant of anticipatory bail moved on behalf of accused/applicant Manish Kumar Dang. Facts as stated in the application are as follows:-

That the applicant has been falsely implicated by the police officials because of arguments between the accused and police officials on the point of lockdown. The complainant in order to show his supremacy and for satisfying his ego, implicated the accused who is highly educated and well posted in a reputed networking firm (Airtel). The complainant planted liquor in the possession of accused and recovered from the vehicle of the applicant. There is no incriminating evidence against the applicant showing the involvement of the applicant in present case. The applicant undertakes to join investigation and to appear before the court as and when directed by the court. It is therefore, prayed that the anticipatory bail be granted to the applicant.

Ld. APP for the State has opposed the present application in view of reply filed by the IO.

After hearing arguments, this court is inclined to agree with submissions of counsel for applicant. As per reply, there is no previous involvement

of the applicant. In view of the same, the applicant is granted anticipatory bail on the following terms:-

1. That applicant shall furnish a sound surety of Rs.25,000/- with one surety of like amount to the satisfaction of the concerned IO.
2. That the applicant shall join the investigation as and when directed by the IO and the Court.

Copy of this order be sent to counsel for applicant and to the concerned SHO on their e-mail IDs and through proper channel.

(SUNIL BENIWAL)
ASJ/Special Judge (NDPS)
West District, THC
Delhi/10.09.2020

State Vs. Vineet Makhija
FIR No. Not Known
PS CAW Cell, Kirti Nagar
U/s Not Known

10.09.2020

Arguments on bail application heard through videoconferencing.

Present: Shri Parvesh Kumar Ranga, Learned Addl. Public Prosecutor for State.
Shri Baldev Raj, Ld. counsel for the applicant/accused through videoconferencing.

By this order, I shall decide the present application requesting for grant of anticipatory bail filed on behalf of applicant Vineet Makhija. Facts as stated in the bail application are as follows :

It is submitted that applicant is husband of complainant and is resident of Delhi. That the applicant has been falsely implicated in the present case and he has nothing to do with the commission of alleged offences. That the complainant married to the applicant on 07.02.2018 according to Hindu Rites and Ceremonies and no child has been born from this wedlock, however, the complainant has been residing at her parental home since 10.09.2018. That marriage was arranged marriage because both the parties have been residing in the near vicinity and the marriage was solemnized in a simple manner without any pomp & show as per convenience of the complainant side at Green Lounge, Maya Puri, Delhi. That both the sides are salaried class having simple life style & financial background. That thereafter, complainant started threatening the applicant and his family saying that she would put false

blames on them in such a manner that applicant, his parents and other relatives would get implicated in a false case. That the complainant has filed one criminal complaint U/s 12 of DV Act before the court of Ms. Sonam Gupta, Ld. MM, THC, Delhi, which is now coming up on 26.11.2020. That complainant has also filed a complaint at CAW Cell, PS Kirti Nagar and applicant was called by the inquiry officer, he had appeared & fully co-operated. That applicant has been regularly appearing before CAW Cell and on last date, the inquiry officer of CAW Cell threatened the applicant that on NDOH, FIR will be registered & he will be arrested, hence, he is apprehending his arrest. That applicant is presently a bank official and working in a nationalized bank and in case the FIR is registered against the applicant on the NDOH at CAW Cell, PS Kirti Nagar on 21.09.2020, the complainant would insist for registration of a case and arrest of the applicant. That the complainant while leaving her matrimonial home had taken away all her belongings/*istridhan* or dowry articles, hence, custodial interrogation of applicant is not necessary in any manner whatsoever. That applicant is ready and willing to join the investigation as & when required by police. That in the present case, no recovery is required to be effected at the instance of applicant, hence, he is no required for any custodial interrogation. That applicant is having clean antecedents and deep roots in the society and there is no chance to flee from justice or to tamper with the evidence. That the applicant is ready to furnish sound surety to the satisfaction of IO/SHO. It is, therefore, prayed that the applicant be granted anticipatory bail.

Learned Addl. Public Prosecutor has opposed the bail application. It is submitted that the proceedings before CAW Cell are going on. The next date of hearing before CAW Cell is 21.09.2020. Till date, no FIR has been registered against the alleged persons. Therefore, the present bail application is pre mature and at this stage, no relief should be granted to the alleged person.

I have heard arguments from both the sides.

In this case, the court is inclined to agree with the submissions of Learned Addl. Public Prosecutor. Till date, no FIR has been registered. Matter is pending for counselling in the CAW Cell. The court is not aware of allegations and counter-allegations, if any, at this stage. Therefore, no case is made out for grant of any bail anticipatory or otherwise at this stage. Therefore, keeping in view the submission of Ld. Addl. PP, the present application is rejected at this stage. Bail application is dismissed.

Copy of this order be given to all concerned through proper channels.

(SUNIL BENIWAL)
ASJ/Spl. Judge (NDPS)
West District/THC/Delhi
10.09.2020

IN THE COURT OF SH. SUNIL BENIWAL
ASJ/SPECIAL JUDGE (NDPS), WEST
TIS HAZARI COURTS, DELHI

FIR No. 55/16
PS: Nihal Vihar
U/s 302 IPC
State Vs. Jasim Ansari

10.09.2020

Present: Mr. Parvesh Ranga, Ld. Addl. PP for the State.
Mr. Anil Kaushik, counsel for applicant through videoconferencing.

By this order, I shall decide the present application moved on behalf of accused/applicant Jasim Ansari for extension of interim bail granted by this court on 02.06.2020, for further period of 45 days.

It is submitted by counsel for applicant that since the date of his release, applicant is continuing on interim bail and he is not in JC and that his regular bail was rejected.

In view of order of Hon'ble High Court of Delhi, in *Civil Writ Petition No. 3037/2020*, interim bail of applicant is extended till 31.10.2020 on the same terms and conditions. The application stands disposed off accordingly.

Copy of this order be sent to counsel for applicant, to the concerned SHO and concerned Jail Superintendent on their e-mail IDs and through proper channel.

(SUNIL BENIWAL)
ASJ/Special Judge (NDPS)
West District, THC
Delhi/10.09.2020

FIR No. 238/18
PS Rajouri Garden
U/s 307 IPC
State Vs. Sajid @ Bhima

10.09.2020

Present: Shri Parvesh Kumar Ranga, Ld. Addl. Public Prosecutor for State.
Shri Sumit Tyagi, Ld. counsel for the applicant/accused.

This is an application requesting for regular/extension of interim bail of applicant/accused Sajid @ Bhima. At request of counsel, his prayer for regular bail is dismissed as withdrawn vide his statement on the application itself.

In view of order of Hon'ble High Court of Delhi, in *Civil Writ Petition No. 3037/2020*, interim bail of applicant is extended till **31.10.2020** on the same terms and conditions. The application stands disposed of accordingly.

Copy of this order be sent to counsel for applicant, to IO/SHO, Ld. Additional Public Prosecutor and the Jail Superintendent on their email IDs if provided and found to be correct through proper channels.

(SUNIL BENIWAL)
ASJ/Spl. Judge (NDPS)
West District/THC/Delhi
10.09.2020

FIR No. 18/2014
PS : Special Cell
U/s 21/22/29/61/85 NDPS Act &
U/s 419/468/471/474 IPC
State Vs. Ramu Jaiswal @ Ambrish

10.09.2020

Present: Shri Parvesh Kumar Ranga, Ld. Addl. Public Prosecutor for State.
Shri G.S Singh, Ld. counsel for the applicant/accused.

This is an application requesting for extension of interim bail of applicant/accused Ramu Jaiswal @ Ambrish.

In view of order of Hon'ble High Court of Delhi, in *Civil Writ Petition No. 3037/2020*, interim bail of applicant is extended till **31.10.2020** on the same terms and conditions. The application stands disposed of accordingly.

Copy of this order be sent to counsel for applicant, to IO/SHO, Ld. Additional Public Prosecutor and the Jail Superintendent on their email IDs if provided and found to be correct through proper channels.

(SUNIL BENIWAL)
ASJ/Spl. Judge (NDPS)
West District/THC/Delhi
10.09.2020

FIR No. 40/17
PS : Mundka
U/s 302/307/506 IPC &
25/54/59 Arms Act
State Vs. Muni Ram

10.09.2020

Present: Shri Parvesh Kumar Ranga, Ld. Addl. Public Prosecutor for State.
Shri Naveen Gaur, Ld. counsel for the applicant/accused.

This is an application requesting for extension of interim bail of applicant/accused Muni Ram.

In view of order of Hon'ble High Court of Delhi, in *Civil Writ Petition No. 3037/2020*, interim bail of applicant is extended till **31.10.2020** on the same terms and conditions. The application stands disposed of accordingly.

Copy of this order be sent to counsel for applicant, to IO/SHO, Ld. Additional Public Prosecutor and the Jail Superintendent on their email IDs if provided and found to be correct through proper channels.

(SUNIL BENIWAL)
ASJ/Spl. Judge (NDPS)
West District/THC/Delhi
10.09.2020

FIR No. 175/20
PS Hari Nagar
U/s 20/21 NDPS Act
State Vs. Pradeep Kumar

10.09.2020

Present: Shri Parvesh Kumar Ranga, Ld. Addl. Public Prosecutor for State.
Shri Sachin Kumar, Ld. counsel for the applicant/accused.

This is an application requesting for extension of interim bail of applicant/accused Pradeep Kumar.

In view of order of Hon'ble High Court of Delhi, in *Civil Writ Petition No. 3037/2020*, interim bail of applicant is extended till **31.10.2020** on the same terms and conditions. The application stands disposed of accordingly.

Copy of this order be sent to counsel for applicant, to IO/SHO, Ld. Additional Public Prosecutor and the Jail Superintendent on their email IDs if provided and found to be correct through proper channels.

(SUNIL BENIWAL)
ASJ/Spl. Judge (NDPS)
West District/THC/Delhi
10.09.2020

**FIR No. 301/19
PS Crime Branch
U/s 21 NDPS Act
State Vs. Sonu**

10.09.2020

Present: Shri Parvesh Kumar Ranga, Ld. Addl. Public Prosecutor for State.
Shri Deepak Ghai, Ld. counsel for the applicant/accused.

This is an application requesting for extension of interim bail of applicant/accused Sonu.

In view of order of Hon'ble High Court of Delhi, in *Civil Writ Petition No. 3037/2020*, interim bail of applicant is extended till **31.10.2020** on the same terms and conditions. The application stands disposed of accordingly.

Copy of this order be sent to counsel for applicant, to IO/SHO, Ld. Additional Public Prosecutor and the Jail Superintendent on their email IDs if provided and found to be correct through proper channels.

**(SUNIL BENIWAL)
ASJ/Spl. Judge (NDPS)
West District/THC/Delhi
10.09.2020**

**FIR No. 423/20
PS Tilak Nagar
U/s 21 NDPS Act
State Vs. Aakash Malik**

10.09.2020

Present: Shri Parvesh Kumar Ranga, Ld. Addl. Public Prosecutor for State.
Shri Deepak Ghai, Ld. counsel for the applicant/accused.

This is an application requesting for extension of interim bail of applicant/accused Aakash Malik.

In view of order of Hon'ble High Court of Delhi, in *Civil Writ Petition No. 3037/2020*, interim bail of applicant is extended till **31.10.2020** on the same terms and conditions. The application stands disposed of accordingly.

Copy of this order be sent to counsel for applicant, to IO/SHO, Ld. Additional Public Prosecutor and the Jail Superintendent on their email IDs if provided and found to be correct through proper channels.

**(SUNIL BENIWAL)
ASJ/Spl. Judge (NDPS)
West District/THC/Delhi
10.09.2020**

**FIR No. 344/18
PS Kirti Nagar
U/s 365/392/395/412/34 IPC
State Vs. Raja**

10.09.2020

Present: Shri Parvesh Kumar Ranga, Ld. Addl. Public Prosecutor for State.
Mr. Sanjay Kumar, Ld. counsel for applicant through videoconferencing.

This is an application requesting for extension of interim bail of applicant/accused Raja.

In view of order of Hon'ble High Court of Delhi, in *Civil Writ Petition No. 3037/2020*, interim bail of applicant is extended till **31.10.2020** on the same terms and conditions. The application stands disposed of accordingly.

Copy of this order be sent to counsel for applicant, to IO/SHO, Ld. Additional Public Prosecutor and the Jail Superintendent on their email IDs if provided and found to be correct through proper channels.

**(SUNIL BENIWAL)
ASJ/Spl. Judge (NDPS)
West District/THC/Delhi
10.09.2020**

FIR No. 344/18
PS Kirti Nagar
U/s 365/392/395/412/34 IPC
State Vs. Sunil @ Guddu

10.09.2020

Present: Shri Parvesh Kumar Ranga, Ld. Addl. Public Prosecutor for State.
Mr. Sanjay Kumar, Ld. counsel for applicant through videoconferencing.

This is an application requesting for extension of interim bail of applicant/accused Sunil @ Guddu.

In view of order of Hon'ble High Court of Delhi, in *Civil Writ Petition No. 3037/2020*, interim bail of applicant is extended till **31.10.2020** on the same terms and conditions. The application stands disposed of accordingly.

Copy of this order be sent to counsel for applicant, to IO/SHO, Ld. Additional Public Prosecutor and the Jail Superintendent on their email IDs if provided and found to be correct through proper channels.

(SUNIL BENIWAL)
ASJ/Spl. Judge (NDPS)
West District/THC/Delhi
10.09.2020

**IN THE COURT OF SH. SUNIL BENIWAL
ASJ/SPECIAL JUDGE (NDPS), WEST
TIS HAZARI COURTS, DELHI**

**FIR No. 148/19
PS: Tilak Nagar
U/s 21 NDPS Act
State Vs. Patrick ASO**

10.09.2020

Present: Mr. Parvesh Ranga, Ld. Addl. PP for the State.
Mr. R.K Sharma, counsel for the applicant/accused.

Reply not filed.

Issue notice to IO as well as SHO concerned to file reply by

16.09.2020.

**(SUNIL BENIWAL)
ASJ/Special Judge (NDPS)
West District, THC
Delhi/10.09.2020**

**IN THE COURT OF SH. SUNIL BENIWAL
ASJ/SPECIAL JUDGE (NDPS), WEST
TIS HAZARI COURTS, DELHI**

**FIR No. 390/18
PS: Hari Nagar
U/s 302/201/120-B/34 IPC &
25/54/59 Arms Act
State Vs. Mohd. Shahzad Sheikh**

10.09.2020

Present: Mr. Parvesh Ranga, Ld. Addl. PP for the State.
Mr. Amit Kumar Kaushal, counsel for the applicant.

On request of counsel, case is adjourned to **15.09.2020**.

**(SUNIL BENIWAL)
ASJ/Special Judge (NDPS)
West District, THC
Delhi/10.09.2020**

**IN THE COURT OF SH. SUNIL BENIWAL
ASJ/SPECIAL JUDGE (NDPS), WEST
TIS HAZARI COURTS, DELHI**

**168/20390/18
PS: Rajouri Garden
U/s 20/25/29 NDPS Act
State Vs. Ranjeet & Ors.**

10.09.2020

Present: Mr. Parvesh Ranga, Ld. Addl. PP for the State.
Mr. Amresh Kumar, counsel for the applicant through
videoconferencing.

It is submitted by counsel for applicant that he wishes to withdraw the application for release of personal search articles as it has already been allowed vide order dated 20.08.2020 passed by this court.

Heard. Record perused.

In view of the submissions, the application is disposed off as
withdrawn.

**(SUNIL BENIWAL)
ASJ/Special Judge (NDPS)
West District, THC
Delhi/10.09.2020**

**IN THE COURT OF SH. SUNIL BENIWAL
ASJ/SPECIAL JUDGE (NDPS), WEST
TIS HAZARI COURTS, DELHI**

**FIR No. 805/2020
PS: Nihal Vihar
U/s 354/354A/509 IPC
State Vs. Dharamveer**

10.09.2020

Present: Mr. Parvesh Ranga, Ld. Addl. PP for the State.
Counsel for applicant through videoconferencing.

Counsel for applicant has submitted that despite multiple dates, IO has not filed any reply because of which his client is getting prejudiced.

I have perused the file.

Issue notice to DCP concerned to file an explanation regarding conduct of IO and show cause notice to IO as well as SHO to file report regarding conduct of IO. IO is also directed to file reply and produce the prosecutrix either through videoconferencing or in person for arguments on the application, returnable for

14.09.2020.

**(SUNIL BENIWAL)
ASJ/Special Judge (NDPS)
West District, THC
Delhi/10.09.2020**

**IN THE COURT OF SH. SUNIL BENIWAL
ASJ/SPECIAL JUDGE (NDPS), WEST
TIS HAZARI COURTS, DELHI**

**FIR No. 816/19
PS: Nihal Vihar
U/s 307/34 IPC
25/27 Arms Act
State Vs. Inderjeet Yadav**

10.09.2020

Present: Mr. Parvesh Ranga, Ld. Addl. PP for the State.
Mr. Manoj Goswami, counsel for the applicant/accused.

Reply not filed.

Issue notice to IO as well as SHO concerned to file reply by

14.09.2020.

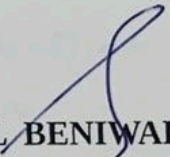
**(SUNIL BENIWAL)
ASJ/Special Judge (NDPS)
West District, THC
Delhi/10.09.2020**

State Vs. Pawan Kumar
FIR No. 38/2020
PS Anand Parbat
U/s 341/354/354(B)/509/34 IPC &
10 POCSO Act

10.09.2020


Present: Shri Parvesh Kumar Ranga, Learned Addl. Public Prosecutor for State.
IO ASI Kaushalya in person.
None for applicant despite repeated calls.

This is matter under POCSO Act. IO has submitted that prosecutrix has not come today. Now, presence of prosecutrix is mandatory for hearing arguments on bail application under the POCSO Act as per judgment of Hon'ble High Court of Delhi. Therefore, since none is present on behalf of applicant also, re-list the matter for hearing arguments on the bail application on **14.09.2020**. IO is directed to join the prosecutrix on the NDOH either in person or through videoconferencing.


(SUNIL BENIWAL)
ASJ/Spl. Judge (NDPS)
West District/THC/Delhi
10.09.2020

At this stage, Mr. Zishan, counsel for complainant has appeared through videoconferencing. At his request, DCP is directed to supply advance copy of reply to counsel for complainant through IO. Shri Nilkanth Kumar, counsel for the applicant/accused has also appeared in person. He is apprised about the order and NDOH.

Put up on the date already fixed.


(SUNIL BENIWAL)
ASJ/Spl. Judge (NDPS)
West District/THC/Delhi
10.09.2020

FIR No. 1157/15
PS: Nihal Vihar
U/s 452/392/397 IPC
State Vs. Papla @ Amandeep Singh

10.09.2020

Present: Mr. Parvesh Ranga, Ld. Addl. PP for the State.

Accused not produced from JC (He is in JC in some other case)


Mr. Abhijeet Bhagat, Ld. Counsel for accused through videoconferencing.

Vide separate judgment of even date, accused is acquitted of the offence punishable under Section 452/392/394 & 397 IPC.

On request of Ld. LAC Sh. Abhijeet Bhagat, bail bond of accused already furnished during the course of trial, is extended for a further period of six months on the same terms and conditions.

File be consigned to record room.

One copy of judgment be also sent to Jail Superintendent regarding information of accused.


(SUNIL BENIWAL)
ASJ/Special Judge (NDPS)
West District, THC
Delhi/10.09.2020

**IN THE COURT OF SH. SUNIL BENIWAL
ADDL. SESSIONS JUDGE : SPECIAL JUDGE (NDPS)
WEST DISTRICT : TIS HAZARI COURTS : DELHI**

IN THE MATTER OF:-

SESSIONS CASE No. 56215/2016

FIR NO. 1157/2015

P.S. Nihal Vihar

U/S 452/392/397 IPC

State

Versus

Papla @ Amandeep Singh

S/o Sh. Ranjeet Singh

R/o WZ-48/1, G.F, Sayeed Village

Nangloi, Delhi

.....ACCUSED

DATE OF INSTITUTION

: 17.02.2016

DATE OF HEARING FINAL ARGUMENTS

: 24.08.2020

DATE OF JUDGMENT

: 10.09.2020

J U D G M E N T

By this judgment, I shall decide the present case filed by the prosecution against the accused Papla @ Amandeep. Facts of the case are as follows:-

1 Accused has been charged with offences under Section 452/392/397 IPC. Briefly the accused was charged that on 19.11.2015 at about 7.00 pm at Saheb General Store, House No. 82A, Meera Kunj, Chander Vihar, Delhi within the jurisdiction of PS Nihal Vihar, the accused committed robbery with complainant Smt. Gurmeet Kaur after showing her a knife and at the time of committing the said robbery voluntarily caused hurt on the person of complainant Smt. Gurmeet Kaur and thereby committed offence under Section 452, 392, 394 & 397 IPC. Prosecution examined the following witnesses:-

2 PW1 is Dr. Sahil who deposed that on 19.11.2015 he was posted at Sanjay Gandhi Memorial Hospital and on that day, one patient Smt. Gurmeet Kaur was brought to casualty by the police with alleged history of physical violence. He further deposed that after giving initial treatment, she was referred to ortho department by CMO for further management. He further deposed that he had examined the patient as per notice given in MLC Ex.PW1/A at portion A bearing his signatures at point A. X-ray of right knee of patient was done as per which there was no bone injury. He opined the nature of injury as simple.

3 Thereafter, prosecution examined ASI Bheem Singh as PW2 who deposed that on 19.11.2015 he was posted at PS Nihal Vihar and working as Duty Officer from 4 PM to 12 midnight. On that day, at about 7.38 PM he received information from wireless operator no. 65 that in A-48, Meera Kunj, Chander Vihar, a chain was snatched from a lady after injuring her with knife. He reduced this information into writing vide DD No. 32A, true copy of which is Ex.PW2/A. He informed ASI Hawa Singh for necessary action. On the same day, at about 8.50 PM, he received a telephonic information from Ct. Ankur

from SGM Hospital that one Smt. Gurmeet Kaur was admitted in the hospital by the PCR in injured condition. This information was reduced into writing vide DD No. 42A, true copy of which is placed on record as Ex.PW2/B bearing his signatures at point A. Thereafter, on that day, at about 10.30 PM, Ct. Naveen had handed over the rukka to him which was prepared and sent by ASI Hawa Singh for registration of FIR. FIR was registered through computer operator and copy of same is Ex.PW2/C. He prepared certificate under Section 65 of Indian Evidence Act. This witness was cross examined and he deposed that it is wrong to suggest that FIR is ante dated. He further deposed that it is wrong to suggest that he did not receive any rukka in this case. It is wrong to suggest that all the DD entries in this case are manipulated and false.

4 Thereafter, prosecution examined PW3 Dr. Rohit Kumar who deposed that on 19.11.2015 he was posted as CMO in SGM hospital and on that date at about 8.39 PM one patient Smt. Gurmeet Kaur was brought to casualty by the police for medical examination with alleged history of physical violence as told by patient. The patient was conscious and he examined the patient and prepared the MLC Ex.PW3/A bearing his signatures at point A. On local examination, there was avulged nail of left great toe, tender swelling over right knee joint, mild hemorrhagic site of mucosal surface of upper lip and all joint movement was in normal physiological range. After giving initial treatment, patient was referred to ortho department for further management. He opined nature of injury as simple. This doctor also was not cross examined by counsel for accused.

5 Thereafter, prosecution examined PW4 Smt. Gurmeet Kaur, the complainant of this case. She deposed that she runs a general store at House

No. 82A, Meera Kunj, Chander Vihar, Delhi in the name and style of Sahib General Store. On 19.11.2015 at about 7.00 PM, she was present at the general store and accused Papla @ Amandeep Singh who is known to the complainant because he resides in the back side gali of her house entered the general store. He was carrying the knife and he put a knife on her neck and broke the gold chain which the complainant was wearing. Complainant grappled with him and fell down and accused managed to run away with knife and chain which he was carrying. She made phone call at 100 number and was taken to Sanjay Gandhi Memorial Hospital where she was medically examined. IO recorded her statement Ex.PW4/A which bears her signatures at point A and she pointed out place of occurrence to IO who prepared the side plan. Cross examination of this witness was deferred on request as counsel was not available on that day for cross examination.

6 Thereafter, prosecution examined PW5 Ct. Sandeep who deposed that on 20.11.2015 he had joined the investigation of this case that IO ASI Hawa Singh. During investigation, he alongwith IO went to Chander Vihar in order to search the accused. In the meantime, a secret informer met the IO and told him that accused resides at Sayed Gaon and that the secret informer had seen his house and accused is available at his house. They went alongwith secret informer to house no. 48/1, Ground floor, Sayed Gaon, Delhi where secret informer pointed out towards a person standing at the gate of that house. IO apprehended the accused with his help and conducted inquiry and he revealed his name as Papla @ Amandeep. Accused was arrested by IO vide arrest memo Ex.PW5/A bearing his signatures at point A and personal search was conducted through personal search memo Ex.PW5/B bearing his signatures at point A. Disclosure statement of accused was recorded as Ex.PW5/C. Accused led them

to the place of occurrence and IO prepared pointing out memo which is now Ex.PW5/D. Accused was medically examined and produced before Ld. MM. He deposed that he could identify the accused Papla if shown to him. On that day, accused was exempted from his personal appearance through his counsel and his identity was not disputed by the defence counsel. This witness was cross examined and he deposed that he was on duty in the police station on that day from 8.00 am. IO had lodged departure entry while leaving the PS and he went with IO in search of accused on the motorcycle of IO. It is correct that house of accused is situated in residential locality. In his presence, IO did not ask any public person to join the investigation and none of the relative of accused signed the arrest memo in his presence. He deposed that it is wrong to suggest that accused was not arrested from his house or that he was arrested at the police station. It is wrong to suggest that he never joined the investigation in this case or that he put his signatures on all the documents in mechanical manner at the instance of IO.

7 Thereafter, Mr. Kishan is examined as PW6 who deposed that on 19.11.2015 he went to barber shop for shaving at Meera Kunj and at about 7pm when he went outside the abovementioned shop, he saw the Aunt who was running a grocery shop, was weeping. Her son and some police officials were also present. He deposed that he used to purchase some household items from her shop and that is how he knew her. Her son introduced him to the police officials who recorded her particulars on a piece of paper. He deposed that he did not see any person in the custody of the aunt or while running away from her custody.

8 This witness was cross examined by Ld. APP for the State. During his cross examination, he deposed that he went to barber shop at Meera Kunj, Chander Vihar for shaving on 19.11.2015. He deposed that it is wrong to suggest that on the stairs of Sahib General Store, he saw that an old lady was catching hold of a person and upon noise, he rushed towards Sahib General Store and by that time, the person in the custody of that lady fled away. He deposed that it is wrong to suggest that he gave a chase to that person. He deposed that it is wrong to suggest that on 20.11.2015 he again saw the abovementioned perpetrator in the custody of the police and then he identified the said person. The witness denied the whole version of his statement under Section 161 Cr.P.C except the portion of going to barber shop for shaving while stating that he did not give such statement to the police. PW6 upon seeing the accused in the court deposed that he had never seen the accused. Witness further deposed that it is wrong to suggest that he has been won over by the accused.

9 Prosecution examined PW7 HC Naveen who deposed that on 19.11.2015 he was posted at police station Nihal Vihar as constable. On that day, he was on emergency duty at PS with ASI Hawa Singh. At about 7.38 PM, an information was received through Duty Officer regarding snatching at knife point. On receiving said information he alongwith ASI Hawa Singh went to the spot where they came to know that lady has been shifted to SGM hospital. No eye witness was found. They went to SGM hospital where ASI Hawa Singh collected the MLC of Smt. Gurmeet Kaur. Statement of Smt. Gurmeet Kaur the complainant was recorded by ASI Hawa Singh who prepared the rukka. After registration of the case, copy of FIR was given to ASI Hawa Singh. They

tried to trace out the perpetrator of the crime but could to do so. This witness denied the suggestion that he never joined the investigation.

10 Thereafter, prosecution examined PW8 SI Hawa Singh who was IO of the present case. He deposed that on 19.11.2015, he was on emergency duty alongwith Ct. Naveen from 8 am to 8 pm. At about 7.32 to 7.38 pm, Duty officer informed him about DD No. 32-A. On receiving said information, he alongwith Ct. Naveen went to the spot where no eye witness was found and thereafter they visited SGM hospital. They collected MLC No. 22125/15 of injured complainant Smt. Gurmeet Kaur and recorded her statement Ex.PW4/A. Thereafter, he prepared rukka and FIR was lodged. Site plan Ex.PW8/A was prepared at the instance of Smt. Gurmeet Kaur. On the next day i.e. on 20.11.2015, he left police station alongwith Ct. Sandeep in search of accused and case property. They received secret information that accused was present at Village Sayyed and upon reaching there, the secret informer pointed out towards the accused and accused was correctly identified by PW8 on the day of his deposition in the court. Accused was arrested after pointing out by secret informer. During interrogation, accused disclosed that he threw away the robbed chain and weapon of offence i.e. knife in a vacant plot. His disclosure statement was recorded as Ex.PW5/C. Nothing could be recovered, neither chain nor the knife despite disclosure statement. Pointing out memo was prepared as Ex.PW5/D. Accused was arrested and searched vide memos Ex.PW5/A and Ex.PW5/B respectively. The concerned doctor gave the opinion about nature of injury as simple. Investigation was concluded and chargesheet was prepared under the supervision of SHO.

11 This witness was cross examined in detail by Ld. LAC for accused. During his cross examination, he deposed that he reached the spot at about 8 pm on 19.11.2015. He deposed that the police station is at a distance of about 4.5 to 5 kilometer from the spot. He came on his personal vehicle but did not make any DD entry regarding his personal vehicle. The spot is residential area and he stayed there for about 35 to 40 minutes. The rest of his cross examination is almost same as that of his examination in chief and nothing incriminating against the accused could be obtained by cross examination of his witness PW8.

12 Thereafter, prosecution concluded its evidence and statement of accused was recorded under Section 313 Cr.P.C where he gave evasive and negative answers to all the questions put to him. Accused further stated that he does not want to lead any evidence in his defence.

13 I have discussed all the testimony that was recorded during the course of trial. The main witness for the prosecution was supposed to be PW4 i.e. Smt. Gurmeet Kaur the complainant/victim herself. The other public witness PW6 namely Kishan has already turned hostile towards the case of prosecution and his testimony was of no help to the case of prosecution during the present trial. But unfortunately even the PW4 complainant/prosecutrix expired before her cross examination could be recorded.

14 Order dated 23.03.2019 reflects that the said witness was dropped from the list of witnesses after her unfortunate demise. In view of her death, there remains no credible evidence on the case file to convict the present accused. Prosecution could not present any evidence after the death of PW4 and after PW6 turned hostile towards the case of prosecution there is no evidence left so

as to make out a case of conviction. Therefore, since there is no evidence which may tie the present accused to the commission of alleged offence, the accused is acquitted of the offence charged against as prosecution has failed to establish its case due to lack of evidence.

On request of Ld. LAC Sh. Abhijeet Bhagat, bail bond of accused already furnished during the course of trial, is extended for a further period of six months on the same terms and conditions.

ANNOUNCED IN THE OPEN COURT

ON 10.09.2020

(SUNIL BENIWAL)
ADDITIONAL SESSIONS JUDGE
SPECIAL JUDGE : NDPS
WEST DISTRICT/DELHI