

FIR No. 116/2020
PS: Crime Branch
State Vs. Mohd. Rifakat


23.10.2020

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

This is an application under Section 439 CrPC for grant of regular bail on behalf of accused Mohd. Rifakat in case FIR No. 179/2019.

Ld. Addl. PP submits that charge is yet to be framed and that matter is now listed for consideration on charge on 07.11.2020.

Accordingly, this application for grant of regular bail be put up alongwith main case file on 07.11.2020.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
23.10.2020

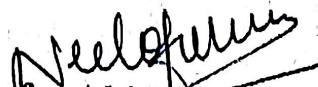
FIR No. 179/2019
PS: Wazirabad
State Vs. Manish @ Dabbu
U/s 304B/468A/34 IPC

23.10.2020

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

This is an application under Section 439 CrPC for grant of bail on behalf of accused Manish @ Dabbu in case FIR No. 179/2019.

Ld. counsel for the accused-applicant submits that the bail application no.357/2020 in the present case FIR, which on the last date of hearing was stated to be pending before the Hon'ble High Court, is in fact bail application moved in this case on behalf of co-accused and not on behalf of accused-applicant. However, as the bail application on behalf of co-accused is now listed for hearing before the Hon'ble High Court on 27.11.2020, at this stage, he is not pressing upon the present bail application on behalf of the accused-applicant and that the same may be dismissed as withdrawn to enable him to await the outcome of the bail application of accused-applicant and to take appropriate steps thereafter. It is ordered accordingly. This application under Section 439 CrPC for grant of bail on behalf of accused Manish @ Dabbu in case FIR No. 179/2019 is dismissed as withdrawn.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
23.10.2020

FIR No. 302/2018
PS: Pahar Ganj
State Vs. Dharam Singh @ Vicky
U/s 302 IPC

23.10.2020

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

Hearing conducted through Video Conferencing.

This is an application seeking grant of interim bail of 30 days on behalf of accused-applicant Dharam Singh @ Vicky in case FIR No. 302/2018 on the ground of his illness.

Medical status report not received from Superintendent Jail in respect of the medical health condition of the accused-applicant. Let the same be again called for the next date of hearing.

For report and consideration, put up on **03.11.2020**.


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

23.10.2020

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

23.10.2020

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

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

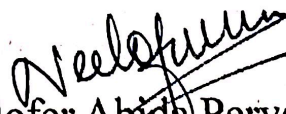
Hearing conducted through Video Conferencing.

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

As per conduct report received from Superintendent Jail, conduct of accused-applicant in custody is unsatisfactory. Ld. counsel for accused-applicant submits that he has not received copy of the report.

Let report be forwarded on the email ID of the Ld. counsel for accused-applicant.

For consideration, put up on **29.10.2020**.


(Neelofer Abida) Perveen
ASJ (Central) THC/Delhi
23.10.2020

FIR No. 468/2018
PS: Burari
State Vs. Kanhiya
U/s 302/323/325 IPC

23.10.2020


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

This is an application under Section 439 CrPC for grant of bail on behalf of accused-applicant Kanhiya in case FIR No.468/2018.

Reply of IO is filed. Same be forwarded to Ld. counsel for accused-applicant. It is also pointed out by Ld. Addl. PP that this is second application for grant of regular bail and that previous application was dismissed during the period of suspension of regular working of the Court somewhere in the month of June, 2020. Ld. counsel for accused-applicant submits that he is appearing for the accused-applicant for the first time and he is not aware, if any other bail application of accused-applicant has been dismissed.

Ld. counsel for accused-applicant seeks some time to verify and go through the reply.

For consideration, put up on 02.11.2020.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
23.10.2020

FIR No.91/2015
PS: NDRS
State Vs. Bhupinder @ Ravi
U/s 395/397/34 IPC

23.10.2020

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

Sh. Dinesh Malik, Amicus Curiae for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of bail moved on behalf of accused Bhupinder @ Ravi in case FIR No. 875/2018.

Arguments heard. For orders, put up on 28.10.2020. Ld. Amicus Curiae submits that he does not have the contact number of any family member of accused-applicant and that order passed may be intimated to the accused-applicant at Dasna Jail, UP.

Neelofar
(Neelofar Abida) Perveen
ASI (Central) THC/Delhi
23.10.2020

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

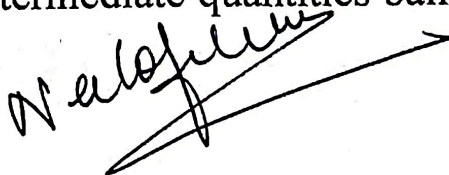
23.10.2020 at 4pm

ORDER

This is an application under Section 439 CrPC for grant of regular bail moved on behalf of accused Saraswati in case FIR No.389/2020.

Ld. counsel for accused-applicant has contended that accused-applicant is aged about 70 years and is handicapped. That the allegations under such circumstances levelled against the accused-applicant are preposterous as the accused-applicant is under no such kind of condition to be able to run away upon sighting the police. That accused-applicant is in JC since 20.09.2020. That investigation has been completed. That the recovery is planted upon the accused-applicant. That the accused-applicant only due to some previous cases has been falsely implicated in the present case.

Ld. Addl. PP on the other hand submitted that accused-applicant is a habitual offender and was previously involved in similar illegal activities. That 18.700 grams of smack was recovered from the accused-applicant. That accused-applicant has not cooperated during investigation and that other accused are yet to be arrested who are at large and source of the contraband is yet to be ascertained and that investigation is still going on. that even in intermediate quantities bail is not a matter of



right.


Heard.

Case of the prosecution is that on 19/09/2020 at around 03:00PM ASI Parmod alongwith HC Ajay was on patrolling, they saw one lady was sitting on the footpath near the MCD Hathi park and four boys were standing near her. That on seeing police personnel, all 04 boys ran towards Tibetan Market after crossing the ring road. Thereafter the lady was also trying to escape but was stopped by ASI Parmod & HC Ajay and identified that lady as "Saraswati" as she is a habitual offender and previously had also gone to jail many times. Thereafter she took out one white colour polythene from her blouse and tried to throw that into the park but the same fell on the footpath after hitting the wall of the park. That on checking the white colour polythene was containing one small transparent polythene and containing some red colour substance in it, alongwith five other small transparent polythene containing the similar substance. That on testing the substance on field testing kit, it was found to be smack. ASI Parmod informed the entire incident to the SHO at around 3:15 PM. Thereafter, at around 3:30 PM, W/Ct Sushila came at the place of incident. She informed the accused about her legal rights and thereafter notice u/s 50 NDPS act was prepared and the accused was informed about the contents of the notice. The contraband smack was 18.700 grams in weight. The contraband smack was sealed in a white colour cloth and marked as "A". That the accused was thereafter presented before ACP Sh. Jai Pal Singh and her personal search was conducted following due process

Sushila

of law by W/SI Meena.

This is a case of chance recovery of intermediate quantity of Heroin. The accused-applicant is alleged to have thrown away one pouch upon sighting police officials which was found containing 18.70gms of Heroin, and subsequently is also produced before a Gazetted officer before her search is taken. Chargesheet is yet to be filed and investigation is still underway, the accused-applicant also does not have clean antecedents. In such facts and circumstances, at this stage it is not a fit case for grant of bail. In view thereof the present application for grant of regular bail stands dismissed.


(Neelofer Abida Perveen)
ASJ(Central)THC/Delhi
23.10.2020

FIR No. 125/2018
PS Chandni Mahal
State v. Sadiq
U/s 498A/306/304B/34 IPC

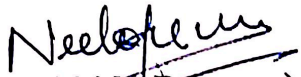
23.10.2020

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

Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for extension of
interim bail on behalf of accused-applicant Sadiq in case FIR No. 125/2018.

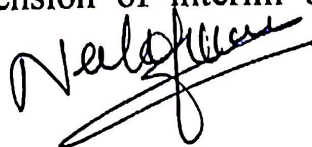
Arguments heard. For orders, put up at 4 pm.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
23.10.2020

At 4 pm
ORDER

This is an application under Section 439 CrPC for extension of
interim bail on behalf of accused-applicant Sadiq in case FIR No. 125/2018.

Ld. counsel for the accused-applicant has contended that accused-
applicant was granted interim bail vide order dated 28.07.2020 for 45 days and
vide order dated 09.09.2020 it was further extended by another 45 days. That
the interim bail of the accused-applicant is going to expire on 24.10.2020. That
the accused-applicant was granted interim bail in accordance with the guidelines
issued by the High Powered Committee dated 20.06.2020 and therefore is
eligible for further extension of interim bail as per order dated 18.09.2020



passed by the Honble High Court of Delhi in WP (C)No. 3080/2020 in Court on its own Motion v. Govt. of NCT of Delhi & Anr.

Heard.

The accused-applicant is granted interim bail of 45 days on 28.7.2020 in accordance with the guidelines issues by the High Powered Committee of Hble the High Court of Delhi towards decongestion of prisons in Delhi which was subsequently extended on 9.9.2020 in terms of orders passed by H'ble the High Court of Delhi in W. P. (C) N.3080/2020 titled as **Court on Its Own Motion v. Govt of NCT of Delhi & Ors.** dated 04.08.2020. Subsequently vide orders dated 18.9.2020 passed in the same writ petition by way of a blanket order all the interim bails for a period of 45 days granted to the UTP's in view of the recommendations of the HPC which were going to expire on 21.9.2020 and thereafter were further extended by a period of 45 days.Ld Counsle for the accused-applicant seeks benefit of the directions passed on 18.9.20202 in the said writ petition in respect of the accsued-applicant whose interim bail is now to expire on 24.10.2020 following the extension accorded in purpsuance to order date d4.8.2020 of H'ble the High Court of Delhi as referred above.

of Delhi

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

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

N. Singh

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

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

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

xxxxxx

xxxxxxxx

xxxxxx

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

(i) As far as the first category of 2318 undertrials involved in heinous crimes, who were granted interim bail

by the District Courts, there shall be no further extension of interim bails under the orders of this Court. However, to facilitate their surrender before jail authorities and to avoid any inconvenience being caused to the jail authorities during surrender of a large number of under trials, it is ordered that the surrender shall take place in the following phased manner:

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

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

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

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

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

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

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

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

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

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

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

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


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

passed by this Court in the past.

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

.....

Further directions of the High Powered Committee on the further extension of interim bails in pursuance to order dated 20.10.2020 passed by the Full Bench of H'ble the High Court of Delhi in the above mentioned writ petition are awaited, and in view of this subsequent development and the order passed by the H'ble Full Bench in W. P. (C) N.3027/2020 titled as **Court on Its Own Motion v. Govt of NCT of Delhi & Ors** as reproduced above, interim bail of the accused-applicant is being extended till 2.11.2020, awaiting further orders and directions of HPC/H'ble the High Court of Delhi in this regard.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
23.10.2020

FIR No. 243/2018
PS: Nabi Karim
State Vs. Aman
U/s 302/34 IPC

23.10.2020

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

Accused in JC not produced through video conferencing

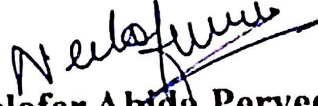
Hearing is conducted through video conferencing.

Fresh supplementary chargesheet received after committal proceedings. Be checked and registered.

Production warrants of accused be issued for his production through video conferencing on the next date of hearing.

IO be also summoned for the next date of hearing.

For consideration in the matter, put up on 07.11.2020. Intimation be also sent to the Ld. counsel for accused for the next date of hearing.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
23.10.2020

B. A. No. 3145
FIR No. 166/2020
PS: Roop Nagar
State Vs. Arun Kumar
U/s 420/120B IPC

23.10.2020

Fresh application received. Be registered.

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

Sh. Praveen Tyagi, counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

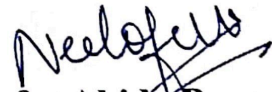
This is an application under Section 439 CrPC for grant of regular bail on behalf of accused-applicant Arun Kumar in case FIR No.166/2020.

Arguments heard.

Ld. counsel for accused-applicant submits that both the co-accused have already been granted regular bail one month back and that orders shall be filed if sometime is granted.

Let orders in respect of co-accused persons be filed on or before the next date of hearing.

For further arguments, put up on **04.11.2020**.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
23.10.2020

B. A. No. 3144
FIR No. 350/2020
PS: Civil Lines
State Vs. Saurabh Chikara @ Sunny
U/s 392/397/420/34 IPC

23.10.2020

Fresh application received. Be registered.

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

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


Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of regular bail on behalf of accused-applicant Saurabh Chikara @ Sunny in case FIR No.350/2020.

Ld. Addl. PP submits that IO seeks time to file reply.

Let reply be filed on or before the next date of hearing. IO is directed to furnish copy of the disclosure statement if any recorded in this case.

For reply and arguments, put up on **03.11.2020**.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
23.10.2020

B. A. No. 3143
FIR No. 396/2020
PS: Civil Lines
State Vs. Tinku
U/s 33 Delhi Excise Act


23.10.2020

Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)
Sh. Vinay Goswami, counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of regular bail on behalf of accused-applicant Tinku in case FIR No.396/2020.

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


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
23.10.2020

At 4 pm
ORDER

This is an application under Section 439 CrPC for grant of regular bail on behalf of accused-applicant Tinku in case FIR No.396/2020.

Ld. counsel for the accused-applicant has contended that the accused has been falsely implicated in the present case. That nothing incriminating has been recovered from the possession of the accused and at



the instance of the IO. That accused-applicant has no previous involvement. That investigation is completed. That the previous bail application of the accused-applicant was dismissed by Ld. MM on 17.10.2020.

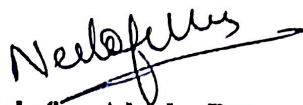
Ld. Addl. PP on the other hand submitted that accused-applicant does not have clean antecedents and is habitual offender. That he has previous involvement in case FIR No. 445/2015 PS Timarpur. That co-accused who was driving swift car is still at large. That accused-applicant used to supply illegal liquor of Haryana in Delhi.

Heard.

As per case of the prosecution, on 23.09.2020, accused-applicant is alleged to have conspired to supply illegal liquor in Delhi with the help of his TSR and one Swift car drivers. That both the offenders of TSR bearing no. DL 1RQ 1023 and Swift Car bearing no. DL 3CZ 8699 fled away from the spot on seeing the police. From the documents of the TSR, it was found to be registered in the name of accused-applicant and on that basis inquiries were made from the accused and he was arrested in the present case. Taking into consideration the nature of the accusations and the custody undergone and as there is no other case of similar nature alleged against the accused-applicant and the previous involvement alleged is for commission of offence under the IPC and not Excise Act, the application is allowed and regular bail is granted to accused Tinku in case FIR No.396/2020 subject to his furnishing personal bond in the sum of Rs. 20000/- with one surety in the like amount to the satisfaction of the Ld.



Trial Court/ Duty MM, and upon the condition that he shall scrupulously appear on each and every date of hearing before the Ld. Trial Court and shall not in any manner delay defeat or interfere with the trial, that he shall not threaten, intimidate or influence witnesses nor tamper with evidence in any manner, that he shall not change his address or mobile phone number to be used by him which he shall mention in the bond without prior intimation to the IO, and the Surety shall also intimate the IO in respect of any change in address or mobile phone number to be mentioned in the bond.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
23.10.2020

FIR No. 132/2017
PS: Crime Branch
State Vs. Vitalis Chindu

23.10.2020

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


Applicant in person (through video conferencing)

Accused Vitalis Chindu on bail with counsel Sh. Ravindra Samuel (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application of withdrawal of surety on behalf of the applicant/Surety.

Today, applicant/Surety appears and submits that he does not want to press upon the present application and that the same may be dismissed as withdrawn as the present application came to be filed under a misunderstanding and now he has the address particulars and mobile phone number of the accused for whom he has stood surety and is confident of his present whereabouts and that he will not try to abscond. It is ordered accordingly. This application of withdrawal of surety on behalf of the applicant/Surety is dismissed as withdrawn.


(Neelofer ~~Abida~~ Perveen)
ASJ (Central)THC/Delhi
23.10.2020

FIR No. 123/2017
PS: Crime Branch
State Vs. Emeka Stephen

23.10.2020

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

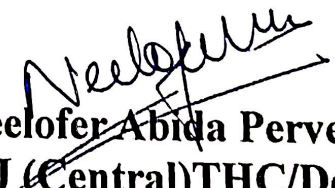
Applicant in person (through video conferencing)

Accused Vitalis Chindu on bail with counsel Sh. Ravindra Samuel (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application of withdrawal of surety on behalf of the applicant/Surety.

Today, applicant/Surety appears and submits that he does not want to press upon the present application and that the same may be dismissed as withdrawn as the present application came to be filed under a misunderstanding and now he has the address particulars and mobile phone number of the accused for whom he has stood surety and is confident of his present whereabouts and that he will not try to abscond. It is ordered accordingly. This application of withdrawal of surety on behalf of the applicant/Surety is dismissed as withdrawn.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
23.10.2020

B. A. No. 3129
FIR No. 280/2020
PS: Civil Lines
State Vs. Vishal @ Shadhra
U/s 392/394/411/34 IPC

23.10.2020

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


Sh. V. V. Arya, counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of regular bail on behalf of accused-applicant Vishal @Shadhra in case FIR No.280/2020.

Arguments heard.

For orders, put up on 27.10.2020.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
23.10.2020

B. A. 3095
FIR No. Not known
PS Not Known
State v. Parveen Kumar Bala
U/s Not Known


23.10.2020

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

Hearing conducted through Video Conferencing.

This is an application under Section 438 CrPC for grant of anticipatory bail on behalf of applicant Parveen Kumar Bala.

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


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
23.10.2020

At 4 pm
ORDER

This is an application under Section 438 CrPC for grant of anticipatory bail on behalf of applicant Parveen Kumar Bala.

Ld. counsel for the accused-applicant contended that the accused/applicant received a telephone call from Police Officials of P.S. Burari, and asking him to appear in Police station otherwise police will arrest him from his house on the complaint of the father of Dimple Jaiswal hence the accused/applicant apprehends that he may be arrested in this connectiona sit has come to his knowledge that the father of the minor girl is visiting police station quite often and has sway over the police officials of the police Station. That the

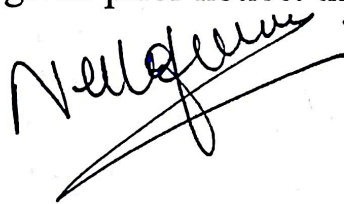


minor girl has run away from her parental home as her father wishes to get her married against her wishes to an elderly man. That though she has not yet attained the age of majority and is of around seventeen and a half years but she is quite mature and understands about her welfare and he has talked to her and she is very mature for her age. That the present application is not only for protection of the applicant but also for the security of the minor Girl who is likely to be married of against her wishes if returned to her father. That the accused/applicant is innocent and has not committed any offence. That the accused/applicant has clean antecedents. That the accused/applicant is ready to join the investigation as and when directed.

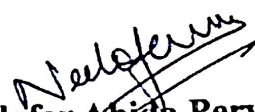
Ld. Addl. PP submits that as per report of the IO, neither any FIR has been registered against the accused-applicant nor any complaint is received in respect of applicant in police station Burari and that the applicant tis neither required to join investigation nor wanted in any case and is not named as an accused in any FIR registered with PS Burari.

Heard.

In view of the reply received from PS Burari in this case and as per the contentions raised by the Ld. APP there is no apprehension of arrest of the accused in connection with any criminal case as no FIR is registered, no complaint is received against the applicant at PS. Burari. At this stage therefore there arises no occasion for grant of any kind of pre arrest bail to the applicant as there are no criminal proceedings of any kind initiated against him. Any such direction ^{or} order that in the event of registration of any FIR against the applicant he be released on bail if he is ready to furnish bail would tantamount to blanket bail. there is no procedure for directions that in the event of registration of FIR against the applicant he be given prior notice. the present application for



grant of anticipatory bail on behalf of applicant Parveen Kumar Bala is accordingly dismissed.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
23.10.2020

B. A. No. 2953
FIR No. 0079/2020
PS: Wazirabad
State Vs. Ajay
U/s 392/397/34 IPC

23.10.2020


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

None for accused-applicant

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of regular bail on behalf of accused-applicant Ajay in case FIR No.0079/2020.

None has joined the Webex Meeting on behalf of accused-applicant today. In the interest of justice, for consideration, put up on 02.11.2020.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
23.10.2020

FIR No. 05/2014
PS Special Cell
State v. Tamanna etc.

22.10.2020

Present: Sh. K. P. Singh, Ld. Addl. PP for State.
Sh. R.K. Giri, counsel for accused Tamanna.
Sh. Rahul Tyagi, counsel for accused Nuhu Sheikh through video conferencing from Australia.
Sh. Prasanna, counsel for accused Kurban through video conferencing.
Accused Kurban produced from JC through video conferencing.
Accused Tamanna on interim bail is present.
Hearing is conducted through video conferencing.


Accused Nuhu Sheikh on bail is not present. An application for seeking exemption from personal appearance of accused Nuhu Sheikh is filed on the ground that accused Nuhu Sheikh is a resident of remote village in Jharkhand where internet facility are not adequate for video conferencing. That identity of the accused is not disputed and applicant has no objection if the cross-examination of the witness is conducted by his Ld. Counsel through video conferencing in his absence. For the reasons mentioned in the application, same is allowed for today and accused Nuhu Sheikh is exempted from his personal appearance.

PW19 Inspector Jitender Tiwari is cross-examined in part on behalf of accused Nuhu Sheikh. Further cross-examination of the witness is deferred as it is 12.30 pm and physical hearing of the Court is till 12.30 pm and thereafter as per Protocol, Video Conferencing Room is to be sanitized. Witness is bound down



for the next date of hearing.

For prosecution evidence, put up on **28.10.2020** date already fixed.


(Neelofer Abida Perveen)
Special Judge (NDPS Act)
22.10.2020

B. A. No. 3012
FIR No. 240/2020
PS: Wazirabad
State Vs. Praveen @ Lallu
U/s 392/394/342/325/308/34 IPC

22.10.2020

Present: Sh. K.P.Singh, Addl. PP for State
Sh. M. L. Yadav, Counsel for accused-applicant (through vido conferencing)

Sh. Deepak Sharma, counsel for complainant

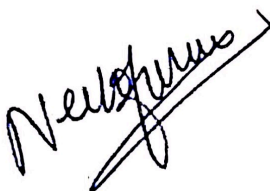
Hearing is conducted through video conferencing.

This is an application for grant of anticipatory bail on behalf of accused-applicant Praveen @ Lallu in case FIR No. 240/2020.


Arguments heard in part. Ld. Addl. PP submits that previous involvement report has not been filed by the IO. It is also submitted that injury sustained by the accused-applicant has been opined to be grievous in nature. Ld. Counsel for the accused-applicant has raised contention that complainant was discharged immediately and that even the veracity of the medical record is doubtful. Let medical record alongwith opinion be filed alongwith report of IO in respect of the previous involvement, report if any in respect of the accused.

Detailed reply including dates and time of PCR call and respective DD numbers be filed on or before the next date of hearing.

Ld. Counsel for accused-applicant and ld. Counsel for complainant may file written submissions on the email ID of the Court i.e. ndpscourt222@gmail.com.



**For further arguments, put up on 28.10.2020 at 2 pm on the
physical date of hearing.**


**(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
22.10.2020**

B. A. No. 3111
FIR No. 445/2020
PS: Burari
State Vs. Gopal Gaur
U/s 354(B)/506 IPC

22.10.2020

Fresh application received. Be registered.

Present: Sh. K.P.Singh, Addl. PP for State
Sh. Nishant Kr. Sharma, counsel for accused-applicant (through
video conferencing)

This is an application under Section 438 CrPC for grant of
anticipatory bail moved on behalf of accused Gopal Gaur in case FIR No.
445/2020.

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

Neelofer
(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
22.10.2020

At: 4 PM - ORDER

This is an application under Section 438 CrPC for grant of
anticipatory bail moved on behalf of accused Gopal Gaur in case FIR No.
445/2020.

Ld. Counsel for the accused-applicant contended that complainant
is a rude and short tempered lady and used to quarrel on very pity issued. That
due to conduct of the complainant, applicant debarred his son. That on
07.10.2018, complainant alongwith her family members started shouting and
when accused-applicant objected, complainant called at 100 number PCR call and
complainant left after giving threat. That on 08.10.2018 applicant's family moved
a written complaint at PS Burari against complainant. That complainant has filed

Neelofer

the false complaint just to pressurize the accused-applicant and his family members. That no such incident dated 06.10.2018 ever took place.

Ld. Addl. PP submits that accused has been served with notice under Section 41A CrPC and has joined the investigation and was let go after joining him in investigation and that at this stage the custodial interrogation is not sought but the investigation is going on.

Heard.


The daughter in law of the applicant is the complainant and has levelled allegations under section 354 B against her father in law. It emerges that marriage of complainant was solemnized on 02.05.2015 with the son of the applicant as per Hindu Rites and Customs and due to some disputes and differences between the husband of complainant namely Sh. Rahul Gaur they had shifted to H. No H. No 116/12, 5681, B-Block, Sant Nagar, Buran, Delhi on 10.07.2018 and that on 07.09.2018, the husband of the complainant left the house with their son named Master Adhyan by saying that he is going to meet his parents and after 3-4 hours, the complainant made a call on the phone number of her husband but his number was switched off. In the evening, the complainant visited her in-laws house but they said that husband of complainant has not come to meet them. That thereafter the complainant also reported the missing report of her husband on 10.09.2018 in PS Burari. That on 06.10.2018 at about 10:30 PM, the complainant visited the house of in-laws and asked her father-in-law about the whereabouts of her husband, but he flatly refused to say anything. The father-in-law of complainant was alone at that time in the house and when complainant was returning suddenly, the father-in-law caught the hand of the complainant and forcefully took her into room by lifting her and put off his wearing cloths and tried to commit rape upon her. The on 07.10.2018, the complainant returned to her

Nalau

parental home at Haryana and on 10.10.2018 she filed the present case.

IO has stated in the Reply that in pursuance to the complaint, notice under section 41A was served upon the accused-applicant and he had joined investigation in pursuance thereto and was let go after joining him in investigation. As the accused applicant has joined investigation and the investigative agency has served notice under section 41 A upon the accused-applicant and has not claimed his custodial investigation, and as the investigation is still pending, **interim protection is granted to the accused-applicant till the next date of hearing with directions to join the investigation on 26.10.2020, 29.10.2020, 03.11.2020 and 05.11.2020 and as and when so directed by the IO.**

For report and consideration, put up on 06.11.2020.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
22.10.2020

B. A. No. 3110
FIR No. 368/2020
PS: Subzi Mandi
State Vs. Maggy & Ors. (applicant Chirag @ Laddu)
U/s 35(B)/506 IPC
22.10.2020


Fresh application received. Be registered.

Present: Sh. K.P.Singh, Addl. PP for State
Sh. Himanshu Sharma, counsel for accused-applicant (through
video conferencing)

This is an application under Section 438 CrPC for grant of anticipatory bail moved on behalf of accused Chirag @ Laddu in case FIR No. 368/2020.

IO has filed reply to the effect that the accused-applicant had joined investigation and was thereafter let go upon furnishing bail bonds. Ld. APP submits that as the accused-applicant has already furnished bail, his application for anticipatory bail is not maintainable.

During the course of arguments, ld. Counsel for accused-applicant submits that the present application has come to be filed under a mistaken impression and that in view of the reply of the IO as the accused applicant has already given bail, he does not want to press upon the present application for anticipatory bail application on behalf of accused-applicant and that the same may be dismissed as having been withdrawn. It is ordered accordingly. The application under Section 438 CrPC for grant of anticipatory bail moved on behalf of accused Chirag @ Laddu in case FIR No. 368/2020 is **dismissed**.


(Neelofar Abida Perveen)
ASJ (Central)THC/Delhi
22.10.2020

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

22.10.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State
Sh. Ram Singh, Counsel for accused-applicant (through video conferencing)
Hearing conducted through Video Conferencing.


This is an application for disposal of pending application moved on behalf of accused-applicant Vinay in case FIR No. 29/2019.

Heard.

The application of the accused-applicant for preponment of application seeking preservation and summoning of the mobile phone and location details of the accused as well as of member of the raiding party and CCTV footage of the place of apprehension is allowed and the said application is preponed for hearing.

It is ordered that application of the accused-applicant seeking preservation and summoning of the mobile phone location details of the accused as well as of member of the raiding party and CCTV footage of the place of apprehension be put on **28.10.2020** with main case file.

Present application stands disposed of.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
22.10.2020

B. A. No.3074
FIR No. 107/2020
PS: Bara Hindu Rao
State Vs. Fantus Bind
U/s 380/411/34 IPC

22.10.2020

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

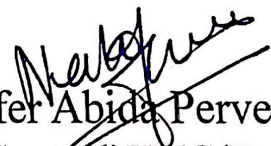
Sh. Naresh Kumar, Counsel for accused-applicant

This is an application under Section 438 CrPC for grant of anticipatory bail on behalf of accused-applicant Fantus Bind in case FIR No.107/2020.

Copy of the FIR is not filed alongwith application. Ld. Addl. PP files copy of the FIR as ld. Counsel for the accused-applicant submits that copy of FIR has not been supplied to him till date and only recently became available on the website.

IO has produced the record and Ld. Addl. PP has drawn the attention of the court to the CDR Details and CAF in the name of accused-applicant obtained in the course of investigation pertaining to mobile phone number 9910821599.

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


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
22.10.2020

This is an application under Section 438 CrPC for grant of anticipatory bail on behalf of accused-applicant Fantus Bind in case FIR No.107/2020.

Ld. Counsel for the accused-applicant contended that brother and brother in law of the accused-applicant were detained illegally by the police and mercilessly beaten and released after obtaining the mobile phone number of the complainant. That accused-applicant has been falsely implicated in the present case. That police officials are visiting the residence of the applicant and there is every apprehension of arrest of the accused-applicant. That applicant is innocent and is not involved in any criminal offence and is sought to be falsely implicated in some criminal case or the other by the police.

Ld. Addl. PP submits that in the present case three mobile phone were stolen and during investigation call details of stolen mobile phones were obtained and after analysis it was revealed that accused-applicant was had used the stolen mobile phone by putting his sim bearing no. 9910821599. That one co-accused Gautam Bind is already arrested and one stolen phone has already been recovered from his possession, however the third stolen mobile phone is yet to be recovered.


Heard.

It emerges that case pertains to theft of three mobile phones, one of the stolen mobile phones was recovered from co-accused Gautam Bind. The second mobile phone is said to be connected to the accused-applicant as the sim bearing no. 9910821599 (Airtel) issued in the name of

A handwritten signature in black ink, appearing to be 'N. Bindu', written over a horizontal line.

accused-applicant was found operational on the said stolen mobile phone traced through IMEI of the device from 03.09.2020 to 10.09.2020.

In the course of arguments, today the IO produced, the CDR details and the CAF in respect of mobile phone no. 9910821599. It is submitted that custodial interrogation is required in order to recover the third stolen mobile phone, which is yet to be traced, there being sufficient grounds for the police to proceed against the accused on the belief that he has committed a cognizable offence. In such facts and circumstances as the investigation is going on and out of three stolen mobile phones only two have been traced as on date and one of them is being connected to the accused-applicant through CDR and CAF form, in my humble opinion, it would impede the further progress of the investigation in case anticipatory bail is granted to the accused-applicant Fantus Bind. The present application under Section 438 CrPC for grant of anticipatory bail on behalf of accused-applicant Fantus Bind in case FIR No.107/2020 is therefore **dismissed**.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
22.10.2020

FIR No. 178/2020

PS: Subzi Mandi

State Vs. Deepanshu Batra @ Hunny

U/s 307/308/323/341/120B/34 IPC and 25 of Arms Act

22.10.2020

ORDER

This is an application under Section 439 CrPC for grant of bail moved on behalf of accused Deepanshu Batra @ Hunny in case FIR No. 178/2020.

Ld. Counsel for the accused-applicant submits that accused-applicant surrendered on 08.09.2020 and is in custody in connection with the present case since then. That the accused-applicant is innocent and is falsely implicated. That investigation qua him is now complete and chargesheet has been filed. That applicant is not named in the FIR as he is not involved in the commission of any such alleged offence. That it is alleged that the complainant alongwith his son and wife were going in Maruti Brezza car bearing registration no. DL 1C AA6692 and that when they reached near Gudar Basti, Aryapura, six boys came on three scooties and two boys stopped their red colour scooty in front of the car of the complainant. That one of them broke the front mirror of the complainant's car with a stick. One of accused named Kali, brother of Sonu Sardar, bad character of the area was very well known to the complainant. It is Kali, who opened door of the car and dragged the complainant out of the car. All the offenders started beating the complainant and the said Kali pushed the wife of the complainant when she tried to save him. Thereafter all six



offenders fled away from the spot. That complainant came back to his mother's house and complainant disclosed about the incident to his brother. Complainant alongwith his brothers Akshay, Tushar and Govind went to Kali's house near Malka Ganj Road, Near Shukar Bazar but he was not found there. While they were returning and were on their way back had reached Ghanta Ghar, near Balaji Mandir at around 6 pm, those six persons stopped the battery rickshaw carrying the complainant and his brother and Kali fired two rounds in the air and third one on the complainant but the complainant luckily had a narrow escape. Kali hit on the head of the brother of the complainant with the butt of a pistol. Complainant's brother Akshay tried to run but was caught hold of by two boys who were with Kali. Kali took out the knife were stabbed his brother several times and when complainant tried to save his brother, other boys who were with Kali started beating the complainant with fists and kicks blows. One of them was having danda and had beaten complainant and his brother Akshay with a danda. That in the entire FIR, there is no whisper of any involvement of accused-applicant. No TIP has been conducted. That wife of the accused-applicant is in advanced stage of pregnancy and bail is being sought on humanitarian grounds also.

Ld. Addl. PP on the other hand submits that there are two injured in this case and that injured Akshay has suffered head injuries, besides incised wound on the left thigh received from knife used by the accused. Four fired cartridges were found at the spot besides blood. CCTV camera footage was taken into police possession, and two vehicles i.e. scooty and motorcycle were also taken into police possession. The accused

Neelesh


have been identified on the basis of CCTV footage and that investigation is going on and out of the several offenders visible and identified in the CCTV footage by complainant-victim, some of the accused persons are evading their arrest and NBWs are obtained against them. On 18.10.2020, Rajinder @ Kali was also arrested and one pistol was recovered from his possession. That the offence is grave and there is apprehension that the accused-applicant may threaten and intimidate witnesses .

Heard.

Accused-applicant is not alleged to have inflicted knife blow on the person of the Akshay one of the injured in this case, head injury is also not specifically attributed to accused-applicant, however, accused-applicant is alleged to have given fist and kick blows to the complainant and his brother and is visible in the CCTV footage participating actively in the assault. The assault is perpetrated at two stages and places and he is involved in both the incidents. He is part of the gang headed by Kali who inflicted knife injuries and fired gunshots. His presence in the two incidents of assault with the co-accused Kali who is fully armed with dangerous weapons does indicate that he shared in the common intention, merely for the reason that he is alleged only to have given fist and kick, blows it is no mitigating circumstance in his favour for the purposes of bail in the totality of the facts set forth in the statement of the complainant supported by medical record. The assault is premeditated indicating pre-planning involving the accused-applicant as both the times the injured are waylaid by the offenders riding scooties and carrying dangerous weapons. Taking into

Nalga

consideration the nature of allegations, the nature of the injuries suffered and as the accused-applicant with the co-accused attacked the complainant, and thereafter complainant and his brother on two occasions fully prepared in a pre planned manner, and as the trial is yet to commence and the victims yet to be examined, at this stage, this is not a fit case for grant of bail to the accused-applicant. The application under Section 439 CrPC for grant of bail moved on behalf of accused Deepanshu Batra @ Hunny in case FIR No. 178/2020 is **dismissed**.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
22.10.2020

B. A. No. 2770
FIR No. 240/2020
PS: Wazirabad
State Vs. Lokesh @Loki
U/s 342/325/394/308/34 IPC
22.10.2020

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

Sh.Mukesh Kalia, Counsel for accused-applicant (through video conferencing)

Sh. Deepak Sharma, Counsel for complainant

Hearing is conducted through video conferencing.

This is an application under Section 438 CrPC for grant of anticipatory bail moved on behalf of accused Lokesh in case FIR No. 240/2020.

Arguments heard in part. Ld. Addl. PP submits that previous involvement report has not been filed by the IO. It is also submitted that injury sustained by the accused-applicant has been opined to be grievous in nature. Ld. Counsel for the accused-applicant has raised contention that complainant was discharged immediately and that even the veracity of the medical record is doubtful. Let medical record alongwith opinion be filed alongwith report of IO in respect of the previous involvement, report if any in respect of the accused.


Detailed reply including dates and time of PCR call and respective DD numbers be filed on or before the next date of hearing.

Ld. Counsel for accused-applicant and ld. Counsel for complainant may file written submissions on the email ID of the Court i.e.



ndpscourt222@gmail.com.

**For further arguments, put up on 28.10.2020 at 2 pm on the
day of physical hearing.**


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
22.10.2020

B. A. No. 2892
FIR No. 09/2020
PS: Gulabi Bagh
State Vs. Yusuf Khan
23.10.2020

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

This is an application under Section 438 CrPC for grant of anticipatory bail on behalf of accused Yusuf Khan in case FIR No.09/2020.


Ld. Addl. PP submits that it is clearly mentioned in the reply that anticipatory bail application of accused Yusuf was dismissed on 18.07.2020. Ld. counsel for the accused-applicant submits that this is the first application for anticipatory bail filed on behalf of the accused-applicant and no previous application for grant of anticipatory application is filed on behalf of accused-applicant.

Let the accused-applicant file an affidavit to this effect.

Ld. Addl. PP seeks time to obtain instructions from the IO. Last opportunity is granted for the same. SHO to report in this regard as to why IO concerned has not submitted clarifications as directed vide the last order. Today no cost is imposed upon the IO concerned for the adjournment that has occasioned due to failure of the IO to file necessary clarification and one last opportunity is being granted towards the same.

Report be filed before the next date of hearing.

For consideration, put up on 03.11.2020.


(Neelofar Abida Perveen)
ASI (Central) THC/Delhi
23.10.2020.

FIR No. 256/2020
PS: Burari
State Vs. Ram Milan
U/s 448/420/468/471/120B IPC

23.10.2020 at 4 pm

ORDER

This is an application under Section 439 CrPC for grant of regular bail moved on behalf of accused Ram Milan in case FIR No. 256/2020.

Ld. counsel for the accused-applicant has contended that the applicant/accused has clean past antecedents and has never been involved in any criminal activities except the present false one with which he has no concern and is in judicial custody in connection with the present case since 26.08.2020. That during the pendency of application of anticipatory bail of present accused the investigating officer without any explanation arrested the accused and sought one day PC Remand in which also nothing incriminating came out against the applicant. That the FIR in the present case has been registered after a considerable delay of six months without any explanation and the investigation officer till date has not found any evidence of forgery against the applicant/accused. That from bare perusal of FIR it is revealed that the complainant became aware much prior to giving her complainant to concerned police station that the applicant/accused is in possession of the property but she has not taken the recourses of law at that relevant time. That applicant/accused is a bonafide

Neelokumar

purchaser of the above said property which he had purchased from one Nathu Ram against valuable sale consideration and whatever deficiencies or forgery which allegedly have come on record is not on the part of applicant/accused rather the applicant/accused himself has been cheated by the seller of the said property. That the applicant/accused since the day of lodging of the complaint by the complainant in the police station has been co-operating with the investigating agency in a fair manner and had provided all the copies of the title documents to the investigation officer. That the investigation qua the applicant/accused has already been completed as nothing incriminating has been found against him even in one day police remand and that the entire evidence in this case is documentary in nature and which documents are already recovered by the investigation agency and hence there is no question of tampering with the prosecution evidence on the part of the applicant/accused. That the wife of the applicant/accused who is also made co-accused in present case has been granted relief of anticipatory bail till 09.12.2020 by the Hon'ble High Court Of Delhi. That there are many deficiencies in the title documents produced by complainant in her support which also could not be verified by the IO and the question of better title documents is a jurisdiction of civil court and through this false and frivolous FIR the complainant is trying to extort amounts from the applicant/accused and create her title in the said property. That the applicant/accused is the sole bread earner of his family consisting of his wife who has also been entangled in frivolous litigation and she is alone in the house with a 2 year minor child and she is unable to

Neel Kumar

look after herself and the minor child during this pandemic and the presence of applicant/accused is much required. That recently during the pendency of bail application of wife of the applicant/accused in the Hon'ble High Court of Delhi, IO filed reply stating that during interrogation of applicant/accused or his wife nothing could be found which can help in investigation of the case, meaning thereby that nothing is left in the case which requires custodial interrogation of the applicant/accused. That earlier bail application of the applicant/accused was denied on 01.09.2020 by Ld. Sessions Courts and thereafter the wife of the applicant/accused was granted interim relief vide order dated 24.09.2020 and the investigation is complete and the applicant/accused is no more required for custodial interrogation. That the applicant/accused is ready to join the investigation as and when directed by this Hon'ble Court and the investigation agencies and undertakes to co-operate with the investigation.

Ld. Addl. PP, on the other hand, submits that the chain of document specially agreement to sell & affidavit provided by the accused Ram Milan vide which the property was transferred from Hazrat Ali to Nathu Ram are forged and that as per the report of Treasury department the Stamp Paper No.30AA 569249 & 30AA 569252 were issued in the year 2009 whereas the documents, ie the agreement sell & affidavit are purportedly prepared on 22.09.2006. That the stamp serial No. 7413 to 74015 dated 22.09.2006 present on the chain of documents i.e GPA, agreement to sell & affidavit provided by the accused Ram Milan in which

Neeleferu

the property was transferred from Hazrat Ali to Nathu Ram under the stamp & signature of stamp vendor Mukesh Kumar license No.266 is also forged as per the report of SDM, Kotwall for on the said date i.e 22.09.2006 the stamp vendor has sold stamp papers from serial No. 13642 to 13940. During the course of investigation the statement of the stamp vendor Mukesh Kumar u/s 161 Cr.PC has also been recorded, who has denied his signatures & stamp over the said documents. The notary stamp & signatures on the GPA, agreement to sell, Receipt, will deed & possession letter dated 26.07.2018 provided by the accused during course of investigation through which the alleged property was transferred in the name of the wife of the accused by Nathu Ram is also forged. As the stamp vendor Suaraj Singh has denied his signatures and stamp on the said papers. The statement of the stamp Vendor Suaraj Singh u/s 161 Cr.PC has been recorded in this regard. The accused Ram Milan intentionally did not disclose the address & contact numbers of the witnesses to the GPA, agreement to sell, Receipt, will deed & possession letter dated through which the alleged property was transferred on 26.07.2018 in the name of his wife by accused Nathu Ram despite sustained interrogation. The accused is in possession of the original documents i.e previous chain and GPA, agreement to sell, Receipt, will deed & possession letter dated 26.07.2018 through which the alleged property was transferred in the name of his wife but has not got them recovered intentionally. The facts were verified through the copies of documents he has filed before the Court while applying for his anticipatory bail in the present case. During the

Nathu Ram

course of investigation the accused was taken on 1 day PC remand but despite sustained interrogation he has not cooperated in the investigation and has given in writing that he does not have the property papers and will produce the witnesses after coming out on bail. That the existence of Nathu Ram from whom the accused supposedly has purchased the property in question is also not ascertained as the address mentioned in the said GPA falls in the state of Madhya Pradesh but on the GPA the address is mentioned as of Maharashtra. The accused has not cooperated in the investigation intentionally and did not reveal the name of other associates involved in the said offence. During investigation two independent witnesses have also come forward and given their statement that the complainant was in possession of the alleged plot of 175 Sq. Yards. The earlier bail application of the accused has been dismissed by the Honble Court of Sh. Vidya Prakash, Jd. ASI, Tis Hazari Courts, Delhi on 15.09.2020 and there has been no change in circumstances since then as the chargesheet is yet to be filed and investigation is still going on as the accused-applicant has never cooperated in the investigation.

Heard.

It emerges from the contents of the FIR that the complainant had purchased plot measuring 175 sq yards falling Khasra no. 120/13 West Kamal Vihar, Kamalpur Burari Delhi in year 2006 from its previous owner namely Dharam Singh for Rs. 5 lakhs and had raised a boundary wall around it with entry gate and in the year 2019 had contacted DK Builders in order to sell out the same and at that time it was brought to her

Neelofar


knowledge that the same has already been sold out at which she came to Delhi from Ahmedabad, as though her parental house is in Delhi but after marriage she has been living in Ahmedabad, and upon visiting the plot she saw that Ram Milan has got constructed one room and was claiming himself to be the owner thereof and that Ram Milan on earlier occasions had contacted her and her father for purchase of the said plot from her and taking advantage of the situation as the complainant after her marriage had shifted to Ahmedabad and was not visiting the plot frequently, has illegally occupied the said property after fabricating forged documents in respect thereof.

The documents of title in the hands of the complainant in the course of investigation have been duly verified and the investigative agency has also recorded statements of independent witnesses in this regard. The accused-applicant claims to have purchased the same plot from one Nathu Ram however, in the course of investigation when called upon to produce the original documents has failed to produce the same and from the photocopies found annexed with one of the applications filed on his behalf in the Court, the investigation so far has revealed that the same are forged and fabricated as the stamp papers pertain to the year 2009, whereas the transaction that is recorded thereupon is of the year 2006, the stamp and seal of the notary is also forged, no such stamp papers were sold by the stamp vendor at the SDM office on the date of the transaction, so far as the documents of transfer in respect of the predecessor in interest of the accused-applicant are concerned. So far as the title document in favour of

Neelofar

the accused-applicant are concerned, the same are also not above board as the stamp and seal of Notary Public is forged, amongst other discrepancies. The description of the seller also raises suspicions and the address is incorrect as the particulars mentioned relate to the State of Maharashtra and not Madhya Pradesh as is found mentioned in the documents. Seller appears from the investigation conducted so far to be a fictitious non existing person. The accused-applicant has also not disclosed the details of the witnesses to the documents. It is contended by the Ld. APP that the accused-applicant has not cooperated in the investigation and has not even produced the original documents in respect of the property on the basis of which he claims title thereon. The investigative agency has joined in investigation the stamp vendors and also verified the record from the SDM office besides recording statements of independent witnesses. Such forgery and fabrication cannot be determined to be the subject matter of a civil suit alone.

In such totality of the facts and circumstances from the facts unearthed in the course of the investigation till date, and as the investigation is still underway and chargesheet yet to be filed, at this stage no ground is made out to grant regular bail to accused Ram Milan in case FIR No. 256/2020. The present application accordingly stands dismissed.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
23.10.2020

B.A.No.2896
FIR No. 271/2020
PS Burari
State v.Ashu @ Gaurav
U/s 420/411/34 IPC

23.10.2020 at 4 pm

ORDER

This is an application for grant of bail under Section 439 Cr.P.C on behalf of accused-applicant Ashu @ Gaurav in case FIR No.271/2020.

Ld. Counsel for accused-applicants submits that accused is innocent and has been falsely implicated by the police of Police Station Burari. That chargesheet has already been filed in the court and as per chargesheet, ATM card of the complainant was recovered from Vikrant @ Bony. That the accused-applicant never had any intention to cause any wrongful loss to the complainant. That in order to ensure that the complainant is recompensed for the loss occasioned Rs.39,500/- has already been paid to the complainant on 29.07.2020 and amount of Rs.15,000/- was released on superdari to the complainant vide order dated 06.08.2020. That last bail application was dismissed on 13.08.2020 by Sh. Anuj Aggarwal, Ld. ASJ, Central, Tis Hazari Court which was filed before the filing of the Chargesheet. That the applicant-accused is a permanent resident and there is no chance of his absconding or tampering with the prosecution evidence. That investigation of the case is complete and the accused-applicant is no more required for investigation purposes. That accused-applicant is not a previous convict and has clean antecedents.

Neelesh


Ld. Addl. PP submits that complainant is a visually impaired student and on 28.06.2020 at around 4 p.m. he had used the ATM booth of HDFC for withdrawing an amount of Rs.4000/- and after half an hour his account was debited for an amount of Rs.54,500/- about which he was not aware and on basis of his complaint lodged on 29.6.2020, a case u/s 420 IPC was registered on 11.07.2020 at PS Burari and during the course of investigation, Bank account statement of Account No.3874000300002951 of complainant was obtained. On analyzing bank statement of complainant, it was revealed that the accused had withdrawn Rs.21,000/- from ATM Booth of Indusind Bank, Rohini and made purchases from ID Fashions Sector-7, Rohini (Rs.13,000/-), Archies Gallery Rohini (Rs.1926/-), Designer Hood (Rs.9900/-) and food items worth Rs.4000/- from M2K Rohini. That during course of investigation on 14.07.2020, accused Vikrant @ Bonni S/o Lt. Sanjay Kumar R/o F-2/472, Sultanpuri, Delhi was arrested and from his possession the Debit card of the complainant and Rs.15000/- was recovered and later on, articles / clothes purchased by him was also recovered from his house. That on his instance, accused Ashu @ Gaurav was also arrested from his residence i.e.5/37, Friends Enclave, Sultanpuri, Delhi and that some articles of purchase were also recovered from the house of accused-applicant. That the ATM card was used by the co-accused and payment for the articles was made by the co-accused misusing the ATM card of the complainant.

Heard.

Debit Card of the complainant allegedly was stolen by the co-

Neelofar

accused, amounts are also withdrawn by the co-accused which are subsequently recovered at his instance, and even the payment for the articles recovered from the possession of accused-applicant is alleged to have been made by the co-accused with the use of the ATM Card of the complainant. All the recoveries stand effected. The investigation is complete and the chargesheet is filed. Taking into consideration the nature of the allegations and as the investigation is now complete and custody of the accused-applicant is no longer required for the purposes of investigation, as the accused-applicant has clean antecedents, the application is allowed and regular bail is granted to accused Ashu @ Gaurav in case FIR No.271/2020 upon his furnishing personal bond in the sum of Rs. 20,000/- with one surety in the like amount to the satisfaction of the Ld. Trial Court, and subject to the condition that he shall mention the mobile phone number to be used by him on the bonds and shall ensure that the said number is kept on switched on mode at all times with location activated and shared with the IO, he shall scrupulously appear on each and every date of hearing before the Ld. Trial Court and shall not delay defeat or interfere with the trial in any manner, he shall not threaten, intimidate or influence witnesses nor tamper with evidence in any manner whatsoever, he shall not leave the territorial limits of NCR Delhi nor change his address or his said mobile phone number without prior intimation to the IO, the surety shall also intimate the IO about any change in address and mobile phone numbers. Application is disposed of accordingly.


(Neelofar Abida Perveen)
ASI (Central) THC/Delhi
23.10.2020

B. A. No. 2807
FIR No. 132/2020
PS: Subzi Mandi
State Vs. Manish @ Hauwa
U/s 188/392/397/411 IPC

23.10.2020


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

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

Hearing is conducted through video conferencing.

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

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


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
23.10.2020

At 4 pm
ORDER

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

Ld. counsel for the accused-applicant contended that accused-applicant is innocent and has been falsely implicated in the present case.



That co-accused Vikas has already been granted bail. That investigation is complete and chargesheet is filed in Court. That accused-applicant is the sole bread earner for his family and mother of the accused-applicant is also not keeping good health. That no alleged knife is recovered which as per the prosecution was used by the accused-applicant.

Ld. Addl. PP, on the other hand submitted that accused-applicant has played active role in the commission of offence and robbed the complainant and in the course of the commission of the robbery it is the accused-applicant who is alleged to have used the knife though the knife has not been recovered in the course of investigation. That accused-applicant evaded his arrest during investigation and further refused to participate in the TTP proceedings. That previous bail application of the accused-applicant was dismissed on 29.08.2020.


Heard.

Present case is registered on the statement of complainant Sonu on 20.04.2020 in respect of robbery of his mobile phone by three boys in course whereof one of them had shown a knife and another had caught him by the neck to strangulate him. During investigation, on the basis of secret information two of the co-accused Shivam @ Shibbu and Vikas @ Akku were arrested from near Roshanaar club area and were identified by the complainant as the boys who had robbed him of his mobile phone, a day prior. During personal search, mobile phone of the complainant was recovered from the possession of accused Shivam @ Shibu. The accused-applicant is named in the disclosure made by the apprehended accused as

Neel Kumar

the person who had shown knife to the complainant. During investigation, efforts were made to arrest accused-applicant but he evaded his arrest and process under Section 82 CrPC was got issued against him and subsequently on 21.07.2020 accused-applicant was arrested in the present case and on 24.07.2020 accused-applicant refused to participate in TIP proceedings and supplementary chargesheet was filed against him.

The ground of parity is also raised but the order passed in the bail application of the co-accused is not annexed, moreover, no other offender is alleged to have used knife in the course of commission of the offence. Taking into consideration that the accused-applicant is alleged to have used knife in the course of the commission of robbery though the stolen mobile phone as such is not recovered from him and also as he evaded arrest and process under section 82 Cr. PC was issued against him, and he refused to participate in the TIP proceedings at this stage no ground is made out to grant bail to accused Manish @ Hauwa in case FIR No. 132/2020, and accordingly the present application stands dismissed.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
23.10.2020

B. A. No. 1465
FIR No. 191/2017
PS: Subzi Mandi
State Vs. Amit Kumar
U/s 452/323/506/34 IPC

23.10.2020

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

Sh. Akhilesh Singh, Counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application for grant of anticipatory bail on behalf of accused-applicant Amit Kumar in case FIR No. 191/2017.

Reply is filed.

Ld. APP submits that arrest of the accused-applicant is not required in the present case, and after joining the accused-applicant in investigation, notice under Section 41A CrPC has been issued to the accused-applicant as the investigative agency did not find sufficient grounds for the arrest of the accused-applicant in connection with the present case and that the accused-applicant has joined the investigation.

Ld. Counsel for the accused-applicant submits that in view of the reply of the IO that the arrest of the accused-applicant is not required for the purposes of the present case and as notice under section 41A has been issued, at this stage he does not press upon the present application for anticipatory bail and that the same may be dismissed as withdrawn. It is ordered accordingly. The present application for grant of anticipatory bail

Akshay

is dismissed as withdrawn in view of the reply filed by the IO that arrest of the accused-applicant is not required in connection with the present case FIR.

Neelofer
(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
23.10.2020

B. A. No. 1235
FIR No. 279/2020
PS: Burari
State Vs. Balendra Singh
U/s 376/506 IPC

23.10.2020

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

Sh. Anees Ahmed, Counsel for accused-applicant (through video conferencing)

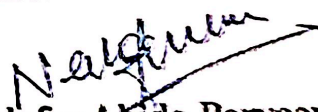
Prosecutrix with IO (through video conferencing)

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of bail moved on behalf of accused-applicant Balendra Singh in case FIR No.279/2020.

Arguments heard.

For orders, put up on 28.10.2020.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
23.10.2020

B. A. No. 2923
FIR No. 391/2020
PS: Civil Lines
State Vs. Ravi @ Dabhu
U/s 25/54/59 Arms Act

23.10.2020

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

Sh. Hari Dutt Sharma, LAC for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPc for grant of bail on behalf of accused-applicant Ravi @ Dabhu in case FIR No.391/2020.

Ld. Addl. PP submits that despite several attempts the IO has not joined the video conferencing hearing today nor has produced the case file before him.

It emerges that copy of the FIR is also not annexed with the application. IO be summoned for the next date of hearing with case file.

For consideration, put up on 28.10.2020 on physical hearing date of the Court.

N. edof
(Neelofar Ahida Perveen)
ASJ (Central) TIC/Delhi
23.10.2020

B. A. No. 3082
FIR No. Not known
PS: Not known
State Vs. Vijay

20.10.2020

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

Sh. Sharwan Babu, Counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

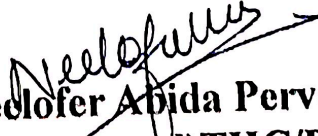
This is an application under Section 438 CrPC for grant of anticipatory bail on behalf of accused-applicant Vijay.

Ld. counsel for applicant submits that despite request applicant has not been furnished any copy of complaint and he has not received any notice in respect of any complaint or FIR and that applicant has been receiving call from PS Burari.

Ld. Addl. PP seeks some more time to file reply.

Report be filed in respect of the contentions raised in the application by SHO PS Burari on or before the next date of hearing.

For consideration, put up on 04.11.2020.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
23.10.2020

B. A. No. 3133
FIR No. 204/2020
PS: Roop Nagar
State Vs. Dinesh Chaudhary
U/s 409/420/467/468/471/34 IPC

23.10.2020

Fresh application received. Be registered.

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

Sh. Arpit Bhalla, Counsel for accused-applicant (through video conferencing)

Sh. Piyush Mittal, counsel for complainant with complainant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application for grant of regular/interim bail on behalf of accused-applicant Dinesh Chaudhary in case FIR No. 240/2020. Ld. Counsel for the accused-applicant submits that the co-accused have been granted interim protection till 4.11.2020 and that the accused-applicant may also be granted interim bail till then as one MOU has been executed with the complainant.

When it is put to the Ld. Counsel that interim bail is being sought on what grounds, before the Ld. Counsel for the accused-applicant could respond to the query put to him, Ld. Counsel for the Complainant without seeking leave of the Court joined the hearing stating that the complainant has no objection if interim bail is granted to the accused-applicant till 4.11.2020 as MOU has been executed between the parties.



Ld. Counsel for the accused-applicant has again been called upon to set forth the ground for grant of interim bail and to read the relevant paragraph from the application where the ground is set up. Before the Ld. Counsel for the accused-applicant could answer the complainant has commenced to make her submissions to impress upon the Court that one MOU has been executed and there are several steps to be taken at the end of the parties for giving effect to the same and that she has no objection if interim bail is granted to the accused-applicant. Ld.Counsel for the accused-applicant is again called upon to read from the application the ground set up for grant of interim bail. It is not found mentioned in the application in the wake of the MOU that is annexed with the application it is the accused-applicant who is required to initiate further steps to give a concrete shape to the MOU. When it is so pointed out to the Ld. Counsel for the accused-applicant that the ground is not sufficiently set up and he is called upon to explain as to what process is to be undertaken on his part, it has vaguely been suggested by the complainant, that it is the father of the accused-applicant with whom the MOU is executed but it is insisted that interim bail be granted to the accused-applicant on the ground of the MOU.

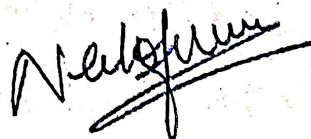
It is however not forthcoming for what purposes, neither the Ld. Counsel for the applicant is in a position to render any assistance on the aspect nor there is a ground sufficiently set up in the application for grant of interim bail, ie to meet what exceptional exigency. At this Ld. Counsel for the accused-applicant submits that he is pressing upon his prayer for

Neelgum

regular bail as he has made both the prayers in the application and it is upto the Court to allow interim bail or regular bail. When Ld. Counsel is called upon to set up the grounds for grant of regular bail Ld. Counsel for the accused-applicant submits that the case pertains to commission of offence under section 420 IPC, which is a compoundable offence and that subsequently one MOU has been executed with the complainant in settlement of the family dispute.

Ld. APP for the State submitted that the case does not pertain to offence of cheating but also large scale forgery and fabrication of record and which in themselves are non compoundable and therefore the accused-applicant is not entitled to bail on the ground of MOU alone, further that the investigation is still going on and there is likelihood of the accused-applicant tampering with the documentary evidence which record is in his custody perse and to influence the witnesses under his employment and sway which fears infact have been proved to be not unfounded ones in the wake of the submissions made in the court today and that there is no information with the prosecution of any MOU having been executed and even otherwise the same is beyond the zone of consideration as the case involves non compoundable offences and further that the complainant has no right to be heard and can only assist the prosecution.

At this Ld. Counsel for the accused-applicant submits that in such case he presses upon the prayer for interim bail on the ground that the daughter of the accused-applicant is a child with special needs/handicapped.



The application before me however is not an application for grant of interim bail on the ground of the illness or any other condition of the daughter requiring special assistance care and support and personal presence of the accused-applicant. Ld. Counsel for the accused-applicant after having consumed considerable Court time is still not in a position to clearly make up his mind whether this is an application for regular bail or interim bail. It appears as if today he is not well prepared with the matter. In the interest of justice for consideration put up on 4.11.20220 when the other applications in this case FIR are stated to be listed.


At this stage Ld. Counsel for the accused-applicant submits that he has filed a joint application for regular bail and interim bail and it is upon the Court to decide whether the Court is inclined to grant regular bail or interim bail and pass orders accordingly.

I am afraid as it is not for the Court to grant whatever concession that it pleases. The concession of bail is not a largesse to be distributed upon the whims and fancies and of the own accord of the Court, but is a discretion to be exercised upon due application of mind to the facts and case set up on behalf of the applicant. Ld. Counsel for the accused-applicant is not in a position to render assistance to the Court and has continuously been shifting his stance whether it is an application for regular bail or interim bai. It does not lie with the court to of its own treat this application as an application for regular bail or interim bail, it is for the applicant to satisfy the Court on the merits of the case for grant of regular bail or the existence of the extraordinary circumstance and

Neeleferus

exceptional hardship that would necessitate for the court to conclude that the personal presence of the accused-applicant is rendered indispensable.

When the Court is in the process of adjourning the matter, At this stage, Ld. counsel for accused-applicant submits that he does not want to press upon the present bail application for grant of regular / interim bail and that the same may be dismissed as withdrawn. It is ordered accordingly. This application for grant of regular/interim bail on behalf of accused-applicant Dinesh Chaudhary in case FIR No. 240/2020 is **dismissed as withdrawn.**


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
23.10.2020