

B. A. No.1334/2020
FIR No. 27/2020
PS: NDRS
State Vs. Deepak @ Tarun
U/s 356/379/411/34 IPC

24.09.2020

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

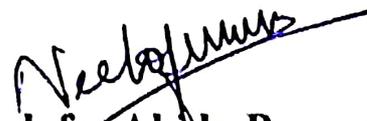
Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of regular
bail moved on behalf of accused Deepak @ Tarun in case FIR No. 27/2020.

Reply is filed.

Arguments heard in part. Ld. Addl. PP seeks some time to obtain
clarification from the IO on certain aspects.

For further arguments, put up on 25.09.2020.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
24.09.2020

B. A. No.1333/2020
FIR No. 269/2020
PS: Lahori Gate
State Vs. Veer Singh
U/s 33 of Delhi Excise Act

24.09.2020

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

Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of regular
bail moved on behalf of accused Veer Singh in case FIR No. 269/2020.

Reply is filed.

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


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
24.09.2020

At 4 pm
ORDER

This is an application under Section 439 CrPC for grant of regular
bail moved on behalf of accused Veer Singh in case FIR No. 269/2020.

Ld. counsel for the accused-applicant has contended that accused-
applicant is in JC since 14.09.2020. That nothing incriminating has been
recovered from the possession of the accused-applicant. That accused-applicant
has been falsely implicated in the present case. That accused-applicant is only
an auto-driver and the incriminating articles recovered from the auto of accused-



applicant belonged to a passenger who ran away from the spot. That accused-applicant has clean antecedents. That accused-applicant is the sole bread earner for his family.

Ld. APP submits that this case pertains to recovery of 750 quarter bottles of liquor which were found kept in three plastic katas lying on the passenger saet of the TSR of the accused-applicant. That the TSR of the accused-applicnat was signalled to stop at police naka, upon which the passenger on the backseat of the TSR got out of the TSR and ran away leaving the three plastic kattes containing the country mad eliquor bottles on the passenger seat and that it is not disputed that the accused-applicant is the drievr of the TSR and has clean antecedents.

Heard.

As per case of the prosecution, on 13.09.2020 one TSR bearing no. DL1RN 0933, coming from the side of pul mithai, was stopped for checking at SPM Marg towards Old Delhi Railway Station at which the person occupying the passenger seat jumped out of the moving TSR and ran away and when the TSR was checked three plastic kattas were found lying on the passenger seat of the TSR which were found to contain 250 quarter bottles each of desi liquor, in total 750 quarter bottles of desi liquor were recovered from the TSR being driven by the accused-applicant. The accused-applicant is the driver of the TSR and was carrying a passenger when the TSR was signaled to stop, the accused-applicant had complied in compliance stopped the TSR but the passenger in the backseat upon sighting the police officials fled away after jumping out of the still moving auto which passenger was identified by one of the members of the patrolling police party as a resident of the nearby jhuggi and a known trafficker. The accused-applicant however has clean antecedents. The prosecution does not

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claim that the further custody of the accused-applicant is required for the purposes of investigation in this case in any manner. In such facts and circumstances no purpose is to be served by keeping the accused-applicant in custody further in the present case and accordingly for the abovesaid reasons the present application for grant of regular bail is allowed and accused-applicant Veer Singh is granted regular bail in the present case subject to furnishing personal bond in the sum of Rs.20,000/- with one surety in the like amount to the satisfaction of the concerned Court/Duty MM and subject to the conditions that the accused-applicant shall scrupulously appear on each and every date of hearing before the Ld. Trial Court and shall not delay, defeat or subvert the proceedings in any manner whatsoever, he shall not in any manner threaten/ influence the witnesses in this case or tamper with the evidence or interfere with the course of justice in any manner whatsoever, and shall furnish his mobile phone number and that of the sureties to the IO and shall not change his addressor mobile phone number without prior intimation to the IO and shall not leave the territorial limits of NCR Region without prior intimation to the IO till the pendency of the present proceedings. The surety shall also intimate about change of address or mobile phone numbers to the IO.

Applications stands disposed of.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
24.09.2020

B. A. No.1332/2020
FIR No. 137/2020
PS: Rajinder Nagar
State Vs. Ankush
U/s 452/392/411/34 IPC

24.09.2020

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

Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of regular
bail moved on behalf of accused Ankush in case FIR No. 137/2020.

Reply is filed.

Arguments heard in part. Ld. counsel for accused-applicant has
relied upon disclosure statements and seizure memo, part of the chargesheet. Let
the chargesheet be requisitioned for the next date of hearing.

For further arguments, put up on 29.09.2020 as per request.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
24.09.2020

B. A. No.1286/2020
FIR No. 253/2019
PS: Prasad Nagar
State Vs. Arun Kumar
U/s 406/411/34 IPC

24.09.2020

Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)
Sh. Arvind Vats, Counsel for accused-applicant (through
video conferencing)
Sh. Jagmeet Randhawa, counsel for complainant (through video
conferencing)

Hearing conducted through Video Conferencing.

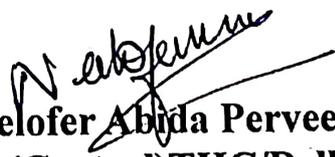
This is an application under Section 439 CrPC for grant of regular
bail moved on behalf of accused Arun Kumar in case FIR No. 253/2019.

Reply of IO is filed.

Arguments heard. The Ld. Counsel for the accused-applicant and
for the Complainant got engaged in a sort of a verbal duel in the course of the
arguments.

Written submissions may be filed on behalf of accused-applicant
and complainant by 26.09.2020.

For orders, put up on 28.09.2020.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
24.09.2020

B. A. No.1331/2020
FIR No. Not known
DD Entry No. GD 50 dtd. 10.02.2020
PS: Darya Ganj
State Vs. Roopak Jain
U/s 420 IPC

24.09.2020

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

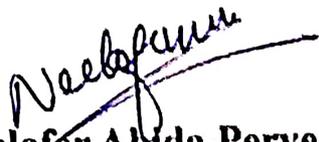
Hearing conducted through Video Conferencing.

This is an application under Section 438 CrPC for grant of anticipatory bail moved on behalf of applicant Roopak Jain.

Ld. APP submits that the application is not maintainable as no FIR is registered till date, Ld. Counsel for the applicant submits that a complaint has been filed and notice has been issued to him to appear and join investigation and therefore the application is maintainable there being a well founded apprehension of arrest.

Arguments heard in part. Ld. counsel and Ld. APP seeks time to further argue the matter and to refer to judicial pronouncements.

For further arguments, put up on 25.09.2020


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
24.09.2020

B. A. No.1018
FIR No. 210/2020
PS: Sarai Rohilla
State Vs. Mohd. Fardeen
U/s 186/353/307/147/148/149/379/34 IPC

24.09.2020

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

Hearing conducted through Video Conferencing.

This is an application under Section 438 CrPC for grant of anticipatory bail moved on behalf of accused Mohd. Fardeen in case FIR No. 210/2020.

Ld. counsel for accused-applicant submits that he does not want to press upon the present bail application and that the same may be dismissed as withdrawn. It is ordered accordingly. The application for grant of anticipatory bail moved on behalf of accused Mohd. Fardeen in case FIR No. 210/2020 is dismissed as withdrawn.


(Neelofar Abida Perveen)
ASJ (Central)THC/Delhi
24.09.2020

FIR No. 329/2018
PS: Sarai Rohilla
State Vs. Raja Babu
U/s 302/392/397/411/34 IPC

24.09.2020

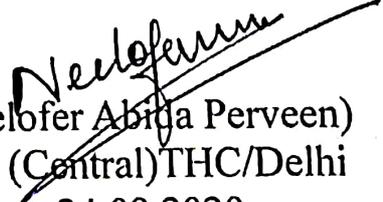
Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing).
Ms. Archana Chibber, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application for grant of interim bail on behalf of accused Raja @ Babu in case FIR No. 329/18 invoking guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020 in order to decongest the prison due to out break of covid-19 pandemic.

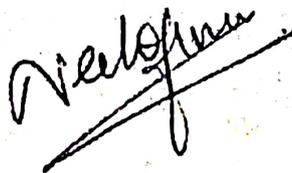
Reply alongwith previous involvement report is received. Custody certificate alongwith conduct report is also received from Superintendent Jail.

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


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
24.09.2020

AT 4 pm
ORDER

This is an application for grant of interim bail on behalf of accused Raja @ Babu in case FIR No. 329/18 invoking guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated



18.05.2020 in order to decongest the prison due to out break of covid-19 pandemic.

Ld. counsel for the accused-applicant submits that accused-applicant fulfills the criteria laid down under the guidelines issued by High Powered Committee of the Hon'ble High Court of Delhi as the accused-applicant has undergone over two years in custody following his arrest in this case on 30.8.2018 as is clearly made out from the order framing charge and has clean antecedents and his conduct during custody has also been reported to be satisfactory.

Ld. Addl. PP, on the other hand, submits that accused-applicant does not fulfill the criteria as the custody period of accused-applicant during the custody is less than two years and that as per custody certificate, accused-applicant has completed custody of 01 years, 10 days and 23 days only, though his conduct is stated to be satisfactory.

Heard.

The High Powered Committee of Hon'ble High Court of Delhi constituted to suggest ways and means and towards the effective implementation of the directions issued by H'ble the Supreme Court of India in Suo Motu Petition (Civil) No. 1/2020-In Re: Contagion of Covid-19 has from time to time laid down guidelines for the release of UTP's on interim bails in order to decongest the prisons in Delhi and laid down fresh criteria while expanding the earlier guidelines on the subject in Minutes of Meetings dated 18.05.2020 and has determined as follows:-

"In view of the prevailing situation and to prevent the spread of COVID-19 (Novel Corona Virus) and to ensure social distancing amongst prisoners, the Committee is of the

Narinder Kumar

opinion that the criteria needs to be further relaxed to give effect to directions of Hon'ble Supreme Court of India. On directions of Hon'ble Chairpersons, DG (Prisons) was requested to furnish the information, for the impact analysis qua the proposed relaxed criteria of UTPs. The same is accordingly submitted.

The Members of the Committee discussed the report submitted by DG (Prisons) vide his letter dated 16.05.2020 and resolved that prisoners falling in following criteria may now be considered for grant of interim bail for 45 days in view of the circumstances in which we are in, preferably on 'Personal Bond':

- (i) Under trial prisoners (UTPs) facing trial for a case under Section 302 IPC and are in jail for more than two years with no involvement in any other case;
- (ii) Under trial prisoners (UTPs) facing trial for offence under Section 304 IPC and are in jail for more than one year with no involvement in any other case;
- (iii) Under trial prisoners (UTPs) facing trial in a case under Section 307 or 308 IPC and are in jail for more than six months with no involvement in any other case;
- (iv) Under trial prisoners (UTPs) facing trial/remand prisoners in Theft cases and are in jail for more than 15 days;
- (v) Male Under trial prisoners (above 65 years of age) facing trial in a case except the ones excluded hereunder and are in jail for more than six months with no involvement in any other case;
- (vi) Female Under trial prisoners (above 60 years of age) facing trial in a case except the ones excluded hereunder and are in jail for more than six months with no involvement in any other case;

It has further been resolved that following category of UTPs, even if falling in the above criterion or the criteria adopted in the earlier Meetings, should not be considered :-

- (i) Those inmates who are undergoing trial for intermediary/ large quantity recovery under NDPS Act;
- (ii) Those under trial prisoners who are facing trial under Section 4 & 6 of POCSO Act;

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(iii) Those under trial prisoners who are facing trial for offences under section 376, 376A, 376B, 376C, 376D and 376E and Acid Attack;

(iv) Those UTPs who are foreign nationals;

(v) Those under trial prisoners who are facing trial under Prevention of Corruption Act (PC Act)/ PMLA, MCOCA ;

and

(vi) Cases investigated by CBI/ED/NIA/Special Cell of Delhi Police, Crime Branch, SFIO, Terror related Cases, Riot cases, cases under Anti-National Activities and Unlawful Activities (Prevention) Act etc.

DG (Prisons) has informed that on the basis of this new criterion, approximately 1500 - 1700 UTPs would be benefited and their release would further ease out the Jail Population."

Subsequently, the High Powered Committee of Hon'ble High Court of Delhi has made the following observations recorded in Minutes of Meetings dated 31.07.2020 while rejecting the representation of an inmate seeking his release in terms of Resolution of Committee dated 18.05.2020:-

"Members of the Committee perused the representation and have gone through the Minutes of Meeting dated 18.05.2020 relied upon by the applicant. It is apparent that the applicant Deepak Kherwal is an Under Trial Prisoner, lodged in Jail No.3, Tihar for 8 years being accused in FIR No.8/2012 U/s 302/397 IPC, P.S. Swaroop Nagar.

It is pertinent to mention here that this Committee in its meeting dated 18.05.2020 had recommended release of,

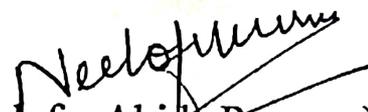
"Under trial prisoners (UTPs) facing trial for a case under Section 302 IPC and are in jail for more than two years with no involvement in any other case", for grant of interim bail for a period of 45 days. It is apparent that the applicant in the present FIR is facing trial for an additional offence U/S 397 IPC besides offence U/s 302 IPC. Members of the Committee while laying down the criteria on 18.05.2020 had

N. K. Jaiswal

intentionally omitted such like offences i.e. dacoity, robbery, kidnapping for ransom etc., The said class/category of cases and sections of IPC, therefore, were not mentioned in the minutes while laying down criteria in meeting dated 18.05.2020.

Thus, the case of present applicant is 'not covered under the criteria laid down by the High Powered Committee in its Meeting dated 18.05.2020. Further, the applicant has made a prayer seeking his release on interim bail before this Committee which apparently is 'not maintainable' as this Committee is not "Court" as prescribed under the Code of Criminal Procedure.

The applicant before this Court is also an accused in a case pertaining to commission of offences under section 397/394/34 alongwith section 302/34 IPC, which category of cases as has come to be clarified by the H'ble Committee in its minutes of meeting dated 31.7.2020 is not covered under the guidelines dated 18.5.2020. No other ground is raised for grant of interim bail except guidelines laid down by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020. **The present application of accused Raja @ Babu in case FIR No. 329/2018 for grant of interim bail is therefore dismissed.**


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
24.09.2020