

**FIR No. 385/2017**  
**PS: Pahar Ganj**  
**State Vs. Akash**  
**U/s 307/34 IPC**

30.06.2020


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

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

Hearing conducted through Video Conferencing.

This is an application for regular bail on behalf of accused Akash in case FIR No. 385/2017.

Ld. Counsel for the accused-applicant submits that he does not want to press upon the application for grant of regular bail and that the same may be dismissed as withdrawn. It is ordered accordingly. **The application for grant of regular bail on behalf of accused Akash in case FIR No. 385/2017 is dismissed.**

  
(Neelofer Abido Perveen)  
ASJ (Central)THC/Delhi  
30.06.2020

**FIR No. 224/2018**

**PS: Crime Branch**

**State Vs. Babloo Kumar Nagar (Rakesh Mishra)**

**U/s 22 & 29 NDPS Act**

30.06.2020

Fresh application received. Be registered.

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

Sh. Anand Verdhan Maitreya, Counsel for accused-applicant  
(through video conferencing)

Hearing conducted through Video Conferencing.

This is an application for modification in bail order dated 25.06.2020 on behalf of accused Rakesh Mishra in case FIR No. 224/18..

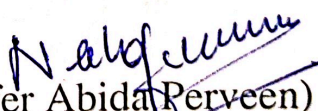
Ld. Counsel for the accused submits that the father of the accused-applicant and other family members are permanent residents of Gonda and belongs to the weaker section of the society. That despite best efforts wife of the accused-applicant who herself suffering from mental ailment is not in a position to arrange for the second suerty to be furnished in terms of order dated 25.06.2020.

Taking into consideration the prevailing situation arising out of outbreak of covid-19 pandemic, particularly the difficulty in travelling within the country from one state to the other and as interim bail has been granted to the accused for the treatment of the wife of the accused-applicant and as there is no other male relative residing in Delhi and the acute hardship in the prevailing circumstances in arranging two sureties,

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order dated 25.06.2020 granting interim bail of 15 days is modified to the extent that alongwith personal bond one surety in the sum of Rs.50,000/- each is directed to be furnished and it is further directed that the accused-applicant under no circumstances shall change the present rental accommodation verified by the IO, once in 24 hours accused-applicant shall telephonically confirmed<sup>na</sup> his location with the IO and shall not leave the territorial limits of NCT Delhi during the 15 days interim bail period. Application is disposed of accordingly.

Office reports that one surety in terms of order dated 25.06.2020 has already been furnished, however in terms of condition imposed today, fresh bonds be furnished with undertaking.

  
(Neelofer Abida Perveen)  
ASJ (Central)THC/Delhi  
30.06.2020

**FIR No. 43/2018**  
**PS: Sadar Bazar**  
**State Vs. Ravi Kohli**  
**U/s 302/34 IPC**

30.06.2020

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

Hearing conducted through Video Conferencing.

This is an application for grant of regular bail under Section  
439 CrPC on behalf of accused Ravi Kohli in case FIR No. 43/2018.

Ld. Counsel for the accused contended that accused-applicant  
is innocent person and has been falsely implicated in the present case and  
is in Judicial custody since 22.02.2018. That nothing incriminating was  
recovered from the possession of the accused or at his instance. That the  
material witnesses have already been examined by the prosecution and not  
supported the prosecution. That accused applicant has clean antecedents  
and deep roots in the society. That the accused-applicant <sup>has</sup> ~~is~~ now suffered  
incarceration of over two years and <sup>he</sup> ~~his~~ three minor children are on the  
verge of starvation as he was the sole bread earner for the family. That all  
the public witnesses now stand examined and only police witnesses remain  
and there is no probability/ likelihood of the accused influencing <sup>the</sup> ~~of~~ the police  
witnesses or tampering with the evidence in any manner.

Ld. Addl. PP, on the other hand submitted that the offence

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committed by the accused persons is of heinous nature. That accused-applicant Ravi Kohli actively participated in the commission of the Crime. As per FSL Report, blood of the deceased is found present on the clothes of the accused-applicant.

Arguments heard. Record perused.

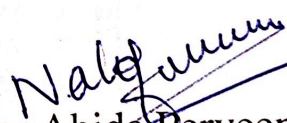
It is case of the prosecution is that on 21.02.2018 an information was received at PS Sadar Bazar vide DD No. 12A that one dead body was lying with throat slit at Shahi Idgah Park, Motia Khan, Sadar Bazar, Delhi. On this information, Inspector Manmohan Kumar reached the spot. Deceased was identified as of Shoaib @ Gandhi. It is further case of the prosecution that accused Rinku & Shakir had previous enmity with the deceased and in pursuance to a pre-hatched conspiracy the deceased was called at the place of occurrence and whereas accused Shahrukh with one CCL had restrained the deceased by holding on his arms, accused-applicant Ravi Kohli and Shakir had stabbed and slit the throat of the deceased.

Prosecution has examined Mohd. Tahid as the witness who has allegedly lastly seen the deceased consuming liquor with Sakir, Sharukh, Ravi and one CCL, however, the said witness has not supported the case of the prosecution. On the disclosure statements of ~~the~~<sup>the</sup> accused, the weapon of offence has been recovered besides blood stained clothes seized and sent to FSL including that of the accused-applicant which supports the case of prosecution. Merely for the reason that one public

*Neelofar*

witness has turned hostile, the case of the prosecution does not stand falsified. The prosecution relies upon discoveries made on the disclosures besides DNA profiling of blood stained clothes of the deceased and the accused including the accused-applicant as also the blood stained weapon of offence recovered in pursuance to the disclosure made by the accused persons.

Taking into consideration the heinous nature of the offence and the gruesome manner in which it is executed, at this stage, no ground is made out to grant bail to the accused-applicant Ravi Kohli. **Application for regular bail of accused-applicant Ravi Kohli in case FIR No. 432/2018 is hereby dismissed.**

  
(Neelofer Abida Perveen)  
ASJ (Central)THC/Delhi  
30.06.2020

**FIR No. 150/2019**

**PS: Crime Branch**

**State Vs. Mousam Khan**

**U/s 20/25/29 NDPS Act**

30.06.2020

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

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

Hearing conducted through Video Conferencing.

This is an application for grant of interim bail under Section 439 CrPC on behalf of accused Mousam Khan in case FIR No. 150/2019.

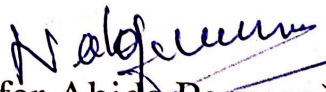
Ld. Counsel for the accused submitted that interim bail is being sought on the ground of illness of the mother of the accused-applicant, there being no one in the family to look after the widowed old aged ailing mother of the accused-applicant and the medical record <sup>AG</sup> ~~is~~ forwarded by some well wisher to him, has been annexed with the application.

Report was called for and it is verified that mother of the accused-applicant was diagnosed with enteric fever alongwith other medical conditions and was given treatment as an OPD patient/ day care basis from 18.06.2020 to 20.06.2020 at Taj Hospital by Dr. Mohd. Wasim and was advised oral medication for five days. She is now better and has shown improvement and is still under treatment on OPD basis further for five days. It has also been verified that Mohd. Hasan and Hanif, the two

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brothers of the accused-applicant are residing in the same village and are looking after the mother of the accused-applicant.

Interim bail can alone be granted in compelling circumstances and in such extraordinary exigencies where personal presence of the accused would be absolutely indispensable. As the mother of the accused-applicant is receiving treatment as an OPD patient and immediate hospitalization has not been advised and <sup>no</sup> surgical procedure <sup>is</sup> prescribed and <sup>two</sup> <sup>no</sup> brothers of the accused-applicant living in the same village are capable <sup>of</sup> looking after the mother of the accused-applicant, <sup>no</sup> No ground is made out to grant interim bail to the accused-applicant Mousam Khan for treatment of his mother. **The present application for grant of interim bail under Section 439 CrPC on behalf of accused Mousam Khan in case FIR No. 150/2019 is dismissed.**

  
(Neelofer Abida Perveen)  
ASJ (Central)THC/Delhi  
30.06.2020



**FIR No. 245/2018**

**PS: Nabi Karim**

**State Vs. Parveen Kumar @ Pummy**

**U/s 302 IPC**

30.06.2020

Fresh application received. Be registered.

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

Sh. Naveen Gaur, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application for extension of interim bail for a period of 8 weeks on behalf of accused Parveen Kumar @ Pummy in case FIR No. 245/18.

It is submitted in the application that son of the accused-applicant is suffering from swelling on the left side of his neck and for the treatment of the same initially from Hindu Rao Hospital he was referred to G. B. Pant Hospital and the accused-applicant earlier had availed of interim bail for treatment of the medical condition of his son from G. B. Pant Hospital and surgery for the medical condition was not advised due to untidiness of veins and he was referred to OPD of LNJP Hospital. That the previous application for interim bail on the ground of treatment of son of the accused-applicant was dismissed on 20.06.2020 with liberty to file fresh application when the date of surgery of son of accused is fixed. That after examination the doctor at N. C. Hospital advised to admit the son of

*Naveen Gaur*

the accused-applicant for surgery in the hospital on 20.06.2020 and surgery was schedule for 21.06.2020 and on the said ground interim bail for 10 days was granted to the accused-applicant. That the accused-applicant was released on 21.06.2020 and on 23.06.2020, 24.06.2020 & 26.06.2020 he took his son to the OPD of the hospital where doctor had given treatment and injection and subsequently given fresh date of surgery and now his son has been advised to be admitted for surgery in the hospital on 12.07.2020 and his surgery is fixed for 13.07.2020.

Reply is filed. It is reported that earlier the accused-applicant had filed interim bail application on the ground of treatment of his son Rohit from AIIMS hospital and upon verification it was reported by the doctor from the AIIMS hospital that Rohit, son of the accused, is taking treatment from plastic surgery OPD of AIIMS Hospital. That patient may require surgery, however, the PAC to be done before giving provisional date of surgery is not yet completed. That surgery advised for the patient is not total cure of the disease but will help in relieving few symptoms associated with the disease. That this is not life saving surgery and have not been associated with breathing component. That due to covid, patient is not advisable to get operated. That Dr. G. K. Nayyar of N. C. Hospital had earlier given two contradictory reports whereas in the first report he mentioned that surgery is necessary and scheduled for 21.06.2020 in the second report he mentioned that surgery is not necessary and it is a cosmetic surgery and for plastic surgery they refer the patient to plastic

*N. K. Nayyar*

surgeon and now the same doctor has scheduled the surgery of the Rohit in the same hospital on 13.07.2020 which is contradictory to the report furnished by AIIMS, Hospital. That upon physical verification of the N. C. Hospital it was found that it is neither equipped with operation theater nor any Lab, ECG, CCI, ICU facility and there were three beds in total used as general ward and it is not possible for surgery to be performed in such a hospital. It is also reported that the son of the accused-applicant is living with his grandmother and elder brother of the accused-applicant alongwith his family in the same house and in fact it is the grandmother who is meeting the expenses on Rohit's treatment.

In B. A. No. 865/2020 titled as Abdul Rehman v. State, <sup>under a</sup> ~~the~~ order passed yesterday i.e. 29.06.2020 <sup>no</sup> ~~by~~ the Hon'ble the High Court of Delhi, wherein Dr. Gajender Kumar Nayyar himself was heard in person to show cause as to why matter be not referred for further investigation into the allegations that Dr. Gajender Kumar Nayyar had issued several certificates in various criminal cases to enable accused persons to take pleas for grant of bail, has noticed that Delhi Medical Council had revoked the name of Dr. Gajender Kumar Nayyar under registration no. 36089 from the State Medical Register for a period of 180 days and vide another dated 30.10.2019 Delhi Medical Council suspended the registration of Dr. Gajender Kumar Nayyar for one year to remain in force till 29.11.2020. The Hon'ble the High Court of Delhi has ordered as follows:-

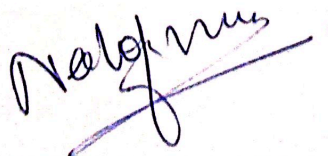
"19. Certain cases have also been

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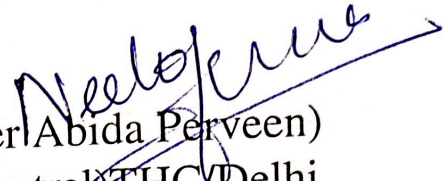
mentioned in the status report wherein it is alleged that based on medical certificates issued by Dr. Gajinder Kumar Nayyar, applications for bail, interim bail or suspension of sentence have been filed. Allegations of the prosecution is that some of the certificates are fake and were issued for purpose of facilitating the accused or convicts in getting favourable orders and being released from custody.

20. Keeping in view of the facts and circumstances, the allegations raised by the prosecution and the orders passed by Delhi Medical Council, in my view, it would be appropriate if an inquiry is conducted by the Crime Branch of the Delhi Police by an officer of the rank of Deputy Commissioner of Police into the allegations raised by the prosecution that Dr. Gajender Kumar Nayyar is issuing fake medical certificates to accused/ convicts and / or family members of the accused/convicts for extraneous consideration and not for medical consideration to facilitate them in obtaining favourable orders of bail, interim bail and suspension of sentence.”

The applicant-accused before this Court also relies upon certificate issued by Dr. Gajender Nayyar of N. C. Hospital whose registration as a medical practitioner stands suspended till 29.11.2020. In such facts and circumstance, no reliance can be placed on the certificate issued by Dr. Gajender Kumar Nayyar and hence no ground is made out to extend the interim bail granted to accused Parveen Kumar @ Pummy.



The application for extension of interim bail for a period of 8 weeks on behalf of accused Parveen Kumar @ Pummy in case FIR No. 245/18 is dismissed. Accused to surrender today itself.

  
(Neelofer Abida Perveen)  
ASJ (Central) THC Delhi  
30.06.2020

**FIR No. 605/2017**

**PS: NDRS**

**State Vs. Sunil Bihari**

**U/s 302/34 IPC**

30.06.2020

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

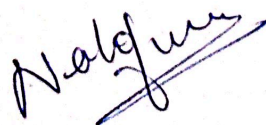
Sh. Sunil Tiwari, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is second application for grant of interim bail under Section 439 CrPC on behalf of accused Sunil Bihari in case FIR No. 605/2017.

It is contended in the application that accused applicant has no concern with the incident and is falsely implicated and that due to covid-19 family members of the accused consisting of wife, three minor sons and daughters are facing acute hardship and there is no body in his family to arrange food and medicine for their proper care. That accused-applicant is suffering from fever and symptoms of covid -19 in custody. Ld. Counsel for the accused-applicant submitted that health condition of the accused-applicant is not good at all and if he is released on bail he would get himself treated from some private hospital.

Ld. Addl. PP submits that accused-applicant is a previous convict and is involved in 10 other criminal cases beside the present case FIR including another FIR registered for commission of offence under



Section 302 IPC and that the mother of deceased is still under examination and that the accused-applicant lives in the same vicinity as the family of the deceased.

Report was called for from the Jail Superintendent concerned in respect of the medical health condition of the accused-applicant. It is reported that accused-applicant is known case of Depression, hypertension, Hyperthyroidism, Hyperlipidaemia, bilateral knee pain and is under treatment by Jail Duty doctor and Jail visiting Psychiatrist and medicine specialist. That accused-applicant was reviewed on 21.01.2020, 10.02.2020 for his complaints of decreased sleep, headache, epigastric pain and advised medications and for psychiatry review as patient was having history of treatment for psychiatric illness (depression) and treatment of hypothyroidism for last 6-7 years from outside. That on 09.03.2020 accused-applicant was reviewed by jail visiting psychiatrist for his complaints of decreased sleep and increased thoughts and advised appropriate medications and for further review and suggested to provide his previous medical records. That on 16.03.2020, accused-applicant was reviewed by Psychiatrist for his complaints of Ghabrahat and decreased sleep and advised appropriate medications and for further review. On 15.04.2020 he was reviewed in view of hypertension and hyperthyroidism and advised medications, investigations and for medicine review. That on 16.04.2020, he was reviewed by jail visiting S.R. and advised medications, blood pressure charting, investigations and for further review. That on

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25.04.2020, accused-applicant was reviewed by Jail visiting Psychiatrist, in view of the persistency of decrease sleep and not improving on running medications and he is advised medications and for further review. That accused-applicant is reviewed on 05.05.2020, 23.05.2020 for his complaints of low backache by Jail visiting Orthopaedic S. R. That on 11.05.2020 for his complaints of pain in bilateral knee and Elbow has advised medications, quadriceps exercises, hot fomentation and for further review. That on 01.06.2020 accused was reviewed with reports by Jail visiting Medicine S. R. and advised medications in view of Hyperthyroidism and advised for further review. That on 29.06.2020 accused-applicant was reviewed by Jail visiting Medicine S.R. and advised to continue treatment for hypertension and hyperthyroidism and suspected pre-diabetic and advised appropriate medications, investigations and for further jail visiting psychiatrist on routine OPD days. That at present the general medical condition of the accused-applicant is stable on medications and all prescribed medicines are provided to him and investigations are being done from Jail Dispensary.

Adequate treatment therefore is being provided to the accused-applicant who is a chronic patient of hypertension, hyperthyroidism. There is no such acute medical health condition for which the accused-applicant would be required to be accorded opportunity to avail of adequate medical facilities in the private sector. The chronic medical conditions are being maintained on the basis of regular and

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appropriate medication. Taking into consideration the nature of the offence and also the adverse previous involvement report and as the chronic health conditions are being maintained adequately with appropriate medications, treatments and follow ups, no ground is made out to grant bail to the accused-applicant Sunil Bihari on the basis as set up in the application. **The application for grant of interim bail under Section 439 CrPC on behalf of accused Sunil Bihari in case FIR No. 605/2017 is therefore dismissed.**

*Neelofer*

(Neelofer Abida Rerveen)  
ASJ (Central)THC/Delhi  
30.06.2020

**FIR No. 491/2017**

**PS: Timarpur**

**State Vs. Gaurav Sharma**

**U/s 302/323/341/304/34 IPC**

30.06.2020

Fresh application received. Be registered.

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

Sh. Ajay M. Lal, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

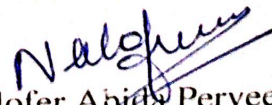
This is an application for grant of interim bail on behalf of accused Gaurav Sharma in case FIR No. 491/17 invoking guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020.

Ld. Counsel submits that the accused-applicant fulfills all the criteria under the guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020 as accused-applicant is in custody since 13.12.2017.

Reply of the IO is filed. It is stated that there is no previous involvement and conviction found against accused Gaurav Sharma other than the present case.

Let custody certificate alongwith conduct report be called from the Jail Superintendent.

For report and consideration, put up on **01.07.2020**.

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