

State Vs. Tarsem Singh, S/o Sh. Anchal Singh, R/o House No. K-663, Jhangir Puri, Delhi.

FIR No. 145/2019

PS: Crime Branch

30.07.2020

File taken up today on an application received through E-mail for early hearing on fourth application under Section 437 Cr.P.C already pending as moved on behalf of **applicant/accused Tarsem Singh** for bail. The said application is assigned to this Court by Ld. CMM (Central).

Present: Sh. Rajeev Kamboj, Ld. APP for the State has been joined via Video Conferencing through Cisco Webex.
Sh. Yashaswi S.K. Chocksey, Ld. Counsel for the applicant/accused Tarsem Singh has been joined via Video Conferencing through Cisco Webex.

Submissions heard. Record perused.

The application for early hearing is already allowed.

Reply of the IO to the said bail application is already on record. Copy supplied.

Submissions heard on bail application.

A perusal of record shows that a detailed order dated 09.01.2020 on the point of charge has already been passed by the Ld. CMM (Central) and it has been observed prima faice the accused along with other co-accused is liable to be charged with offences under Section 419/420/438/471/474/170/120B IPC.

Ld. Counsel for the accused has submitted that he is squarely covered under the criteria laid down by the Hon'ble High Powered Committee since all the offences are punishable upto 07 years and as such entitled to bail since the accused is languishing in jail for past more than one year.

The application has been strongly opposed by the Ld. APP for the State stating that this is the fourth bail application of the accused and there is no ground or there is no change in circumstances since dismissal of previous bail applications and hence, the bail application of the accused is liable to be dismissed.

1. Before adjudicating upon the bail application, it would be pertinent to make a reference to *Suo Motu* Petition (Civil) No. 1/2020 dated 23.03.2020 titled *In*

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Re: *Contagion of COVID-19*, wherein, in order to decongest prisons, the Hon'ble Supreme Court ordained the constitution of High Powered Committees in each State.

2. It is further apposite to mention that on 23.03.2020 itself, in case titled *Shobha Gupta & Ors. Vs. Union of India & Ors. W.P.(C) No. 2945 of 2020* decided on 23.03.2020 by the Hon'ble High Court of Delhi, it was decided that Prisoners can be released on "interim bail", the criteria adopted were:-

Under trial prisoner is the first time offender;

Under trial prisoner has been arrested or is facing trial for offence punishable upto 7 years;

Case is triable by Magistrate and

Under trial prisoner is in custody for last 3 months or more;

Under Trial Prisoner undergoing Civil Imprisonment

3. The High Powered Committee (HPC), in terms of the mandate of the Hon'ble Supreme Court, issued a slew of directions, contained in Minutes of Meetings held on various dates.

4. Vide Minutes of Meeting dated 07.04.2020, the HPC resolved that interim bail ought to be granted for 45 days, preferably on Personal Bond, to inmates fulfilling the following criteria:

a. Under trial prisoners (UTPs), who are senior citizens **more than 60 years** of age and are in custody for **six months or more**, facing trial in a case which prescribes a maximum sentence of **10 years or less**;

b. Under trial prisoners (UTPs), who are **less than 60 years** of age and are in custody for **one year or more**, facing trial in a case which prescribes a maximum sentence of **10 years or less**;

c. Under trial prisoners (UTPs)/Remand Prisoners (with respect to whom, Charge sheets are yet to be filed), who are in custody for **15 days or more**, facing trial in a case which prescribes a maximum sentence of 7 years or less;

5. Vide the above minutes, it was also decided that the following categories of inmates, even if falling in the above criteria, should not be considered:

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- a. All inmates who are undergoing trial for intermediary/large quantity recovery under NDPS Act;
 - b. Those under trial prisoners who are facing trial under Section 4 & 6 of POCSO Act;
 - c. Those under trial prisoners who are facing trial for offences under Section 376, 376A, 376B, 376D and 376E and Acid Attack;
 - d. Those UTPs who are foreign national ; and
 - e. Those under trial prisoners who are facing trial under Prevention of Corruption Act (PC Act)/ PMLA ; and
 - f. Cases investigated by CBI/ED/NIA/Special Cell Police and Terror related Cases, cases under Anti-National Activities and unlawful Activities (Prevention) Act etc.
6. Vide Minutes of Meeting dated 18.05.2020, the HPC resolved that interim bail ought to be granted for 45 days, preferably on Personal Bond, to inmates fulfilling the following criteria
- a. 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;**
 - b. 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;**
 - c. 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;**
 - d. Under trial prisoners (UTPs) facing trial/remand prisoners in **Theft cases** and are in jail for **more than 15 days;**
 - e. **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;**

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- f. **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;**
7. It has been submitted by Ld. Counsel for the accused that the accused was arrested on **17.05.2020**, and has spent more than **one year** in custody, and is squarely covered by the criteria laid down by the High Powered Committee vide its minutes of meeting mentioned above as all offences are punishable upto 07 years of imprisonment.
8. Since the accused fulfills the criteria laid down above, he is hereby released on interim bail of 45 days on personal bond for the sum of Rs. 20,000/- to be satisfaction of the Jail Superintendent. Accused is directed to join further investigation as and when informed by the IO.
9. This order shall be treated as a Release Warrant, Ahlmad is directed to make requisite entry in the Bail Register maintained by him in compliance of directions issued by the **Hon'ble High Court of Delhi in Ajay Verma Vs. Govt. of NCT of Delhi W.P. 10689/17 dated 08.02.2018.**

Copy of this order be sent to concerned Jail Superintendent for necessary action via official email ID. The order be also uploaded on the District Courts website forthwith.

(Shefali Sharma)

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State Vs. Mohd. Sharif
FIR No. 27/2015
PS: Karol Bagh

30.07.2020

File taken up today on an application received through E-mail as moved on behalf of **applicant/accused Mohd. Sharif** seeking NOC for renewal of Passport. The application is assigned to this Court by Ld. CMM (Central).

Present: Sh. Rajeev Kamboj, Ld. APP for the State has been joined via Video Conferencing through Cisco Webex.
Ld. Counsel for the applicant/accused has been joined via Video Conferencing through Cisco Webex.

Submissions heard. Application as well as case file perused.

Perusal of record shows that vide order dated 14.01.2020, Ld. CMM (Central) had already allowed a similar application moved earlier date.

Considering the facts and circumstances of the case, the application is allowed and this Court has no objection in renewal of passport of applicant/accused Mohd. Sharif, as per the Rules and Regulations of the Passport Authorities.

However, it is made clear that this order shall not be construed as any direction to the Passport Authorities to renew the passport if the accused is not otherwise entitled to the same. The Passport Authority shall be governed by its own Rules and Regulations in that regard.

The application stands disposed of.

File be put up on date fixed.

The order be uploaded on Delhi District Court Website forthwith.

(Shefali Sharma)

ACMM/CENTRAL/THC/30.07.2020



State Vs. Dinesh Kumar
FIR No. 17/2018
PS: Economic Offence Wing (EOW)

30.07.2020

Ld. CMM (Central) is busy in Administrative Work.

File taken up today on an application received through E-mail as moved on behalf of complainant for cancellation of bail of accused Jitender Singh Karki.

Present: Sh. Rajeev Kamboj, Ld. APP for the State has been joined via Video Conferencing through Cisco Webex.
Sh. Gaurav Goel, Ld. Counsel for the complainant has been joined via Video Conferencing through Cisco Webex.

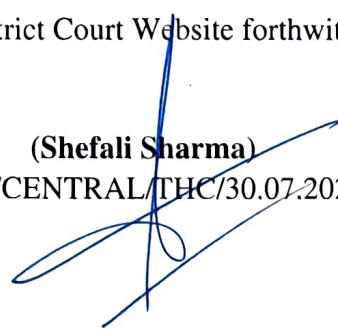
Reply of IO has been received through E-mail.

In terms of the directions of the Hon'ble High Court of Delhi vide circular no. 20817/R & D/PSA/DHC dt. 25.06.2020, let notice of the said application be served by way of electronic mode. Ld. Counsel for the complainant is directed to provide with E-mails/fax/whatsapp details of the accused/Ld. Counsel for the accused for ensuring service of notice of the application for cancellation of bail for the next date.

At request, the application be put up for consideration before the concerned Court on **04.08.2020**.

The order be uploaded on Delhi District Court Website forthwith.

(Shefali Sharma)
ACMM/CENTRAL/THC/30.07.2020



State Vs. Dinesh Kumar

FIR No. 17/2018

PS: Economic Offence Wing (EOW)

30.07.2020

Ld. CMM (Central) is busy in Administrative Work.

File taken up today on an application under Section 437 Cr.P.C received through E-mail as moved on behalf of applicant/accused **Dinesh Kumar** for bail.

Present: Sh. Rajeev Kamboj, Ld. APP for the State has been joined via Video Conferencing through Cisco Webex.
Sh. Harsh Sethi, Ld. Counsel for the accused has been joined via Video Conferencing through Cisco Webex.
Sh. Gaurav Goel, Ld. Counsel for the complainant has also been joined via Video Conferencing through Cisco Webex.

Reply to the application has been received from the IO through E-mail.

It is submitted by the Ld. Counsel for the applicant/accused that as per instructions received, the bail application be adjourned for 04.08.2020. At request of Ld. Counsel for the applicant/accused, the bail application be put up before concerned Court for **04.08.2020**.

The order be uploaded on Delhi District Court Website forthwith.

(Shefali Sharma)

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