

IN THE COURT OF SH. ARUL VARMA, LD. CHIEF METROPOLITAN
MAGISTRATE, CENTRAL DISTRICT, TIS HAZARI COURTS, DELHI.

FIR No. 455/2019

PS DBG Road

State vs. Bharat Nathmal Soni

CIS no. 14369/2019

CNR no. DL-CT02-028872-2019

17.08.2020

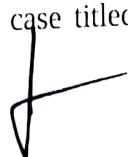
Proceedings of this matter has been conducted via Video Conferencing
through Cisco Webex.

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

Present: Sh. Rajeev Kamboj, Ld. APP for the State via Video Conferencing
through Cisco Webex.
Sh. Gurpratap Singh, Ld. Counsel for applicant/accused via Video
Conferencing through Cisco Webex.
IO/SI Pradeep Kumar via Video Conferencing through Cisco
Webex.

Reply of IO has been received through E-mail.

1. Ld Counsel for the accused has contended that accused was arrested on
25.07.2020 and has already spent more than 15 days in judicial custody. It
is further contended that accused is a young lady of 29 years of age and
co-accused Sarvan has already been released on regular bail and another
co-accused Bharat Nathmal Soni has already been released on interim bail
on account of COVID-19 Pandemic. It is contented that applicant/accused
Pooja Soni may be released on interim bail for a period of 45 days.
2. *Per Contra*, Ld APP for the State has opposed the bail application as per
law.
3. 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 Re: Contagion of COVID -19***, wherein, in order to
decongest prisons, the Hon'ble SC ordained the constitution of High
Powered Committees in each State.
4. 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:-

- a Under trial prisoner is the first time offender;
 - b Under trial prisoner has been arrested or is facing trial for offence punishable upto 7 years;
 - c Case is triable by Magistrate and
 - d Under trial prisoner is in custody for last 3 months or more;
 - e Under Trial Prisoner undergoing Civil imprisonment
5. The High Powered Committee (HPC), in terms of the mandate of the Hon'ble SC, issued a slew of directions, contained in Minutes Of Meetings held on various dates.
6. 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 ;
7. 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:
- 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, 376C, 376D and 376E and Acid Attack;
 - d Those UTPs who are foreign nationals ; and
 - e Those under trial prisoners who are facing trial under Prevention of Corruption Act (PCAct) / 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.
8. 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**;
 - 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**;



9. It has been submitted by Ld Counsel for the accused that the accused was arrested on 25.07.2020, and has spent more than 15 days in custody, and is squarely covered by the criteria laid down by the High Powered Committee vide its minutes of meeting mentioned above.
10. Since the applicant/accused Pooja Soni fulfils the criteria laid down above, she is hereby released on interim bail for a period of 45 days on furnishing personal bond for the sum of Rs. 20,000/- to the satisfaction of the Jail Superintendent.
11. 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.

File be put up on date fixed.

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.


(Arul Varma)
CMM (Central), Delhi
17.08.2020

**IN THE COURT OF SH. ARUL VARMA, LD. CHIEF
METROPOLITAN MAGISTRATE, CENTRAL DISTRICT, TIS
HAZARI COURTS, DELHI.**

CC No.
Sh. Kulbhushan Manocha & Ors.
Vs.
Sh. Bhajan Lal & Others
PS EOW

17.08.2020

Proceedings of this matter has been conducted via Video Conferencing through Cisco Webex.

This is an application under Section 156(3) Cr.P.C received through E-mail as moved on behalf of complainants for monitoring of the investigation and also for passing necessary order and directions to the investigating officer for expeditious and proper investigation in FIR no. 36/2020, PS EOW, under Section 406/420/120B IPC.

Present: Sh. Sachin Aggarwal, Ld. Counsel for the complainants
via Video Conferencing through Cisco Webex.

Status report has been received from IO/SI Harpal Madan. Copy supplied to Ld. Counsel through E-mail.

Renotify for further proceedings on **23.09.2020**.

The order be uploaded on the District Courts Website forthwith.

(Arul Varma)
CMM (Central), Delhi
17.08.2020