

Bail Application No.933/2020
FIR No.0027/2020
PS:Timar Pur
U/s:186/307/353 IPC & 25/27 Arms Act
State Vs. Waseem

15.09.2020

This is an application u/s 439 Cr.PC for grant of interim bail moved on behalf of applicant /accused.

Ld. Presiding Officer is on leave today.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
IO / SI Hansa Ram of Operation Cell North.
Sh. Shahid Ali, Advocate for applicant/ accused.

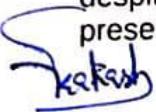
Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application already filed. Copy thereof already supplied to Id. Counsel of applicant electronically.

TCR has been received.

Arguments on bail application heard. Record perused.

After referring to the allegations appearing in the FIR, it is argued by Id. Counsel of applicant/ accused that he is totally innocent and has been falsely implicated in this case; he is in custody since 01.02.2020 and nothing has been recovered either from his possession or at his instance and the alleged recovery is falsely planted upon him in order to create false evidence against him. It is further argued that FIR in question is an abuse of process of law by the police officials who falsely got the applicant implicated in this case. It is further argued that although the bail application of applicant was withdrawn from Hon'ble Delhi High Court on 01.07.2020 with liberty to approach Trial Court for grant of bail at the stage of arguments on charge but since the case has not yet been committed to the Court of Sessions Court despite expiry of two months thereafter, he has been compelled to move the present bail application.



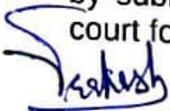
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It is further argued that there are several material contradictions appearing in the prosecution story as mentioned in the charge-sheet and the documents filed therewith. For the said purpose, Id. Counsel referred to the disclosure statements of the present applicant and co-accused Sharique which are claimed to be contradictory with each other, as also to the seizure memo dated 01.02.2020 of alleged recovery of mobile phone containing Sim No. 8859930587 and CDRs of said Sim number, as filed with the charge-sheet, in order to bring home the point that location of said Sim number as per location chart, is completely at variance with his location allegedly shown at the place of alleged incident. It is further argued that the applicant has nothing to do with co-accused and he is no more required for the purpose of investigation as charge-sheet has already been filed in this case. It is further argued that there is no likelihood of commencement of trial in near future on account of pandemic situation due to COVID-19 and no useful purpose shall be served by keeping the applicant behind the jail. Therefore, he may be released on bail on such terms and conditions as may be deemed fit by the Court.

Per contra, the bail application is opposed by Id. APP on behalf of State on the ground that the allegations against the applicant are grave and serious. It is argued that the present applicant was found traveling in stolen Brezza Car while he was intercepted by the team of Special Staff North and he fired upon them and tried to flee away from there. It is further argued that there is recovery of 09 pistols, one gun and live number of cartridges from inside the said car. It is further argued that similar bail applications of present applicant have already been dismissed by Sessions Court and the applicant withdrew his bail application from Hon'ble Delhi High Court on 01.07.2020 while realizing that his bail application would be dismissed. It is further argued that the case is at initial stage and even charge has not yet been framed in this case. It is therefore, urged that the bail application may be dismissed.

Before dealing with the submissions made on behalf of both the sides in the light of facts and circumstances of the case as available in trial court record, it may be noted that three successive bail applications of present applicant were previously dismissed by Sessions Court in the month of May and June 2020, after which applicant approached Hon'ble Delhi High Court for grant of bail but said bail application was withdrawn by him on 01.07.2020 by submitting that since he has a good on merits, he would approach trial court for grant of bail at the stage of arguments on framing of charge.



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Bail Application No.933/2020
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PS:Timar Pur
State Vs. Waseem

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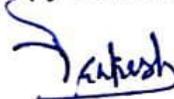
However, instead of waiting till the stage of charge, he has again moved the present bail application before Sessions Court with grievance that since the case has not been committed, he has a right to seek regular bail on account of prolonged custody.

Be that as it may, it is alleged against him that on 01.02.2020, raiding team of Special Staff of North District was constituted on the basis of secret information that one Waseem i.e. present applicant, who is an associate of criminal Sharique, would come to Delhi from Meerut to supply illegal arms and ammunitions. When his car was intercepted at the instance of secret informer, he allegedly fired towards the police officials and one bullet hit on the bullet proof jacket of Inspector Sunil Kumar. After his apprehension, his car was searched and 08 sophisticated pistols, one country made gun, 09 extra magazines, 115 cartridges of 7.65 mm and 10 cartridges of .315 bore were recovered from inside the said car, which car is stated to be found stolen one. The applicant / accused is also stated to be found previously involved in murder case arising out of FIR No.703/18, u/s 302/120B IPC of PS Brahm Puri, Meerut, UP.

After considering the overall facts and circumstances of this case including the nature of allegations, gravity of offences and the manner in which offences are alleged to have been committed and in the light of discussion made herein above, Court is of the view that no ground is made out at this stage for grant of bail to the present applicant/ accused. Accordingly, the present bail application is hereby dismissed.

Copy of this order be given dasti to both the sides electronically, as per rules.

TCR be sent back along with copy of this order.



(Vidya Prakash)
1st Link Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
15.09.2020

Bail Application No.1018/2020
FIR No.21/2020
PS:Sarai Rohilla
U/s:186/353/307/147/148/149/379/34 IPC &
Sec. 27/54 Arms Act.
State Vs. Mohd. Fardeen

15.09.2020

This is an application u/s 438 Cr.PC seeking anticipatory bail moved on behalf of applicant /accused.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
IO/ SI Pushpender
Sh. Suraj Prakash Sharma, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application already filed. Copy thereof already supplied to Id. Counsel of applicant electronically.

As per report of IO, the birth certificate of applicant could not be got verified from concerned Authority and one weeks time is sought for the said purpose.

In view of above, IO is directed to verify the relevant document and to conduct age inquiry with regard to age of applicant and to submit his report in terms of last order, on next date.

Put up on 22.09.2020 for arguments on bail application.



(Vidya Prakash)

Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi

15.09.2020

Bail Application No.1051/2020

FIR No.154/2020

PS: Burari

State Vs. Birender @ Virender Kumar Yadav

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On 24.03.2020, the Government of India has issued order No. 40-3/2020-DM1(A) whereunder strong measures have been enforced to prevent the spread of COVID - 19 and a nationwide lockdown has been declared for a period of 21 days w.e.f. 25.03.2020.

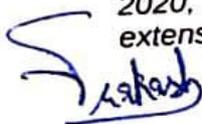
In view of the lockdown in the State of Delhi and the extremely limited functioning of courts, routine matters have been adjourned en bloc to particular dates in the month of April. Thus advocates and litigants have not been in a position to appear in the said matters, including those where stay/ bails/paroles have been granted by this Court or the courts subordinate to this Court, on or before 16.03.2020. As a result, interim orders operating in favour parties have expired or will expire on or after 16.03.2020.

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, wherein 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.

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

2. Taking note of the extraordinary circumstances prevailing at that point of time and taking note of the direction of Hon'ble Administrative and General Supervision Committee of this Court issued from time to time regarding functioning of Delhi High Court and Courts subordinate to Delhi High Court, the direction contained in our order dt. 25 March, 2020 were further extended vide our orders dt. 15th May 2020, 15th June 2020, and 13th July 2020 and the latest extension is effective till 31st August 2020.

Contd.....3



Bail Application No.1051/2020

FIR No.154/2020

PS: Burari

State Vs. Birender @ Virender Kumar Yadav

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3. Now taking note of the prevalent Covid 19 pandemic situation in Delhi, Hon'ble Administrative and General Supervision Committee of this Court has been pleased to order that the regular functioning of this Court as well Courts subordinate to this Court shall continue to remain suspended till 31st August 2020.

4. In view of the above, we hereby further extend the implementation of the direction contained in our orders dated 25th March 2020, 15th May 2020, 15th June and 13th July 2020 till 31st October 2020 with the same terms and conditions.

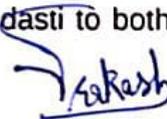
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On query, IO has submitted that the present applicant was previously granted interim bail of 30 days vide order dated 20.06.2020 on the ground of illness of his wife and to make necessary arrangement of funds, as also the factum of extension of his interim bail upto 31.08.2020 by Sessions Court vide order dated 16.07.2020.

After hearing the submissions made on behalf of both the sides and in view of the directions of Hon'ble Delhi High Court as reproduced herein above, the interim bail granted to applicant/ accused namely Birender @ Virender Kumar Yadav is extended till 31.10.2020 on same terms and conditions and on previous surety. With these directions, the present bail application stands disposed of.

Copy of this order be sent to Jail Superintendent on official mail for information.

Copy of this order be given ~~casti~~ to both the sides electronically, as per rules.



(Vidya Prakash)

Ist Link Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
15.09.2020

Bail Application Nos.1117/2020 & 847/2020

FIR No.316/2020

PS:Burari

U/s:420/468/471/120B IPC

State Vs. (1) Brijesh Kumar Sharma

(2) Ram Kumar Sharma

15.09.2020

These are two separate applications u/s 438 Cr.PC seeking anticipatory bail moved on behalf of applicants /accused persons.

Ld. Presiding Officer is on leave today.

Present Sh. Balbir Singh, Id. Addl. PP for the State.
IO/ SI Yogender.
Sh. Rohit Kishore, Advocate for complainant.
Sh. Manmohan Sharma, Advocate for both the applicants/
accused persons.

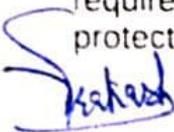
Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Replies of bail applications already filed. Copies thereof already supplied to Id. Counsel of applicants electronically.

Arguments on both the bail applications heard. Replies perused.

Vide this common order, both these applications are being disposed of together as they arise out of same FIR.

After referring to the allegations appearing in the FIR, it is argued by Id. Counsel of applicants/ accused persons that they are totally innocent and have been falsely implicated in this case and they have nothing to do with the alleged offences. It is further argued that even as per case of complainant the part sale consideration amount was received by co-accused Raghubans Tyagi and the applicant Brijesh Kumar Sharma had signed the property documents as an attested witness. It is further argued that the applicants have already joined the investigation and their custodial interrogation is not required in this case and they are willing to join further investigation, if so required but since they apprehend their arrest in this case, they may be protected.



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Bail Application Nos.1117/2020 & 847/2020

FIR No.316/2020

PS:Burari

State Vs. (1) Brijesh Kumar Sharma

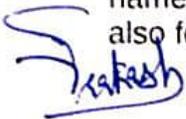
(2) Ram Kumar ~~Sharma~~ Mishra

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Per contra, both the bail applications are opposed by Id. Addl. PP assisted by Counsel of complainant on the ground that both these applicants are part of criminal conspiracy in pursuance of which they along with co-accused Raghu Nandan Tyagi @ Shastri cheated the complainant of his hard money by misrepresenting him that aforesaid co-accused was owner in possession of piece of land ad-measuring 1800 sq. yards out of Khasra No.30/18 of Village Salempur Mazra, Burari, which actually belonged to one Raghubans Tyagi who has already expired and his sons denied to have sold the said land to any of these two applicants or aforesaid co-accused. It is further argued that custodial interrogation of both these applicants is required and therefore, the bail applications may be dismissed.

On query, IO has informed that applicant Brijesh Kumar Sharma had joined investigation only once but did not cooperate even on that occasion and thereafter, he has failed to join the investigation despite being called upon to do so. He further informed that applicant Ram Kumar Mishra has not joined the investigation at all despite being called upon to do so. For the said purpose, he also produced relevant case diaries dated 29.08.2020, 04.09.2020 and 09.09.2020.

It is alleged that both these applicants along with co-accused Raghu Nandan Tyagi @ Shastri misrepresented the complainant that Raghu Nandan Tyagi was owner in possession of above-mentioned disputed land which is free from all defects and induced him his reative / friends to purchase 1600 sq. yards out of 1800 sq. yards and received Rs. One lac from complainant and executed general set of documents like GPA, Agreement to Sale, Possession letter, Will etc. for portion of 500 sq. yards land, on which both these applicants signed as attesting witnesses. Investigation revealed that said land belonged to Late Raghubans Tyagi and during investigation, his both the sons were examined and they stated that they had not executed any title deed or any other document in favour of complainant. In this backdrop, the custodial interrogation of both these applicants is considered to be necessary in order to unearth the entire conspiracy and to ascertain the names of persons actually involved in the commission of alleged offences and also for recovery of incriminating evidence, if any.



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Bail Application Nos.1117/2020 & 847/2020
FIR No.316/2020
PS:Burari
State Vs. (1) Brijesh Kumar Sharma
(2) Ram Kumar ~~Sharma~~ Mishra.

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Moreover, both these applicants are not joining the investigation as per submission of IO. Hence, Court is of the view that it is not a fit case for grant of pre-arrest bail to both these applicants. Consequently, both the applications are hereby dismissed.

Copy of this order be given dasti to both the sides electronically, as per rules.



(Vidya Prakash)
Ist Link Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
15.09.2020

Bail Application No.1063/2020
FIR No.240/2020
PS:Wazirabad
U/s:342/325/308/332/34 IPC
State Vs. Ravi Dedha

15.09.2020

This is an application u/s 439 Cr.PC for grant of interim bail moved on behalf of applicant /accused.

Ld. Presiding Officer is on leave today.

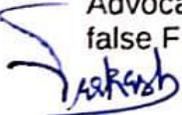
Present: Sh. Balbir Singh, Id. Addl. PP for the State.
IO/ ASI Arun Singh.
Complainant with Sh. Deepak Sharma, Advocate.
Sh. M.P. S. Kasana, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application already filed. Copy thereof already supplied to Id. Counsel of applicant electronically.

Arguments on bail application heard. Reply perused.

After referring to the allegations appearing in the FIR, it is argued by Id. Counsel of applicant/ accused that he is totally innocent and has been falsely implicated in this case; he is in custody since 01.07.2020 and nothing has been recovered either from his possession or at his instance. It is further argued that the applicant is having clean antecedents; FIR in question is counter blast of the sexual offences committed by complainant against wife of present applicant, for which FIR No.284/2020, u/s 354A/354B/509 IPC was registered by police at belated stage and the complainant himself is well known drinker and liquor addict and he may also be previously involved in some criminal cases. It is further argued that the complainant has not suffered any serious injury as is being projected by him and instead of going to nearest hospital, he preferred to go to Aruna Asif Ali Hospital situated at Rajpur Road, where he managed to manipulate the medical record concerning his treatment in order to create false evidence in this case. It is further argued that the complainant has already been discharged from the hospital and he is unnecessarily taking advantage of his position, he being an Advocate and he along with his fellow colleagues forced the police to register false FIR against present applicant.


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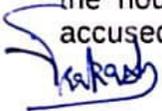
Bail Application No.1063/2020
FIR No.240/2020
PS:Wazirabad
State Vs. Ravi Dedha

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It is further argued that offence u/s 308 IPC is not made out even on the basis of allegations levelled in the FIR and the complainant did not sustain any injury on any of vital parts of his body. It is further argued that the investigation is completed and trial is not likely to be completed in near future due to pandemic situation and no useful purpose would be served by keeping him behind the jail. Therefore, he may be released on bail. In support of these submissions, reliance is placed on judgements reported at 2010 (1) JCC 48, 2008 (2) JCC 834 & 2010 (1) JCC 796.

Per contra, Id. Addl. PP assisted by counsel of complainant, opposed the bail application on the ground that the allegations against applicant are grave and serious and he caused severe beatings to the complainant along with his other associates including co-accused Parveen Kumar @ Lallu, Loki Gurjar and Anurag who are at large and investigation is still going on in this case. It is further argued that the complainant remained admitted in the hospital for about 15 days and he had sustained multiple fractures and multiple injuries all over his body and he is still under medical treatment despite the fact that incident occurred on 22.06.2020. It is further argued that CCTV footage was also checked and revealed that co-accused Parveen and Loki Gurjar had forcibly entered into the house of complainant at 07.30 am on 22.06.2020 and again they stopped the complainant on his way at about 08.30 am and manhandled him. It is therefore, urged that the bail application may be dismissed.

It may be noted that similar regular bail application of present applicant was dismissed by Sessions Court on 05.08.2020, after considering all the aforesaid submissions made on behalf of applicant/ accused. It is observed in the order dated 05.08.2020 (supra), copy of which is annexed with the bail application that CCTV footage placed on record, confirmed the version of IO that aforesaid co-accused Parveen was seen entering forcibly in the house of complainant and on the second instance, both the said co-accused were seen manhandling and threatening the complainant.



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Bail Application No.1063/2020
FIR No.240/2020
PS:Wazirabad
State Vs. Ravi Dedha

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The submissions made on behalf of accused that complainant manipulated the hospital record or that injuries can be self inflicted, cannot be appreciated at this stage as same is matter of trial. Even otherwise, the injuries sustained by complainant as reflected from his medical documents produced by IO, are prima facie not shown to be self inflicted. Aruna Asaf Ali is a Government Hospital and therefore, the possibility of manipulation of hospital record is very negligible. The investigation is shown to be still going on in this case and co-accused are yet to be arrested. All the authorities relied by Counsel of applicant/ accused are distinguishable from the facts and circumstances of the present case as they have not been delivered at the stage of bail. Moreover, it is well settled law that they cannot be any straight jacket formula which can be laid down for deciding the bail applications and each bail application has to be decided on the basis of facts and circumstances of individual case.

After considering the overall facts and circumstances of this case including the nature of allegations and the manner in which offences are alleged to have been committed and in the light of discussion made herein above, Court is of the view that no ground is made out at this stage for grant of bail to the present applicant/ accused. Accordingly, the present bail application is hereby dismissed.

Copy of this order be given dasti to both the sides electronically, as per rules.



(Vidya Prakash)

Ist Link Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
15.09.2020

Bail Application No.1124/2020
FIR No.220/20
PS:Subzi Mandi
U/s:380/454 IPC
State Vs. Manish

15.09.2020

This is an application u/s 438 Cr.PC seeking anticipatory bail moved on behalf of applicant /accused.

Ld. Presiding Officer is on leave today.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
Sh. S.P. Sharma, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application already filed. Copy thereof already supplied to Id. Counsel of applicant electronically.

On request, put up on **23.09.2020** for arguments on bail application.



(Vidya Prakash)
Ist Link Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
15.09.2020