

03.10.2020

Through Video conferencing at 10:25 am.

Matter taken up on the request of Ld. Counsel for accused.

This is an application of the applicant/accused for release of articles seized during jamatalashi.

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State has joined through Cisco Webex.

Sh. Ravi Kumar Sharma, Ld. Counsel on behalf of accused has joined through Cisco Webex.

Heard.

Matter is preponed.

Let, notice be issued to IO/SHO to file report on NDOH.

At request, be put up on 05.10.2020.

Copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of SHO PS Sadar Bazar. Earlier date fixed i.e. 07.10.2020 stands cancelled.

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(MANOJ KUMAR)

MM-06(C)/THC/Delhi/03.10.2020

03.10.2020

Through Video conferencing at 10:15 am.

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State has joined through Cisco Webex.

Sh. Praveen Kumar, Ld. Counsel on behalf of applicant/accused Tanish @ Kalu has joined through Cisco Webex.

This is an application under Section 437 Cr. PC for grant of bail of applicant/accused wherein it has been submitted that applicant/accused has been falsely implicated and he is in JC since 07.09.2020. Ld. Counsel argued that applicant/accused is not involved in any other case. He further argued that complainant is known to the applicant/accused and both have been residing in the same neighbourhood. He further argued that applicant/accused has a small baby of six months and there is no one to look after his family. Therefore, he should be granted bail in this matter.

Reply of IO has been filed. Copy of same supplied to Ld. Counsel electronically. Perusal of the same shows that applicant/accused along-with co-accused caught the collar of the complainant and tried to rob his mobile phone and when the complainant resisted, then he was attacked with a blade. The applicant/accused attacked another person who tried to save the complainant and both accused persons ran away from the spot. They have been arrested in the presence of complainant and one public witness.

Submissions of both sides heard.

There is specific allegations against applicant/accused. Applicant/accused has been arrested on the identification of the complainant. There is prima-facie material against the applicant/accused regarding his involvement in the present case. FIR got registered under Section 393/394/34 IPC. Section 394 IPC entails imprisonment upto life. Thus, considering the gravity of the offence and seriousness of the allegations, this court is not inclined to grant bail to the applicant/accused and the present bail application is hereby rejected.

Copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of SHO PS Civil Lines. The printout of the applications, reply and the order be kept for records and be tagged with the final report.

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MM-06(C)/THC/Delhi/03.10.2020

03.10.2020

Through Video conferencing at 10:05 am.

This is an application for releasing article i.e mobile phone.

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State has joined through Cisco Webex.
Applicant Vipin Gupta has joined through Cisco Webex.
IO has filed his reply. Copy of same supplied to applicant electronically. Same is taken on record.

Instead of releasing the articles on superdari, this Court is of the view that the articles has to be released as per directions of **Hon'ble High Court of Delhi** in matter of "**Manjit Singh Vs. State**" in CrI. M.C. No. 4485/2013 dated 10.09.2014.

Hon'ble High Court of Delhi in above-said judgment/order while relying upon the judgments of **Hon'ble Supreme Court of India** in matter of "**Sunderbhai Ambalal Desai Vs. State of Gujarat**", AIR 2003 SUPREME COURT 638, "**General Insurance Council & Ors. Vs. State of Andhra Pradesh & Ors.**" Writ Petition (C) No.14 of 2008 decided on 19.04.2010 and "**Basavva Kom Dyamangouda Patil Vs. State of Mysore**", (1977) 4 SCC 358 has held : -

"59. The valuable articles seized by the police may be released to the person, who, in the opinion of the court, is lawfully entitled to claim such as the complainant at whose house theft, robbery or dacoity has taken place, after preparing detailed panchnama of such articles, taking photographs of such articles and a security bond.

60. The photographs of such articles should be attested or countersigned by the complainant, accused as well as by the person to whom the custody is handed over. Whenever necessary, the court may get the jewellery articles valued from a government approved valuer.

61. The actual production of the valuable articles during the trial should not be insisted upon and the photographs along with the panchnama should suffice for the purposes of evidence.

Considering the facts and circumstances and law laid down by **Hon'ble High Court of Delhi**, article in question i.e. mobile phone be released to the applicant on furnishing security bond as per valuation report of the article and after preparation of panchnama and taking photographs of article including IMEI number as per directions of **Hon'ble High of Delhi** in above cited paragraphs. IO is directed to get the valuation done of the article prior to the release the same to the applicant as per directions of **Hon'ble High Court of Delhi**. Panchnama, photographs, valuation report and security bond shall be filed along-with final report.

Copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of SHO PS Sadar Bazar. The printout of the applications, reply and the order be kept for records and be tagged with the final report.

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MM-06(C)/THC/Delhi/03.10.2020

03.10.2020

This is an application for releasing article i.e mobile phone.

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State has joined through Cisco Webex.
None has joined through Cisco Webex.
IO has filed his reply. Copy of same supplied to applicant electronically. Same is taken on record.

Instead of releasing the articles on superdari, this Court is of the view that the articles has to be released as per directions of *Hon'ble High Court of Delhi* in matter of "*Manjit Singh Vs. State*" in CrI. M.C. No. 4485/2013 dated 10.09.2014.

Hon'ble High Court of Delhi in above-said judgment/order while relying upon the judgments of *Hon'ble Supreme Court of India* in matter of "*Sunderbhai Ambalal Desai Vs. State of Gujarat*", AIR 2003 SUPREME COURT 638, "*General Insurance Council & Ors. Vs. State of Andhra Pradesh & Ors.*" Writ Petition (C) No.14 of 2008 decided on 19.04.2010 and "*Basavva Kom Dyamangouda Patil Vs. State of Mysore*", (1977) 4 SCC 358 has held : -

"59. The valuable articles seized by the police may be released to the person, who, in the opinion of the court, is lawfully entitled to claim such as the complainant at whose house theft, robbery or dacoity has taken place, after preparing detailed panchnama of such articles, taking photographs of such articles and a security bond.

60. The photographs of such articles should be attested or countersigned by the complainant, accused as well as by the person to whom the custody is handed over. Whenever necessary, the court may get the jewellery articles valued from a government approved valuer.

61. The actual production of the valuable articles during the trial should not be insisted upon and the photographs along with the panchnama should suffice for the purposes of evidence.

Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, article in question i.e. mobile phone be released to the applicant on furnishing security bond as per valuation report of the article and after preparation of panchnama and taking photographs of article including IMEI number as per directions of *Hon'ble High of Delhi* in above cited paragraphs. IO is directed to get the valuation done of the article prior to the release the same to the applicant as per directions of *Hon'ble High Court of Delhi*. Panchnama, photographs, valuation report and security bond shall be filed along-with final report.

Copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of SHO PS Sadar Bazar. The printout of the applications, reply and the order be kept for records and be tagged with the final report.

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MM-06(C)/THC/Delhi/03.10.2020

03.10.2020

Through Video conferencing at 10:00 am.

This is an application for releasing vehicle bearing registration number UP-17E-7286 on superdari.

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State has joined through Cisco Webex.

Sh. Omveer Singh, Ld. Counsel on behalf of applicant Chaman Singh has joined through Cisco Webex.

Applicant Sh. Chaman Singh is the father of the actual owner.

Actual owner Ravindra already got expired. Copy of death certificate filed along-with application.

IO has filed his reply. Copy of same supplied to Ld. Counsel electronically. Perusal of the same shows that IO has no objection, if vehicle is released to the applicant.

Instead of releasing the vehicle on superdari, this Court is of the view that the vehicle has to be released as per directions of *Hon'ble High Court of Delhi* in matter of "*Manjit Singh Vs. State*" in CrI. M.C. No.4485/2013 dated 10.09.2014.

Hon'ble High Court of Delhi in above-said judgment/order while relying upon the judgments of *Hon'ble Supreme Court of India* in matter of "*Sunderbhai Ambalal Desai Vs. State of Gujarat*", AIR 2003 SUPREME COURT 638, "*General Insurance Council & Ors. Vs. State of Andhra Pradesh & Ors.*" Writ Petition (C) No.14 of 2008 decided on 19.04.2010 and "*Basavva Kom Dyamangouda Patil Vs. State of Mysore*", (1977) 4 SCC 358 has held :-

68. Vehicles involved in an offence may be released to the rightful owner after preparing detailed panchnama; taking photographs of the vehicle, valuation report, and a security bond.

69. The photographs of the vehicle should be attested countersigned by the complainant, accused as well as by the person to whom the custody is handed over.

70. The production of the vehicle should not be insisted upon during the trial. The panchnama and photographs along with the valuation report should suffice for the purposes of evidence.

71. Return of vehicles and permission for sale thereof should be the general norm rather than the exception.

72. If the vehicle is insured, the Court shall issue notice to the owner and the insurance company for disposal of the vehicle. If there is no response or the owner declines to take the vehicle or informs that it has claimed insurance/released its right in the vehicle to the insurance company and the insurance company fails to take possession of the vehicle, the vehicle may be

ordered to be sold in auction.

73. If a vehicle is not claimed by the accused, owner, or the insurance company or by a third person, it may be ordered to be sold by auction."

Considering the facts and circumstances and law laid down by **Hon'ble High Court of Delhi**, vehicle in question bearing registration number UP-17E-7286 be released to the applicant by IO, on furnishing security bond as per the valuation report of vehicle and after preparation of panchnama and taking photographs of vehicle as per directions of **Hon'ble High Court of Delhi** in above cited paragraphs. Panchnama, photographs, valuation report and security bond shall be filed along-with final report.

Copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of SHO PS Civil Lines. The printout of the applications, reply and the order be kept for records and be tagged with the final report.

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MM-06(C)/THC/Delhi/03.10.2020

03.10.2020

Through Video conferencing at 10:10 am.

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State has joined through Cisco Webex.

Sh. Monis Ahmed, Ld. Counsel on behalf of applicant/accused Akash has joined through Cisco Webex.

This is an application under Section 437 Cr. PC for grant of bail of applicant/accused wherein it has been submitted that applicant/accused has been falsely implicated and he is in JC since 23.09.2020. Ld. Counsel argued that nothing has been recovered from the possession of applicant/accused. He further argued that applicant/accused was picked up from his home and he is not involved in any other case. Therefore, he should be granted bail in this matter.

Reply of IO has been filed. Copy of same supplied to Ld. Counsel electronically. Perusal of the same shows that Rs.1080/- and Adhar Card got recovered from the possession of applicant/accused and one co-accused is still to be arrested.

Submissions of both sides heard.

The investigation is at initial stage of investigation. One co-accused is still to be arrested. Recovery effected from the possession of applicant/accused. There is prima-facie material which shows the involvement of applicant/accused. The FIR got registered under Section 392/394/34 IPC. Section 394 IPC entails imprisonment upto life. Thus, considering the gravity of the offence and seriousness of the allegations, this court is not inclined to grant bail to the applicant/accused and the present bail application is hereby rejected.

Copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of SHO PS Civil Lines. The printout of the applications, reply and the order be kept for records and be tagged with the final report.

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MM-06(C)/THC/Delhi/03.10.2020

FIR No. 387/20
PS – Civil Lines
State Vs. (i) Bharat S/o Sh. Khushi Ram
(ii) Akash S/o Sh. Vijay Kumar
U/s. 392/34 IPC

03.10.2020

Through Video conferencing at 10:20 am.

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State has joined through Cisco Webex.

IO/SI Bachchu Singh has joined through Cisco Webex.

IO has filed an application for release of the accused Bharat and Akash in the present case. It is submitted in the application that nothing has been recovered from the possession or at the instance of the accused persons and complainant had not joined the TIP.

Heard.

I have perused the application and the record of investigation done by IO of this case. Perusal of same reveals that there is nothing against the aforesaid accused person except the disclosure statement which is itself inadmissible in evidence. In these circumstances, the application of the IO is allowed. **The aforesaid accused persons are released from the present matter subject to furnishing of personal bond in the sum of Rs.5,000/- to the satisfaction of jail superintendent.**

Accused persons be released, if not required in any other case.

Copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of jail superintendent and SHO PS Civil Lines. The printout of the applications, reply and the order be kept for records and be tagged with the final report.

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MM-06(C)/THC/Delhi/03.10.2020

FIR No. 168/19

PS – Sadar Bazar

03.10.2020

This is fresh charge-sheet filed. It be checked and registered.

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State.

None.

Be put up for consideration on charge-sheet on 08.03.2021.

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MM-06/THC/Central/03.10.2020

FIR No. 144/20

PS – Sadar Bazar

03.10.2020

This is fresh charge-sheet filed. It be checked and registered.

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State.

None.

Be put up for consideration on charge-sheet on 08.03.2021.

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MM-06/THC/Central/03.10.2020