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IN THE COURT OF SH. NAVEEN KUMAR KASHYAP
ADDITIONAL SESSIONS JUDGE-04: CENTRAL:
TIS HAZARI COURTS: DELHI

Bail Application No.: 1321/2020
State Vs Anil @ Bindi s/o Satpal
FIR No.32/2020
P. S.Kamla Market
U/s: 365, 394, 397, 411, 34 IPC

13/10/2020

This Court is also discharging duties of First Link of learned Bail Roster Judge. Further, one of the steno is quarantined. Further reader is also on leave.

Present: Mr. Pawan Kumar, Learned Addl. PP for State is
available through VC.
None for accused.

Arguments already heard. Today the case was fixed for orders.

Vide this order, bail application u/s 439 Cr.PC filed by applicant through counsel is disposed off.

It is stated in the application that he has been falsely implicated in the present case; that his name was not disclosed in the FIR and he was arrested based on disclosure statement of other accused; that he was arrested on 14/02/2020; that he is no more required for the purpose of investigation; that he is the only bread earner of the family. As such, it is prayed that he be granted regular bail.

On the other hand, in reply filed by the IO, as also argued by learned Addl.PP for the State it is stated that present accused alongwith other co-accused in the night of 14/02/2020 looted the taxi of the

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complainant alongwith his purse etc at gun point and made the complainant drive towards Delhi boarder where complainant somehow escaped and made PCR call at Alipur. That during the course of investigation present accused was arrested in another case FIR No. 29/20 PS Punjabi Bagh and robbed taxi alongwith RC was recovered from their possession. It is further argued that offence is very serious in nature; that he came with co-accused at the place of incident alongwith his motorcycle. It is further claimed that his family do not have control over him. That he is previously involved in another similar offences. It is further claimed that original RC is recovered from him. As such, present application is strongly opposed.

I have heard both the sides.

The personal liberty is a priceless treasure for a human being. It is founded on the bed rock of constitutional right and accentuated further on human rights principle. The sanctity of liberty is the fulcrum of any civilized society. Deprivation of liberty of a person has enormous impact on his mind as well as body. Further article 21 Of the Constitution mandates that no person shall be deprived of his life or personal liberty except according to procedure established by law. Further India is a signatory to the International Covenant On Civil And Political Rights, 1966 and, therefore, Article 21 of the Constitution has to be understood in the light of the International Covenant On Civil And Political Rights, 1966. *Further* Presumption of innocence is a human right. Article 21 in

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view of its expansive meaning not only protects life and liberty, but also envisages a fair procedure. Liberty of a person should not ordinarily be interfered with unless there exist cogent grounds therefor. The fundamental principle of our system of justice is that a person should not be deprived of his liberty except for a distinct breach of law. If there is no substantial risk of the accused fleeing the course of justice, there is no reason why he should be imprisoned during the period of his trial. The basic rule is to release him on bail unless there are circumstances suggesting the possibility of his fleeing from justice or thwarting the course of justice. When bail is refused, it is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution.

Further it has been laid down from the earliest time that the object of Bail is to secure the appearance of the accused person at his trial by reasonable amount of Bail. The object of Bail is neither punitive nor preventive. Deprivation of liberty must be considered a punishment unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after convictions, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earlier times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial ,but in such

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case 'necessity' is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the constitution that any persons should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty under Article 21 of the Constitution upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances. Apart from the question of prevention being the object of a refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and it would be improper for any court to refuse bail as mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an unconvicted person for the purpose of giving him a taste of imprisonment as a lesson. While considering an application for bail either under Section 437 or 439 CrPC, the court should keep in view the principle that grant of bail is the rule and committal to jail an exception. Refusal of bail is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution. Seriousness of the offence not to be treated as the only consideration in refusing bail : Seriousness of the offence should not to be treated as the only ground for refusal of bail. (Judgment of **Sanjay Chandra Vs. Central Bureau of Investigation, AIR 2012 SC 830** relied).

But, the liberty of an individual is not absolute. The Society by its collective wisdom through process of law can withdraw the liberty that

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it has sanctioned to an individual when an individual becomes a danger to the societal order. A society expects responsibility and accountability from the member, and it desires that the citizens should obey the law, respecting it as a cherished social norm. Therefore, when an individual behaves in a disharmonious manner ushering in disorderly thing which the society disapproves, the legal consequences are bound to follow.

Further discretionary jurisdiction of courts u/s 437 and 439 CrPC should be exercised carefully and cautiously by balancing the rights of the accused and interests of the society. Court must indicate brief reasons for granting or refusing bail. Bail order passed by the court must be reasoned one but detailed reasons touching merits of the case, detailed examination of evidence and elaborate documentation of merits of case should not be done.

At this stage , it can also be fruitful to note that requirements for bail u/s 437 & 439 are different. Section 437 Cr.P.C. severally curtails the power of the Magistrate to grant bail in context of the commission of non-bailable offences punishable with death or imprisonment for life, the two higher Courts have only the procedural requirement of giving notice of the Bail application to the Public Prosecutor, which requirement is also ignorable if circumstances so demand. The regimes regulating the powers of the Magistrate on the one hand and the two superior Courts are decidedly and intentionally not identical, but vitally and drastically dissimilar. (**Sundeep Kumar Bafna Vs. State of Maharashtra, AIR**

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2014 SC 1745).

Further at this stage it can be noted that interpreting the provisions of bail contained u/s 437 & 439 Cr.P.C., the Hon'ble Supreme Court in its various judgments has laid down various considerations for grant or refusal of bail to an accused in a non-bailable offence like, (i) Whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) Nature of accusation and evidence therefor, (iii) Gravity of the offence and punishment which the conviction will entail, (iv) Reasonable possibility of securing presence of the accused at trial and danger of his absconding or fleeing if released on bail, (v) Character and behavior of the accused, (vi) Means, position and standing of the accused in the Society, (vii) Likelihood of the offence being repeated, (viii) Reasonable apprehension of the witnesses being tampered with, (ix) Danger, of course, of justice being thwarted by grant of bail, (x) Balance between the rights of the accused and the larger interest of the Society/State, (xi) Any other factor relevant and peculiar to the accused. (xii) While a vague allegation that the accused may tamper with the evidence or witnesses may not be a ground to refuse bail, but if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. Furthermore, in the landmark judgment of **Gurucharan Singh and others v. State** (AIR 1978 SC 179), it was held that there is no hard

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and fast rule and no inflexible principle governing the exercise of such discretion by the courts. It was further held that there cannot be any inexorable formula in the matter of granting bail. It was further held that facts and circumstances of each case will govern the exercise of judicial discretion in granting or refusing bail. It was further held that such question depends upon a variety of circumstances, cumulative effect of which must enter into the judicial verdict. Such judgment itself mentioned the nature and seriousness of nature, and circumstances in which offences are committed apart from character of evidence as some of the relevant factors in deciding whether to grant bail or not.

Further it may also be noted that it is also settled law that while disposing of bail applications u/s 437/439 Cr.P.C., courts should assign reasons while allowing or refusing an application for bail. But detailed reasons touching the merit of the matter should not be given which may prejudice the accused. What is necessary is that the order should not suffer from non-application of mind. At this stage a detailed examination of evidence and elaborate documentation of the merit of the case is not required to be undertaken. Though the court can make some reference to materials but it cannot make a detailed and in-depth analysis of the materials and record findings on their acceptability or otherwise which is essentially a matter of trial. Court is not required to undertake meticulous examination of evidence while granting or refusing bail u/s 439 of the CrPC.

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In the present case, present accused as per the prosecution not arrested but later on was arrested in some other case and found involved in the present case. As per the case of prosecution, RC of the vehicle in question is recovered from him. Thus, this attract offence u/s 411 IPC. He is in JC since 24/02/2020. Further, as far as present accused is concerned, nothing remains to be recovered at his instance. In fact, the period for seeking police remand is already over. As such, no purpose would be served by keeping such accused in JC. Investigation and thereafter trial is likely to take time. Further, it may be noted that there is fundamental presumption of innocence in any criminal case in India i.e. an accused is presumed innocent unless proved guilty. In present case, no previous conviction record is placed on record by the IO and at best there are cases alleging involvement of present accused in other similar cases.

In above facts and circumstances, such accused is granted bail subject to furnishing of **personal bond in the sum of Rs. 25,000/- with two sound surety of like amount**, subject to the satisfaction of the learned Trial court and the following additional conditions:

- i) Applicant shall not flee from the justice;*
- ii) Applicant shall not tamper with the evidence;*
- iii) Applicant shall not threaten or contact in any manner to the prosecution witnesses ,*
- iv) Applicant shall not leave country without permission;*
- v) Applicant shall convey any change of address immediately to the IO and the court;*

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vi) Applicant shall also provide his mobile number to the IO;

vii) Applicant shall mark his attendance before concerned IO (and if IO is not available then to concerned SHO) every alternative /second day through mobile by sharing his/her location with the SHO concerned till the chargesheet is filed;

viii) Applicant shall further make a call, preferably by audio plus video mode to concerned IO, (and if IO is not available then to concerned SHO) once a week, preferably on Monday between 10 a.m. to 5 p.m. till the chargesheet is filed.

ix) Applicant shall keep their such mobile number 'Switched On' at all the time, particularly between 8 am to 8 pm everyday till the chargesheet is filed

x) That applicant will cooperate with the investigation / IO / SHO concerned and will appear before IO / Trial Court as and when called as per law.

xi) Applicant will not indulge in any kind of activities which are alleged against him in the present case.

It is clarified that in case if the applicants/ accused is found to be violating any of the above conditions, the same shall be a ground for cancellation of bail and the State shall be at liberty to move an application for cancellation of bail.

I may observe that certain guidelines had been laid down by the Hon'ble Delhi High Court in the case of **“Ajay Verma Vs. Government of NCT of Delhi”** WP (C) 10689/2017 dated 08.03.2018 wherein it was observed and I quote as under:

“..... The trial courts should not only be sensitive but

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extremely vigilant in cases where they are recording orders of bail to ascertain the compliance thereof.....When bail is granted, an endorsement shall be made on the custody warrant of the prisoner, indicating that bail has been granted, along with the date of the order of bail.

- a) *In case of inability of a prisoner to seek release despite an order of bail, it is the judicial duty of the trial courts to undertake a review for the reasons thereof.*
- b) *Every bail order shall be marked on the file.*
- c) *It shall be the responsibility of every judge issuing an order of bail to monitor its execution and enforcement.*
- d) *In case a judge stands transferred before the execution, it shall be the responsibility of the successor judge to ensure execution.....”*

I note that in the present case the bail bonds have been directed to be furnished before the Ld. Trial Court/ Ld. MM and hence in terms of the above observations, the Ld. MM is impressed upon to inform this court about the following:

- a) *The date on which conditions imposed by this court are satisfied;*
- b) *The date of release of prisoner from jail;*
- c) *Date of ultimate release of prisoner in case the prisoner is in jail in some other case.*

The copy of this order be sent to **Ld. MM** and also to the **Superintendent Jail** who shall also inform this court about all the three aspects as contained in the para herein above. The Superintendent Jail is also directed to inform this court if the prisoner is willingly not furnishing the personal bond or in case if he is unable to furnish the surety or any other reason given by the prisoner for not filing the bonds. One copy of

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this order be also sent to the **SHO Concerned** to ensure compliance.

With these observations the present application stands disposed off. Counsel for accused/applicant is at liberty to collect the order through electronic mode. Further a copy of this order be sent to concerned Jail Superintendent. Further, copy of this order be sent to IO / SHO concerned. Further, copy of this order be uploaded on the website.

Before parting it may be noted that observations made in the present bail application are only for the purpose of deciding the present bail application and are not a comment on the merit of the case which is a matter of trial.

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INTERIM BAIL APPLICATION

**Bail Application No.: 1230/2020
State Vs. Satyam Shivam @ Shivam Kumar s/o Dilip Kumar
FIR No. :291/2020
PS: Sarai Rohilla
U/S: 394, 397, 411, 34 IPC**

13.10.2020

This Court is also discharging duties of First Link of learned Bail Roster Judge. Further, one of the steno is quarantined. Further, Reader is also on leave.

Present: Mr. Pawan Kumar, Ld.Addl. PP for the State through
VC
None for accused.

1. *Observations given by Hon'ble High Court of Delhi in W.P.(C) No. 2945/2020 dated 23.03.2020 in case titled as "Shobha Gupta and Ors. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Moto W.P.(C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020 have been issued by Ld. District & Sessions Judge (HQ) read with other directions received from time to time including on 28.03.2020, 07.04.2020, 18.04.2020, 05.05.2020, 18.05.2020 and 20.06.2020 from Hon'ble High Court as a result of various meetings of Delhi State Legal Services Authority, present application is taken up.*

2. Arguments already heard in this case. Today the case was fixed for orders.

3. Vide this interim bail application dated 11/09/2020 filed by accused Satyam Shivam @ Shivam Kumar for interim bail through counsel is disposed off.

4. Reply filed by IO as well as Jail Superintendent concerned.

5. In nutshell, it is argued that accused is young person

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of 19 years only and not involved in any other criminal case; that mother of the accused is working as a sweeper in government hospital, during this lockdown and corona-pandemic period; that she is badly affected with high fever, cold, cough and back ache and needs help. Accused is the only person who can take care of his mother. Brother of accused is already married and living separately having no concern with the mother and father. Further, the only sister is also married. It is further stated that trial is likely to take some more time. As such, it is prayed that he be granted interim bail.

6. On the other hand, in reply dated 05/10/2020, it is stated by Jail Superintendent concerned that such accused do not have any history of any major chronic disease or surgery.

7. The type of cases/offences with which accused is charged are discussed by **Hon'ble High Court in its meeting dated 18.04.2020**. For the present type of offences, a relaxed criteria for interim bail is recommended by Hon'ble High Court on such date but it was further subject to such accused is suffering from HIV, cancer, chronic kidney dysfunction (requiring dialysis), Hepatitis B or C, Ashtma and T.B.

It is not the case of accused that he himself is suffering from any of the disease. As such, the case of the present accused does not fall under the relaxed criteria given by the Hon'ble High Court.

8. Further, in reply dated 16/09/2020 it is stated by the IO, as also argued by the learned Addl.PP for the State that complainant stated that he can recognize the assailants. That present accused was identified during TIP by the complainant.

9. In this case, there is father and the brother as well as sister of the accused. Further, mother is also working in a government hospital. Although, it is stated that she is suffering from

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some diseases but such disease does not appear to be life threatening disease. Further, it is not the case of the applicant that she is suffering from corona. Therefore, having regard to the nature of offence, nature of allegations against the present accused and such facts and circumstances, this court is not inclined to grant interim bail to such accused.

10. **With these observations the present application stands disposed off. Counsel for accused/applicant is at liberty to collect the order through electronic mode. Further a copy of this order be sent to concerned Jail Superintendent. Further, copy of this order be sent to IO / SHO concerned. Further, copy of this order be uploaded on the website.**

Before parting it may be noted that observations made in the present bail application are only for the purpose of deciding the present bail application and are not a comment on the merit of the case which is a matter of trial.

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Bail Application

**Application No.: 1361/2020
State Vs Deepak Anand
FIR No.148/2019
PS.:Rajinder Nagar
U/s 420, 467, 468, 471, 34 IPC**

13.10.2020

This Court is also discharging duties of First Link of learned Bail Roster Judge. Further, one of the steno is quarantined. Further reader is also on leave.

**Present: Mr. Pawan Kumar, Learned Addl. PP for State through VC.
Mr. Amulya Dhingra, learned counsel for the applicant / accused through VC.**

Vide this order, the bail application for regular bail under section 439 Cr.P.C. on behalf of accused dated 25/09/2020 filed through counsel is disposed of.

I have heard both the sides and have gone through the record.

The personal liberty is a priceless treasure for a human being. It is founded on the bed rock of constitutional right and accentuated further on human rights principle. The sanctity of liberty is the fulcrum of any civilized society. Deprivation of liberty of a person has enormous impact on his mind as well as body. Further article 21 Of the Constitution mandates that no person shall be deprived of his life or personal liberty except according to procedure established by law. Further India is a signatory to the International Covenant On Civil And Political Rights, 1966 and, therefore, Article 21 of the Constitution has to be understood in the light of the International Covenant On Civil And Political Rights, 1966. *Further* Presumption of innocence is a human right. Article 21

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PS.:Rajinder Nagar
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in view of its expansive meaning not only protects life and liberty ,but also envisages a fair procedure. Liberty of a person should not ordinarily be interfered with unless there exist cogent grounds therefore. The fundamental principle of our system of justice is that a person should not be deprived of his liberty except for a distinct breach of law. If there is no substantial risk of the accused fleeing the course of justice, there is no reason why he should be imprisoned during the period of his trial. The basic rule is to release him on bail unless there are circumstances suggesting the possibility of his fleeing from justice or thwarting the course of justice. When bail is refused, it is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution.

Further it has been laid down from the earliest time that the object of Bail is to secure the appearance of the accused person at his trial by reasonable amount of Bail. The object of Bail is neither punitive nor preventive. Deprivation of liberty must be considered a punishment unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after convictions, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earlier times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial ,but in such case 'necessity' is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the constitution that any persons should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty under Article 21 of the Constitution upon only the belief that he will

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tamper with the witnesses if left at liberty, save in the most extraordinary circumstances. Apart from the question of prevention being the object of a refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and it would be improper for any court to refuse bail as mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an unconvicted person for the purpose of giving him a taste of imprisonment as a lesson. While considering an application for bail either under Section 437 or 439 CrPC, the court should keep in view the principle that grant of bail is the rule and committal to jail an exception. Refusal of bail is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution. Seriousness of the offence not to be treated as the only consideration in refusing bail : Seriousness of the offence should not to be treated as the only ground for refusal of bail. (Judgment of **Sanjay Chandra Vs. Central Bureau of Investigation, AIR 2012 SC 830** relied).

But, the liberty of an individual is not absolute. The Society by its collective wisdom through process of law can withdraw the liberty that it has sanctioned to an individual when an individual becomes a danger to the societal order. A society expects responsibility and accountability from the member, and it desires that the citizens should obey the law, respecting it as a cherished social norm. Therefore, when an individual behaves in a disharmonious manner ushering in disorderly thing which the society disapproves, the legal consequences are bound to follow.

Further discretionary jurisdiction of courts u/s 437 and 439 CrPC should be exercised carefully and cautiously by balancing the rights of the accused and interests of the society. Court must indicate brief reasons for granting or refusing bail. Bail order passed by the court must be reasoned one but detailed

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reasons touching merits of the case, detailed examination of evidence and elaborate documentation of merits of case should not be done.

At this stage , it can also be fruitful to note that requirements for bail u/s 437 & 439 are different. Section 437 Cr.P.C. severally curtails the power of the Magistrate to grant bail in context of the commission of non-bailable offences punishable with death or imprisonment for life, the two higher Courts have only the procedural requirement of giving notice of the Bail application to the Public Prosecutor, which requirement is also ignorable if circumstances so demand. The regimes regulating the powers of the Magistrate on the one hand and the two superior Courts are decidedly and intentionally not identical, but vitally and drastically dissimilar. (**Sundeep Kumar Bafna Vs. State of Maharashtra, AIR 2014 SC 1745**).

Further at this stage it can be noted that interpreting the provisions of bail contained u/s 437 & 439 Cr.P.C., the Hon'ble Supreme Court in its various judgments has laid down various considerations for grant or refusal of bail to an accused in a non-bailable offence like, (i) Whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) Nature of accusation and evidence therefor, (iii) Gravity of the offence and punishment which the conviction will entail, (iv) Reasonable possibility of securing presence of the accused at trial and danger of his absconding or fleeing if released on bail, (v) Character and behavior of the accused, (vi) Means, position and standing of the accused in the Society, (vii) Likelihood of the offence being repeated, (viii) Reasonable apprehension of the witnesses being tampered with, (ix) Danger, of course, of justice being thwarted by grant of bail, (x) Balance between the rights of the accused and the larger interest of the Society/State, (xi) Any

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other factor relevant and peculiar to the accused. (xii) While a vague allegation that the accused may tamper with the evidence or witnesses may not be a ground to refuse bail, but if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. Furthermore, in the landmark judgment of **Gurucharan Singh and others v. State** (AIR 1978 SC 179), it was held that there is no hard and fast rule and no inflexible principle governing the exercise of such discretion by the courts. It was further held that there cannot be any inexorable formula in the matter of granting bail. It was further held that facts and circumstances of each case will govern the exercise of judicial discretion in granting or refusing bail. It was further held that such question depends upon a variety of circumstances, cumulative effect of which must enter into the judicial verdict. Such judgment itself mentioned the nature and seriousness of nature, and circumstances in which offences are committed apart from character of evidence as some of the relevant factors in deciding whether to grant bail or not.

Further it may also be noted that it is also settled law that while disposing of bail applications u/s 437/439 Cr.P.C., courts should assign reasons while allowing or refusing an application for bail. But detailed reasons touching the merit of the matter should not be given which may prejudice the accused. What is necessary is that the order should not suffer from non-application of mind. At this stage a detailed examination of evidence and elaborate documentation of the merit of the case is not required to be undertaken. Though the court can make some reference to materials but it cannot make a detailed and in-depth analysis of the materials and record findings on their acceptability or otherwise which is essentially a matter of trial. Court is not required to

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undertake meticulous examination of evidence while granting or refusing bail u/s 439 of the CrPC.

In the present case, it is argued on behalf of applicant / accused that accused is in JC since 26/09/2019; that present case is predominately of civil nature; that accused has settled the matter out of court with the complainant; that chargesheet is already filed; that nothing survives and prosecution is likely to succeed in its case; his previous bail was rejected on 11/05/2020; there is change in circumstances since dismissal of his last bail application; that full and final settlement is also entered with Central Bank of India; it is further claimed that he is suffering from serious heart and brain illness and there is a spread of coronavirus also; that he has roots in society. As such, it is prayed that he be granted regular bail. Further, during the course of the arguments, learned counsel for applicant relied upon certain case law and stated that in such matter bail should be granted. As such, it is prayed that he be granted regular bail.

On the other hand, in reply filed by IO, as also argued by the learned Addl.PP for the state that one of the offence is punishable upto imprisonment for life; that there are documentary incriminating evidence against the present accused; that there is no material change in circumstances except settlement relating to money in question. But it is pointed out that offence u/s 467 IPC is non compoundable and non bailable. As such, even after such settlement there is no material change in circumstances since dismissal of his previous bail application. Further, as such, present bail application is opposed.

I find force in the arguments of learned Addl.PP for the state. There are serious allegations against the present accused. There is documentary and oral incriminating material against the present accused. Further, it is trite to note that out of

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same transaction there can be civil and criminal consequences. Further, legislature in his wisdom has made certain offences as compoundable and some as non compoundable and likewise bailable and non bailable. Present offence includes a non bailable and non compoundable offence. Further, this is not the application for quashing of FIR or compromise between the parties, but a regular bail application in which nature of incriminating evidence, and the role of the accused and the nature of offence are predominating factors which are to be looked into. As such, this court is not inclined to grant the relief as sought in the present application. Hence, the same is dismissed.

With these observations the present application stands disposed off. Counsel for accused/applicant is at liberty to collect the order through electronic mode. Further a copy of this order be sent to concerned Jail Superintendent. Further, copy of this order be sent to IO / SHO concerned. Further, copy of this order be uploaded on the website.

Before parting it may be noted that observations made in the present bail application are only for the purpose of deciding the present bail application and are not a comment on the merit of the case which is a matter of trial.

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**(Naveen Kumar Kashyap)
Additional Sessions Judge-04
Central/THC/Delhi
13/10/2020.**

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State Vs Deepak Anand
FIR No.148/2019
PS.:Rajinder Nagar
U/s 420, 467, 468, 471, 34 IPC

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Bail Application

Application No.: 1373/2020
State Vs Jitender @ Jeetu
FIR No.300/2020
PS.:Sarai Rohilla
U/s: 452, 380,182,193,120B,411 r/w 34 IPC

13.10.2020

This Court is also discharging duties of First Link of learned Bail Roster Judge. Further, one of the steno is quarantined. Further reader is also on leave.

Present: Mr. Pawan Kumar, Learned Addl. PP for State.

Arguments already heard. Today the case is fixed for orders only.

Vide this order, the bail application under section 439 Cr.P.C. on behalf of accused dated 23/09/2020 filed through counsel is disposed off.

I have heard both the sides and have gone through the record.

The personal liberty is a priceless treasure for a human being. It is founded on the bed rock of constitutional right and accentuated further on human rights principle. The sanctity of liberty is the fulcrum of any civilized society. Deprivation of liberty of a person has enormous impact on his mind as well as body. Further article 21 Of the Constitution mandates that no person shall be deprived of his life or personal liberty except according to procedure established by law. Further India is a signatory to the International Covenant On Civil And Political Rights, 1966 and, therefore, Article 21 of the Constitution has to be understood in the light of the International Covenant On Civil And Political Rights, 1966. *Further* Presumption of innocence is a human right. Article 21 in view of its expansive meaning not only protects life and liberty ,but also envisages a fair procedure. Liberty of a person should not ordinarily be interfered with unless there exist cogent grounds therefor.

Application No.: 1373/2020
State Vs Jitender @ Jeetu
FIR No.300/2020
PS.:Sarai Rohilla

: 2 :

The fundamental principle of our system of justice is that a person should not be deprived of his liberty except for a distinct breach of law. If there is no substantial risk of the accused fleeing the course of justice, there is no reason why he should be imprisoned during the period of his trial. The basic rule is to release him on bail unless there are circumstances suggesting the possibility of his fleeing from justice or thwarting the course of justice. When bail is refused, it is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution.

Further it has been laid down from the earliest time that the object of Bail is to secure the appearance of the accused person at his trial by reasonable amount of Bail. The object of Bail is neither punitive nor preventive. Deprivation of liberty must be considered a punishment unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after convictions, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earlier times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial ,but in such case 'necessity' is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the constitution that any persons should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty under Article 21 of the Constitution upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances. Apart from the question of prevention being the object of a refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and it would be improper for any court to refuse bail as mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an unconvicted person for the purpose of giving him a taste of imprisonment as a lesson. While considering an

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application for bail either under Section 437 or 439 CrPC, the court should keep in view the principle that grant of bail is the rule and committal to jail an exception. Refusal of bail is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution. Seriousness of the offence not to be treated as the only consideration in refusing bail : Seriousness of the offence should not to be treated as the only ground for refusal of bail. (Judgment of **Sanjay Chandra Vs. Central Bureau of Investigation, AIR 2012 SC 830** relied).

But, the liberty of an individual is not absolute. The Society by its collective wisdom through process of law can withdraw the liberty that it has sanctioned to an individual when an individual becomes a danger to the societal order. A society expects responsibility and accountability from the member, and it desires that the citizens should obey the law, respecting it as a cherished social norm. Therefore, when an individual behaves in a disharmonious manner ushering in disorderly thing which the society disapproves, the legal consequences are bound to follow.

Further discretionary jurisdiction of courts u/s 437 and 439 CrPC should be exercised carefully and cautiously by balancing the rights of the accused and interests of the society. Court must indicate brief reasons for granting or refusing bail. Bail order passed by the court must be reasoned one but detailed reasons touching merits of the case, detailed examination of evidence and elaborate documentation of merits of case should not be done.

At this stage , it can also be fruitful to note that requirements for bail u/s 437 & 439 are different. Section 437 Cr.P.C. severally curtails the power of the Magistrate to grant bail in context of the commission of non-bailable offences punishable with death or imprisonment for life, the two higher Courts have only the procedural requirement of giving notice of the Bail application to the Public Prosecutor, which requirement is also ignorable if circumstances so demand. The regimes regulating the powers of the Magistrate on the one hand and the two superior Courts are decidedly and intentionally not

: 4 :

identical, but vitally and drastically dissimilar. (**Sundeep Kumar Bafna Vs. State of Maharashtra, AIR 2014 SC 1745**).

Further at this stage it can be noted that interpreting the provisions of bail contained u/s 437 & 439 Cr.P.C., the Hon'ble Supreme Court in its various judgments has laid down various considerations for grant or refusal of bail to an accused in a non-bailable offence like, (i) Whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) Nature of accusation and evidence therefor, (iii) Gravity of the offence and punishment which the conviction will entail, (iv) Reasonable possibility of securing presence of the accused at trial and danger of his absconding or fleeing if released on bail, (v) Character and behavior of the accused, (vi) Means, position and standing of the accused in the Society, (vii) Likelihood of the offence being repeated, (viii) Reasonable apprehension of the witnesses being tampered with, (ix) Danger, of course, of justice being thwarted by grant of bail, (x) Balance between the rights of the accused and the larger interest of the Society/State, (xi) Any other factor relevant and peculiar to the accused. (xii) While a vague allegation that the accused may tamper with the evidence or witnesses may not be a ground to refuse bail, but if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. Furthermore, in the landmark judgment of **Gurucharan Singh and others v. State** (AIR 1978 SC 179), it was held that there is no hard and fast rule and no inflexible principle governing the exercise of such discretion by the courts. It was further held that there cannot be any inexorable formula in the matter of granting bail. It was further held that facts and circumstances of each case will govern the exercise of judicial discretion in granting or refusing bail. It was further held that such question depends upon a variety of circumstances, cumulative effect of which must enter into the judicial verdict. Such judgment itself mentioned the nature and seriousness of nature, and circumstances in which offences are committed apart from character of evidence as some of the

: 5 :

relevant factors in deciding whether to grant bail or not.

Further it may also be noted that it is also settled law that while disposing of bail applications u/s 437/439 Cr.P.C., courts should assign reasons while allowing or refusing an application for bail. But detailed reasons touching the merit of the matter should not be given which may prejudice the accused. What is necessary is that the order should not suffer from non-application of mind. At this stage a detailed examination of evidence and elaborate documentation of the merit of the case is not required to be undertaken. Though the court can make some reference to materials but it cannot make a detailed and in-depth analysis of the materials and record findings on their acceptability or otherwise which is essentially a matter of trial. Court is not required to undertake meticulous examination of evidence while granting or refusing bail u/s 439 of the CrPC.

In the present case, it is argued that accused is in JC since 31/08/2020; that even the complainant's conduct is not above suspicion and he suppressed that co-accused Pooja is her fourth wife. That present accused is known to such Pooja and on 30/08/2020 she called the accused in the house and handed over a bag and stated that she would take it back when required. Later on the same day, police arrived at the house of applicant and asked about the bag and as such applicant handed over the same to the police. That he was not aware about the contents of such bag. That entry into the house was not forceful. Further other offences are also not made out. It is further argued that he is no more required for the purpose of investigation. That co-accused Pooja is already granted bail by this court. As such, it is prayed that he be granted bail.

On the other hand, reply filed by the IO, as also argued by the learned Addl.PP for the state that presence of present accused was captured in CCTV camera and discrepancies were found in the statement of co-accused Pooja and as such, it was found out that such Pooja alongwith present accused created a false scene of robbery and committed the offence in question with the active involvement of present

: 6 :

accused. It is further stated that investigation is at initial stage. That he may threaten the witness and tamper with the evidence if enlarged on bail. As such, present is opposed.

I find force in the arguments of learned Addl.PP for the state. Investigation is at the initial stage. There is specific and serious allegations against the present accused. Further, the reason for granting bail to the co-accused are different including that she was a female and pregnant. Having regard to the nature of allegations, stage of investigation and the role assigned to the present accused; As such, this court is not inclined to grant the relief as sought in the present application. Hence, the same is dismissed.

With these observations the present application stands disposed off. Counsel for accused/applicant is at liberty to collect the order through electronic mode. Further a copy of this order be sent to concerned Jail Superintendent. Further, copy of this order be sent to IO / SHO concerned. Further, copy of this order be uploaded on the website.

Before parting it may be noted that observations made in the present bail application are only for the purpose of deciding the present bail application and are not a comment on the merit of the case which is a matter of trial.

NAVEEN KUMAR KASHYAP

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**(Naveen Kumar Kashyap)
Additional Sessions Judge-04
Central/THC/Delhi
30/06/2020.**

**Application No.: 1373/2020
State Vs Jitender @ Jeetu
FIR No.300/2020
PS.:Sarai Rohilla**

Bail Matters No.: 1215/2020
State Vs Barun Kumar Dutta
FIR No. :181/2019
PS: Prasad Nagar

13/10/2020

This Court is also discharging duties of First Link of learned Bail Roster Judge. Further, one of the steno is quarantined. Further reader is also on leave.

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Learned counsel for the applicant / accused through VC.
Learned counsel for the complainant through VC.

Further arguments heard.

Put up for orders / clarification, if any, for **16/10/2020**. Further, only IO to join the VC with the case file at the time of passing the order on the next date of hearing. In the meanwhile, interim order to continue till the next date of hearing.

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(Naveen Kumar Kashyap)
ASJ-04/Central/13.10.2020

Bail Matters No.: 1342/2020
State Vs Anil Raikwar
FIR No. :31/2019
PS: Rajinder Nagar

13/10/2020

This Court is also discharging duties of First Link of learned Bail Roster Judge. Further, one of the steno is quarantined. Further reader is also on leave.

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. Rahul Bhagat, learned counsel for the applicant through VC.

It is stated that provisions of POCSO Act are also involved in the present case.

Heard.

As such, the case file be put up before the concerned POCSO Court dealing with such matters through filing counter. Concerned officials of filing counter to do the needful accordingly.

Put up for **14/10/2020**.

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(Naveen Kumar Kashyap)
ASJ-04/Central/13.10.2020

Bail Matters No.: 1360/2020
State Vs Mohd. Umar
FIR No. :210/2020
PS: Sarai Rohilla

13/10/2020

This Court is also discharging duties of First Link of learned Bail Roster Judge. Further, one of the steno is quarantined. Further reader is also on leave.

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Learned counsel for the applicant / accused through VC.

Further chargesheet is stated to be filed. As such, issue notice to Ahlmad of the concerned court for summoning of chargesheet at the time of further arguments on the bail application on the next date of hearing.

At request, put up for further arguments for **21/10/2020**. Ahlmad of concerned court of Learned MM Mr. Chander Mohan, is directed to do the needful accordingly. **It is made clear that there is no any interim order to continue in the present case.**

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(Naveen Kumar Kashyap)
ASJ-04/Central/13.10.2020

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Bail Matters No.: 1509/2020
State Vs Ritik
FIR No. : 34/2020
PS: Karol Bagh

13/10/2020

This Court is also discharging duties of First Link of learned Bail Roster Judge. Further, one of the steno is quarantined. Further reader is also on leave.

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. S.N. Shukla, learned LAC for applicant through VC.
IO also present through VC.

Reply filed by the IO. Copy of the same supplied to the learned LAC counsel for the applicant / accused.

Put up for arguments and orders for **15/10/2020**.

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ASJ-04/Central/13.10.2020

Bail Matters No.: 1510/2020
State Vs Mohd. Asif
FIR No. :294/2020
PS: Sarai Rohilla

13/10/2020

This Court is also discharging duties of First Link of learned Bail Roster Judge. Further, one of the steno is quarantined. Further reader is also on leave.

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. Hari Krishan, learned counsel for applicant / accused through VC.

Reply already filed. Copy of the same be supplied to the counsel for the applicant / accused through electronic mode during the course of the day.

Put up for arguments and appropriate orders for **21/10/2020**.

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(Naveen Kumar Kashyap)
ASJ-04/Central/13.10.2020

Bail Matters No.: 1153, 1154, 1155 & 1156/2020
State Vs Sanjeev Kumar Sharma, Sunil Kumar Sharma,
Seema Sharma & Ratan Chand Sharma
FIR No. : 199/2020
PS: Kamla Market

13/10/2020

This Court is also discharging duties of First Link of learned Bail Roster Judge. Further, one of the steno is quarantined. Further reader is also on leave.

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
None.

None is appearing on behalf of applicants / accused since morning despite repeated calls.

As such, put up for their appearance / further appropriate orders for

22/10/2020.

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(Naveen Kumar Kashyap)
ASJ-04/Central/13.10.2020

Bail Matters No.: 1404/2020
State Vs Naresh @ Kalia
FIR No. :226/2020
PS: Sarai Rohilla

13/10/2020

This Court is also discharging duties of First Link of learned Bail Roster Judge. Further, one of the steno is quarantined. Further reader is also on leave.

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
None.

None is appearing on behalf of applicant / accused since morning.

As such, put up for appearance of learned counsel for applicant / accused /
further appropriate orders for **22/10/2020**.

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(Naveen Kumar Kashyap)
ASJ-04/Central/13.10.2020

Bail Matters No.: 1362/2020
State Vs Gopesh & Anr
FIR No. :137/2020
PS: Rajender Nagar
U/s 452, 392, 34 IPC

13/10/2020

This Court is also discharging duties of First Link of learned Bail Roster Judge. Further, one of the steno is quarantined. Further reader is also on leave.
Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Learned counsel for the applicant through VC.

Arguments heard in detail.

Certain clarification is required regarding bail of co-accused Ankush and the ground therein.

As such, issue notice to IO to file copy of such order of bail of Ankush by the next date of hearing. Further, learned counsel for the accused is also at liberty to file the same.

Put up for appropriate orders for **20/10/2020**.

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(Naveen Kumar Kashyap)
ASJ-04/Central/13.10.2020

Bail Matters No.: 1412/2020
State Vs Sadiqeen
FIR No. :210/2020
PS:Sarai Rohilla

13/10/2020

This Court is also discharging duties of First Link of learned Bail Roster Judge. Further, one of the steno is quarantined. Further reader is also on leave.

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Learned counsel for the applicant through VC.

No time is left as this court is also discharging duties of First Link of learned Bail Roster Judge and also taking up regular matters as well as regular bails of this court.

As such, put up for orders for **14/10/2020**.

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(Naveen Kumar Kashyap)
ASJ-04/Central/13.10.2020

Bail Matters No.: 1477/2020
State Vs Mohsim Khan
FIR No. :210/2020
PS: Sarai Rohilla

13/10/2020

This Court is also discharging duties of First Link of learned Bail Roster Judge. Further, one of the steno is quarantined. Further reader is also on leave.

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Learned counsel for the applicant through VC.

No time is left as this court is also discharging duties of First Link of learned Bail Roster Judge and also taking up regular matters as well as regular bails of this court.

As such, put up for orders for **14/10/2020**.

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(Naveen Kumar Kashyap)
ASJ-04/Central/13.10.2020

Bail Matters No.: 1491/2020
State Vs Javed Khan
FIR No. :NA
PS: Darya Ganj

13/10/2020

This Court is also discharging duties of First Link of learned Bail Roster Judge. Further, one of the steno is quarantined. Further reader is also on leave.

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.

Learned counsel for the applicant through VC.

SHO PS Darya Ganj is present through VC.

Submissions heard.

No time is left as this court is also discharging duties of First Link of learned Bail Roster Judge and also taking up regular matters as well as regular bails of this court.

As such, put up for orders for **14/10/2020**.

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(Naveen Kumar Kashyap)
ASJ-04/Central/13.10.2020

Bail Matters No.: 1473/2020
State Vs Anil Kumar
FIR No. :19/2020
PS: NDRS

13/10/2020

This Court is also discharging duties of First Link of learned Bail Roster Judge. Further, one of the steno is quarantined. Further reader is also on leave.

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.

Learned counsel for the applicant through VC.

No time is left as this court is also discharging duties of First Link of learned Bail Roster Judge and also taking up regular matters as well as regular bails of this court.

As such, put up for orders for **16/10/2020**.

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(Naveen Kumar Kashyap)
ASJ-04/Central/13.10.2020

Bail Matters No.: 1344/2020
State Vs Suhail @ Sunny
FIR No. :201/2020
PS: Kamla Market

13/10/2020

This Court is also discharging duties of First Link of learned Bail Roster Judge. Further, one of the steno is quarantined. Further reader is also on leave.

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.

Learned counsel for the applicant through VC.

Submissions heard.

No time is left as this court is also discharging duties of First Link of learned Bail Roster Judge and also taking up regular matters as well as regular bails of this court.

As such, put up for orders for **15/10/2020**.

NAVEEN KUMAR
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(Naveen Kumar Kashyap)
ASJ-04/Central/13.10.2020

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**State vs Ajay Pal
(Application of Sudhir Pal)
FIR No. 678/2015
P. S. Subzi Mandi**

13.10.2020

This court is also discharging bail roster duty. Further, this Court is also discharging duties of First Link of learned Bail Roster Judge. Further, one of the steno is quarantined. Further, Reader of this court is on leave today.

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.

Learned counsel for the applicant / accused through VC.

This is an application dated 09/10/2020 filed by applicant through counsel for early hearing.

At request, put up for consideration / appropriate orders for **21/10/2020**.

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**(Naveen Kumar Kashyap)
ASJ-04/Central/13.10.2020**

State vs Sunil & others
(Application for bail of Sunil Rathore)
FIR No.415/2015
P. S. Kotwali

13.10.2020

This court is also discharging bail roster duty. Further, this Court is also discharging duties of First Link of learned Bail Roster Judge. Further, one of the steno is quarantined. Further, Reader of this court is on leave today.

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.


Mr. Ravinder Aggarwal, learned counsel for the applicant / accused through VC.

This is an application seeking regular bail filed by applicant through counsel.

Issue notice of the application to the IO to file reply by the next date of hearing.

Put up for reply by IO, arguments and appropriate orders for **19/10/2020**.

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(Naveen Kumar Kashyap)
ASJ-04/Central/13.10.2020

State vs Rahul & others
(Application for bail of Noori)
FIR No.339/2016
P. S. Darya Ganj

13.10.2020

This court is also discharging bail roster duty. Further, this Court is also discharging duties of First Link of learned Bail Roster Judge. Further, one of the steno is quarantined. Further, Reader of this court is on leave today.

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.

Mr. J.S. Mishra, learned LAC for applicant through VC.

This is an application seeking regular bail filed by applicant through counsel.

Issue notice of the application to the IO to file reply by the next date of hearing.

Put up for reply by IO, arguments and appropriate orders on regular hearing of this court i.e. for **27/10/2020**.

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(Naveen Kumar Kashyap)
ASJ-04/Central/13.10.2020

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**State vs Rahul Sharma
(Application of Rahul)
FIR No.339/2016
P. S. Darya Ganj**

13.10.2020

This court is also discharging bail roster duty. Further, this Court is also discharging duties of First Link of learned Bail Roster Judge. Further, one of the steno is quarantined. Further, Reader of this court is on leave today.

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.

Mr. S.N. Shukla, learned LAC for accused through VC.

No time is left as the court is also discharging bail roster duty, as well as discharging duties of First Link of learned Bail Roster udge.

As such, put up for orders for **16/10/2020**.

NAVEEN
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(Naveen Kumar Kashyap)
ASJ-04/Central/13.10.2020

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State vs Davar @ Kancha
(Application of Bashu @ Bangali)
FIR No. 38/2020
P. S. Kashmere Gate

13.10.2020

This court is also discharging bail roster duty. Further, this Court is also discharging duties of First Link of learned Bail Roster Judge. Further, one of the steno is quarantined. Further, Reader of this court is on leave today.

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.

Mr. S.N. Shukla, learned LAC for applicant through VC.

No time is left as the court is also discharging bail roster duty, as well as discharging duties of First Link of learned Bail Roster udge.

As such, put up for orders for **16/10/2020**.

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(Naveen Kumar Kashyap)
ASJ-04/Central/13.10.2020

SC No.: 360/2019
FIR No.: 273/2017
PS: Kamla Market
State Vs Sumit @ Jainender & Ors.

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex. In the present case, last regular date of hearing were 22/04/2020, 15/06/2020 & 14/08/2020. Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing through VC.

13.10.2020

This court is also discharging bail roster duty. Further, this Court is also discharging duties of First Link of learned Bail Roster Judge. Further, one of the steno is quarantined. Further, reader of this court is on leave today.

Present: Mr. Pawan Kumar, learned Addl.PP for the State through VC.
Mr. P.K. Garg, learned counsel for the accused through VC.
All the accused are stated to be on bail in this case.

Put up for arguments on the point of charge in terms of previous order for

01/03/2021.

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(Naveen Kumar Kashyap)
ASJ-04/Central/13.10.2020

SC No.: 14623/2018
FIR No.: 274/2017
PS: Kamla Market
State Vs Vicky & Lalit Etc.

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex. In the present case, last regular date of hearing were 22/04/2020, 15/06/2020 & 14/08/2020. Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing through VC.

13.10.2020

This court is also discharging bail roster duty. Further, this Court is also discharging duties of First Link of learned Bail Roster Judge. Further, one of the steno is quarantined. Further, reader of this court is on leave today.

Present: Mr. Pawan Kumar, learned Addl.PP for the State through VC.
Mr. Inderjeet Singh, learned counsel for the accused through VC.
All the accused are stated to be on bail in this case.

Put up for arguments on the point of charge in terms of previous order for

01/03/2021.

NAVEEN
KUMAR
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(Naveen Kumar Kashyap)
ASJ-04/Central/13.10.2020

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Date: 2020.10.13 17:22:01
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SC No.: 23381/2016
FIR No.:59/2012
PS: Jama Masjid
State Vs Imran Khan & others

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex. In the present case, last regular date of hearing was 22/04/2020, 15/06/2020 & 14/08/2020. Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing through VC.

13.10.2020

This court is also discharging bail roster duty. Further, this Court is also discharging duties of First Link of learned Bail Roster Judge. Further, one of the steno is quarantined. Further, reader of this court is on leave today.

Present: Mr. Pawan Kumar, learned Addl.PP for the State through VC.
Mr. Pradeep Anand, learned counsel for all accused through VC.
All the accused are stated to be on bail in this case.

Put up for PE in terms of previous order for **01/03/2021**. Also issue notice to two of the material witnesses for the next date of hearing.

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Date: 2020.10.13
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(Naveen Kumar Kashyap)
ASJ-04/Central/13.10.2020

SC No.: 28023/2016
FIR No.: 601/2014
PS: Sarai Rohilla
State Vs Veer Singh & Anr

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex. In the present case, last regular date of hearing was 22/04/2020, 15/06/2020 & 14/08/2020. Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing through VC.

13.10.2020

This court is also discharging bail roster duty. Further, this Court is also discharging duties of First Link of learned Bail Roster Judge. Further, one of the steno is quarantined. Further, reader of this court is on leave today.

Present: Mr. Pawan Kumar, learned Addl.PP for the State through VC.
None for the accused.

In the interest of justice, no adverse order is passed in the present case. Issue production warrant for the accused who are in JC, if any, in the present case for the next date of hearing. Also issue notice to two of the material witnesses for the next date of hearing.

Put up for PE in terms of previous order for **01/03/2021**.

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(Naveen Kumar Kashyap)
ASJ-04/Central/13.10.2020

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Date: 2020.10.13
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SC No.: 06/2017
FIR No.: 304/2016
PS: Kashmere Gate
State Vs Mohd. Faizan @ Sameer & Anr

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex. In the present case, last regular date of hearing was 14/08/2020. Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing through VC.

13.10.2020

This court is also discharging bail roster duty. Further, this Court is also discharging duties of First Link of learned Bail Roster Judge. Further, one of the steno is quarantined. Further, reader of this court is on leave today.

Present: Mr. Pawan Kumar, learned Addl.PP for the State through VC.
None for the accused.

In the interest of justice, no adverse order is passed in the present case. Issue production warrant for the accused who are in JC, if any, in the present case for the next date of hearing. Also issue notice to two of the material witnesses for the next date of hearing.

Put up for PE in terms of previous order for **01/03/2021**.

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(Naveen Kumar Kashyap)
ASJ-04/Central/13.10.2020

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Date: 2020.10.13
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SC No.: 641/2019
FIR No.: 112/2019
PS: Wazirabad
State Vs Karan Bhardwaj & Anr

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex. In the present case, last regular date of hearing was 22/04/2020, 15/06/2020 & 14/08/2020. Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing through VC.

13.10.2020

This court is also discharging bail roster duty. Further, this Court is also discharging duties of First Link of learned Bail Roster Judge. Further, one of the steno is quarantined. Further, reader of this court is on leave today.

Present: Mr. Pawan Kumar, learned Addl.PP for the State through VC.

None for the accused.

In the interest of justice, no adverse order is passed in the present case. Issue production warrant for the accused who are in JC, if any, in the present case for the next date of hearing. Also issue notice to two of the material witnesses for the next date of hearing.

Put up for PE in terms of previous order for **02/03/2021**.

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(Naveen Kumar Kashyap)
ASJ-04/Central/13.10.2020

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Date: 2020.10.13
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SC No.: 27806/2016
FIR No.: 173/2013
PS: Burari
State Vs Shanu

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex. In the present case, last regular date of hearing was 22/04/2020, 15/06/2020 & 14/08/2020. Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing through VC.

13.10.2020

This court is also discharging bail roster duty. Further, this Court is also discharging duties of First Link of learned Bail Roster Judge. Further, one of the steno is quarantined. Further, reader of this court is on leave today.

Present: Mr. Pawan Kumar, learned Addl.PP for the State through VC.
Mr. J.S. Mishra, learned LAC for accused through VC alongwith accused on interim bail is present through VC.

At request, put up for physical hearing in this case for **16/10/2020**.

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Date: 2020.10.13
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(Naveen Kumar Kashyap)
ASJ-04/Central/13.10.2020

SC No.: 50/2018
FIR No.:293/2017
PS: Kotwali
State Vs Faizan

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex. In the present case, last regular date of hearing were 27/03/2020, 12/05/2020, 08/07/2020, 14/08/2020. Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing through VC.

13.10.2020

This court is also discharging bail roster duty. Further, this Court is also discharging duties of First Link of learned Bail Roster Judge. Further, one of the steno is quarantined. Further, reader of this court is on leave today.

Present: Mr. Pawan Kumar, learned Addl.PP for the State through VC.

None for the accused.

Put up for appearance of accused and learned counsel for the accused and for arguments in terms of previous order for **01/12/2020**.

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Date: 2020.10.13 17:23:26
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(Naveen Kumar Kashyap)
ASJ-04/Central/13.10.2020

CR No. 427/2019
Mamta Devi Vs State / SHO PS Roop Nagar

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex. In the present case, last regular date of hearing was 22/04/2020, 15/06/2020 & 14/08/2020.. Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing through VC.

13.10.2020

This court is also discharging bail roster duty. Further, this Court is also discharging duties of First Link of learned Bail Roster Judge. Further, one of the steno is quarantined. Further, reader of this court is on leave today.

Present: None for the appellant.
Mr. Pawan Kumar, learned Addl.PP for the State through VC.

Put up for the purpose fixed / appropriate orders for **27/10/2020**.

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(Naveen Kumar Kashyap)
ASJ-04/Central/13.10.2020

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Date: 2020.10.13
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