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**Bail Application**

**Application No.: 1570/2020**  
**State Vs. Aman Kumar Shavlu Sharma**  
**FIR No. :11/2020**  
**PS: ODRS**  
**U/S: 370 IPC**

**22.10.2020**

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC  
Mr. M.S. Khan, learned Counsel for the Accused through VC.

Arguments already heard in the present case. Today the case is fixed for orders.

Vide this order, the regular bail application under section 439 Cr.P.C. on behalf of accused dated 15/10/2020 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 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

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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 application for bail either under Section 437 or 439 CrPC, the court should keep in view the

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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 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

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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 relevant factors in deciding whether to grant bail or not.

Further it may also be noted that it is also settled law that

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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 on behalf of accused that some of the co-accused are already granted bail. That applicant is a young boy of 21 years old. That alleged minor child accompanied the present applicant / accused as maternal uncle of such minor child is residing at Azad Market Delhi and such child came to meet him. That there is no offence at all made out. It is further stated that no incriminating has come on record against the accused during the investigation. That statement of father as well as minor is already recorded. It is argued that as such, he be granted regular bail.

On the other hand, in reply filed by the IO as also argued by the learned Addl.PP for the state that there are serious and specific allegations against the present accused; that he is involved in the trafficking of minor which offence is punishable with rigorous imprisonment for a terms not less than 10 years, but which may extend upto life imprisonment. It is further stated that admittedly that child in question is about 18 years as per the documents submitted by the family member of such child; further father of such Kundan Kevat did not raise any grievance during investigation. That such child was rescued by a joint team of Bachpan Bachao Andolan, NGO and concerned department of Delhi government in a joint raid. As such, present bail application is strongly opposed.

In the present case, no doubt offence alleged is very serious in

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nature. Further court should be on extra guard and sensitive while deciding such applications relating to allegation of trafficking of minors. In fact, even the legislature has provided minimum punishment for not less than 10 years for such offence.

But having observed so, it is one of the pre-condition in any criminal case to see whether there is prima facie material in support of such allegation on record which is also legally sustainable. One of the pre-condition of offence u/s 370 IPC is that it should be for the purpose of exploitation. Further, such exploitation includes slavery or practices similar to slavery. Further, neither the such alleged child nor his father made any complaint including in the statement u/s 164 Cr.PC regarding ingredients of section 370 IPC. Further, during his statement u/s 164 Cr.PC produced by the IO during proceedings, it can be observed that there is no allegation of offence u/s 370 IPC. Further, such minor child alongwith present accused is arrested at Railway Station itself and there is no proof / material regarding such slavery or other exploitation. Further time to seek PC remand is already over. As such, no purpose would be served by keeping the accused in JC particularly during such pandemic situation. Further, it may be noted that there is fundamental presumption of innocence in any criminal case.

In above facts and circumstances, such accused is granted bail subject to furnishing of **personal bond in the sum of Rs. 10,000/- with one sound surety of like amount**, subject to the satisfaction of the learned Trial court and the following additional conditions:

- i) That he will appear before IO / Trial Court as and when called as per law.*
- ii) He will not indulge in any kind of activities which are alleged against him in the present case.*
- iii) That he will not leave India without permission of the Court.*
- iv) He will not threaten the witness or tampering with evidence.*

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**v) He shall convey any change of address immediately to the IO and the court;**

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

It is clarified that in case if the applicant/ 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 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*

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

**The bail application is accordingly disposed off. Learned counsel for applicant is at liberty to obtain through electronic mode. Further copy of this order be sent to Concerned Jail Superintendent, IO / SHO. Copy of order be uploaded on website.**

The observations made in the present interim bail application order are for the purpose of deciding of present application and do not affect the factual matrix of the investigation of the present case which is separate issue as per law.

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KASHYAP

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**(Naveen Kumar Kashyap)**  
**ASJ-04(Central)/Delhi/22/10/2020**

: 1 :

**Bail Application**

**Application No.: 1506/2020**  
**State Vs. Mohd. Manzur Alam**  
**FIR No. :11/2020**  
**PS: ODRS**  
**U/S: 370 IPC**

**22.10.2020**

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC  
Mr. M.S. Khan, learned Counsel for the Accused through VC.

Arguments already heard in the present case. Today the case is fixed for orders.

Vide this order, the regular bail application under section 439 Cr.P.C. on behalf of accused dated 08/10/2020 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 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

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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 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.

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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 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

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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 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

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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 on behalf of accused that as per allegations accused was traveling with one minor child Mohd. Azam but it is claimed that such Mohd. Azam is not minor at all and his birth certificate issued on 20/03/2008 is enclosed with the present bail application. Even otherwise, it is argued that such alleged minor is his nephew; that father of such boy is himself working in Delhi and such boy was brought to Delhi to the father of such alleged minor child. That all of them are from the same village in Bihar. It is further argued that even writ petition is filed before the Hon'ble High Court. Copy of which is annexed alongwith such application and thereafter custody of such alleged child is already handed over to the father of the accused. It is argued that as such, he be granted regular bail.

On the other hand, in reply filed by the IO as also argued by the learned Addl.PP for the state that there are serious and specific allegations against the present accused; that he is involved in the trafficking of minor which offence is punishable with rigorous imprisonment for a terms not less than 10 years, but which may extend upto life imprisonment. It is further stated that admittedly that child in question is about 18 years as per the documents submitted by the family member of such child; further father of such Kundan Kevat did not raise any grievance during investigation. That such child was rescued by a joint team of Bachpan Bachao Andolan, NGO and concerned department of Delhi government in a joint raid. As such, present bail application is strongly opposed.

In the present case, no doubt offence alleged is very serious in nature. Further court should be on extra guard and sensitive while deciding

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such applications relating to allegation of trafficking of minors. In fact, even the legislature has provided minimum punishment for not less than 10 years for such offence.

But having observed so, it is one of the pre-condition in any criminal case to see whether there is prima facie material in support of such allegation on record which is also legally sustainable. One of the pre-condition of offence u/s 370 IPC is that it should be for the purpose of exploitation. Further, such exploitation includes slavery or practices similar to slavery. But in the present case, as per the material on record, custody of alleged child is already handed over to his father. Further, neither the such alleged child nor his father made any complaint including in the statement u/s 164 Cr.PC regarding ingredients of section 370 IPC. Further, during his statement u/s 164 Cr.PC produced by the IO during proceedings, it can be observed that there is no allegation of offence u/s 370 IPC. Further, such minor child alongwith present accused is arrested at Railway Station itself and there is no proof / material regarding such slavery or other exploitation. Further time to seek PC remand is already over. As such, no purpose would be served by keeping the accused in JC particularly during such pandemic situation. Further, it may be noted that there is fundamental presumption of innocence in any criminal case.

In above facts and circumstances, such accused is granted bail subject to furnishing of **personal bond in the sum of Rs. 10,000/- with one sound surety of like amount**, subject to the satisfaction of the learned Trial court and the following additional conditions:

- i) That he will appear before IO / Trial Court as and when called as per law.*
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- iv) He will not threaten the witness or tampering with evidence.*

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**v) He shall convey any change of address immediately to the IO and the court;**

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

It is clarified that in case if the applicant/ 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 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*

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

**The bail application is accordingly disposed off. Learned counsel for applicant is at liberty to obtain through electronic mode. Further copy of this order be sent to Concerned Jail Superintendent, IO / SHO. Copy of order be uploaded on website.**

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**(Naveen Kumar Kashyap)**  
**ASJ-04(Central)/Delhi/22/10/2020**

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**Bail Application**

**Bail application No.: 1552/2020  
State Vs Vijay Tiwari @Ganzek  
FIR No. :213/2020  
PS: Prashad Nagar  
U/S: 394, 34 IPC**

**22.10.2020**

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC  
Mr. R.K. Ray, learned Counsel for the Accused through VC.

Vide this order, the regular bail application under section 439 Cr.P.C. on behalf of accused dated 15/10/2020 filed through counsel is disposed off.

I have heard both the sides and have gone through the Trial Court 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. The

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FIR No. :213/2020  
PS: Prashad Nagar  
U/S: 394, 34 IPC**

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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

**Bail application No.: 1552/2020**  
**State Vs Vijay Tiwari @Ganzek**  
**FIR No. :213/2020**  
**PS: Prashad Nagar**  
**U/S: 394, 34 IPC**

: 3 :

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 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

Bail application No.: 1552/2020  
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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. (**Sundeeep 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

Bail application No.: 1552/2020  
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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.

In the present case, it is argued that he is in JC since 06/09/2020; that he is no more required for the purpose of investigation; that present case is falsely planted upon him; that there is outbreak of corona virus; that he was arrested in another false case and thereafter present case was also planted against him. As such, it is prayed that he be granted regular bail.

On the other hand, it is argued by the learned Addl.PP for

**Bail application No.: 1552/2020**  
**State Vs Vijay Tiwari @Ganzek**  
**FIR No. :213/2020**  
**PS: Prashad Nagar**  
**U/S: 394, 34 IPC**

: 6 :

the state that there are serious and specific allegations against the present accused; that present accused Vijay Tiwari @ Ganjak caught hold of victim when the victim refused to pay the money to drink and the co-accused hit the victim on the head with sharp thing which hurt him. It is further stated by the victim that he knows the present accused. But both such accused ran away from the spot and were arrested later on. It is further stated that there are about 10 other criminal cases against the present accused. As such, present application is strongly opposed.

I find force in the arguments of learned Addl.PP for the state. The offence is serious in nature and is nuisance to public at large. There are specific and serious allegations against the accused. Present accused is identified by the victim. The offence alleged against accused is punishable upto imprisonment for life. As such, this court is not inclined to grant the relief as sought in the present application. Hence, the same is dismissed. Trial Court record be sent back.

**The bail application is accordingly disposed off. Learned counsel for applicant is at liberty to obtain through electronic mode. Further copy of this order be sent to Concerned Jail Superintendent, IO / SHO. Copy of order be uploaded on website.**

The observations made in the present interim bail application order are for the purpose of deciding of present application and do not affect the factual matrix of the investigation of the present case which is separate issue as per law.

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**(Naveen Kumar Kashyap)  
Additional Sessions Judge-04  
Central/THC/Delhi  
22/10/2020**

**Bail application No.: 1552/2020  
State Vs Vijay Tiwari @Ganzek  
FIR No. :213/2020  
PS: Prashad Nagar  
U/S: 394, 34 IPC**

**Bail Matter No.: 1500/2020**  
**FIR No: Not Known**  
**PS: Karol Bagh**  
**State v. Mantasha w/o Mohd. Irshad**

**22.10.2020**

**Reader and One of the steno are on leave.**

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

Mr. Sunil, learned counsel for the applicant through VC.

Reply already filed by the IO. Copy of the same be supplied to the counsel for the applicant through electronic mode.

Put up for arguments and appropriate order for **04/11/2020**. In the meanwhile, without commenting on the merit of the case, IO is directed not to take any coercive action against the applicant till the next date of hearing provided that applicant to join the investigation as and when is directed by the IO / SHO.

Having regard to the number of cases already pending each day till 03/11/2020 and already listed and fresh cases are being filed everyday, it is not possible to accommodate before that. As such, put up on 04/11/2020.

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**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/22.10.2020**

**Bail Matter No.: 1572/2020**

**FIR No:256/2020**

**PS: Prasad Nagar**

**State v. Dharmender**

**22.10.2020**

**Reader and One of the steno are on leave.**

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

Mr. Bijender Sharma, learned counsel for the applicant through VC.

IO Pooja Chaudhary through VC.

It is stated by the IO that she has served complainant through electronic mode through whatsapp about pendency of the present application. Further Link of this video conferencing was supplied to the complainant by her. But it is stated by the complainant that she is not in a position to join through VC.

As such, put up for physical hearing of this court. Issue fresh notice to complainant through IO accordingly. Under these circumstances without commenting on the merits of the case, let no coercive action be taken against the accused till next date of hearing.

Put up for **27/10/2020** i.e. the physical hearing date of this court.

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**(Naveen Kumar Kashyap)**

**ASJ-04/Central/22.10.2020**

**Bail Matter No.: 1583/2020**

**FIR No: 424/2020**

**PS: Karol Bagh**

**State v. Zakir Ahmad**

**22.10.2020**

**Reader and One of the steno are on leave.**

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

Ms. Tulsi Goswami, learned counsel for the applicant through VC.

Reply filed today by the IO. Copy of the same be supplied by the concerned staff during the course of the day to the counsel for the applicant.

Put up for arguments and appropriate orders for **04/11/2020**. Earlier date of hearing is sought. Having regard to the number of cases already pending each day till 03/11/2020 and already listed and fresh cases are being filed everyday, it is not possible to accommodate before that. As such, put up on the date already fixed for 04/11/2020.

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**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/22.10.2020**

**Bail Matter No.: 1584/2020**

**FIR No:258/2020**

**PS: Prashad Nagar**

**State v. Saned @ Sanod**

**22.10.2020**

**Reader and One of the steno are on leave.**

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

Mr. D.S. Chauhan, learned counsel for the applicant through VC.

Reply filed today by the IO. Copy of the same be supplied by the concerned staff during the course of the day to the counsel for the applicant.

Put up for arguments and appropriate orders for **04/11/2020**. Earlier date of hearing is sought. Having regard to the number of cases already pending each day till 03/11/2020 and already listed and fresh cases are being filed everyday, it is not possible to accommodate before that. As such, put up on the date already fixed for 04/11/2020.

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**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/22.10.2020**

**Bail Matter No.: 517/2020**

**FIR No: 84/2019**

**PS: I.P. Estate**

**State v. V.K.Jain**

**22.10.2020**

**Reader and One of the steno are on leave.**

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

Mr. P.K.Jain, learned counsel for complainant through VC.

Put up for appropriate proceedings / orders for **27/10/2020**.

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**(Naveen Kumar Kashyap)**

**ASJ-04/Central/22.10.2020**

**Bail Matter No.: 541/2020**

**FIR No: 84/2019**

**PS: I.P. Estate**

**State v. Ajit @ Aziz**

**22.10.2020**

**Reader and One of the steno are on leave.**

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

None for applicant / accused.

Mr. P.K.Jain, learned counsel for original complainant through VC.

Put up with the connected matter for further proceedings / orders for

**27/10/2020.**

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**(Naveen Kumar Kashyap)**

**ASJ-04/Central/22.10.2020**

**Bail Matter No.: 540/2020**  
**FIR No: 84/2019**  
**PS: I.P. Estate**  
**State v. Sukha @ Imran Khan**

**22.10.2020**

**Reader and One of the steno are on leave.**

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

None for applicant / accused.

Mr. P.K.Jain, learned counsel for original complainant through VC.

Put up with the connected matter for further proceedings / orders for

**27/10/2020.**

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**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/22.10.2020**

**Bail Matter No.: 539/2020**

**FIR No: 84/2019**

**PS: I.P. Estate**

**State v. Fazar Mohd.**

**22.10.2020**

**Reader and One of the steno are on leave.**

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

None for applicant / accused.

Mr. P.K.Jain, learned counsel for original complainant through VC.

Put up with the connected matter for further proceedings / orders for

**27/10/2020.**

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**(Naveen Kumar Kashyap)**

**ASJ-04/Central/22.10.2020**

**Bail Matter No.: 798/2020**

**FIR No: 103/2019**

**PS: H. Nizamuddin**

**State v. Ritesh Kumar**

**22.10.2020**

**Reader and One of the steno are on leave.**

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

Mr. Vikas Kalia, learned counsel for applicant through VC.

Further, arguments heard in detail.

Issue notice to the complainant Phoolwati through IO through VC for the next date of hearing. Further, IO to appear in person alongwith case file on the next date of hearing including regarding the present status of the investigation and what efforts were made to recover mobile phone belonging to the applicant in question.

Put up for **05/11/2020**. In the meanwhile interim protection to continue till the next date of hearing in terms of previous order.

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**(Naveen Kumar Kashyap)**

**ASJ-04/Central/22.10.2020**

**Bail Matter No.: 1020/2020**  
**FIR No: 368/2019**  
**PS: Sarai Rohilla**  
**State v. Inder Prakash and Satendri**

**22.10.2020**

**Reader and One of the steno are on leave.**

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

Mr. Ravinder S. Garia, Learned counsel for the applicant / accused through VC.

Mr. Sanjeev learned counsel for original complainant through VC.

IO is not present despite notice to appear in person for today. Issue show cause notice to IO as to why she failed to appear. As such, notice be issued through SHO concerned.

Put up for appearance of IO with case file and further arguments, appropriate orders on the present application for **05/11/2020**. In the meanwhile, interim protection, if any, to continue till the next date of hearing in terms of previous order.

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**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/22.10.2020**

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

**22.10.2020**

**Reader and One of the steno are on leave.**

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

Learned counsel for all four applicants through VC.

Accused Sanjeev Kumar is also through VC.

It is stated by both the sides that settlement is arrived between the parties but they have not received received final order of settlement from the concerned mediation centre.

Heard.

As such, issue notice to concerned Mediator to supply copy of the final settlement as such matter was sent to mediation from this court only vide order dated 10/09/2020.

Put up for further appropriate proceedings for **04/11/2020**. In the meanwhile, interim protection, if any, to continue till the next date of hearing in terms of previous order.

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**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/22.10.2020**

**Bail Matter No.: 1551/2020**

**FIR No:32/2020**

**PS: Rajinder Nagar**

**State v. Krishan**

**22.10.2020**

**Reader and One of the steno are on leave.**

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

Mr. Ajay Kumar Khawal, learned counsel for the applicant through VC.

Reply filed by the IO as stated by the learned Addl.PP for the State. Copy of the same be placed on record. Further, copy of the same be supplied to the accused side through electronic mode.

Put up for arguments and appropriate orders for **05/11/2020**. Having regard to the number of cases already pending each day till 03/11/2020 and already listed and fresh cases are being filed everyday, it is not possible to accommodate before that. As such, put up on 05/11/2020.

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**(Naveen Kumar Kashyap)**

**ASJ-04/Central/22.10.2020**

**Bail Matter No.: 1410/2020**  
**FIR No:436/2018**  
**PS: Karol Bagh**  
**State v. Pankesh Kumar & Ors**

**22.10.2020**

**Reader and One of the steno are on leave.**

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

Learned counsel for the applicant / accused through VC.

Further reply relating to medical documents filed by the IO. Copy of the same be supplied to the accused side.

Further arguments heard in detail.

Put up for further arguments / appropriate orders for **26/10/2020**. Copy of the previous reply filed by the IO on 12/10/2020 be also supplied to the accused side during the course of the day through electronic mode.

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**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/22.10.2020**

**Bail Matters No.:1287, 1289, & 1290 /2020**  
**State Vs Rajeev Sharma, Ashok Kumar Sharma**  
**& Krishna Sharma @ Krishna Devi**  
**FIR No. :180/2019**  
**PS: Rajinder Nagar**

**22/10/2020**

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.  
Mr. Ashu Bhatia, learned counsel for applicants through VC.  
Mr. Jaikush Hoon, learned counsel for complainant Approva through VC  
alongwith such complainant through VC.  
IO Vinod Kumar present through VC

It is stated by the IO that he is pre-occupied in some other matter. As such, put up for further reply / clarification including regarding list of articles given by the complainant side. Although, as per the investigation so far by the IO how many of the items within the criteria of section 407 IPC in the present case, list of admitted items by the accused side and what efforts are made by the IO so far, to recover the rest of the case property which fall under the definition of 406 IPC.

Put up for **23/10/2020**. Interim order to continue till the next date of hearing.

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**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/22.10.2020**

**Bail Matters No.:1404/2020**  
**State Vs Naresh @ Kalia**  
**FIR No. :226/2020**  
**PS: Sarai Rohilla**  
**U/s : 356, 379, 411 r/w section 34 IPC**

**22/10/2020**

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

Today, it is clarified by the learned counsel for the accused that at present he is pressing for interim bail only.

Arguments already heard in detail.

It is argued on behalf of accused that he himself surrendered before duty MM and is falsely implicated in the present case. That nothing is recovered from him. That there is spread of corona virus including inside the jail. That he is in JC since 01/10/2020. That he be granted interim bail for 45 days.

On the other hand, in reply filed by IO as also argued by learned Addl.PP for the State, it is submitted that there are other criminal cases of similar nature of present accused. That he was identified by the complainant during TIP. That he is a drug addict and his presence may not be secured for trial if he is released on interim bail.

I have heard both the sides and have gone through the record. No sufficient reasons given for granting interim bail to such accused except a general apprehension that there is spread of corona virus including inside the jail.

Further there are latest observation by Hon'ble High Court in Writ Petition No.: 3037 / 2020 that there are very less cases now reported from the jail. Under these circumstances, this court is not inclined to grant interim bail to the present accused.

The observations made in the present interim bail application order are for the purpose of deciding of present application and do not affect the factual matrix of the investigation of the present case which is separate issue as per law.

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**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/22.10.2020**

**Bail Matters No.:1542 & 1555 /2020**  
**State Vs Abhay Arora**  
**FIR No. :30/2020**  
**PS:Kamla Market**

**22/10/2020**

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.  
Mr. Bhanu Mohan, learned counsel for applicant through VC.  
IO in person through VC.

Further submissions heard from the IO.

Put up for further arguments through VC including regarding the role and ingredients of offence against the applicant / accused in question for **27/10/2020**. IO to appear with case file on the next date of hearing alongwith the evidence collected by him during the course of the investigation against the applicant / accused.

These are two applications one is filed physically and another is filed through electronic mode. Both are clubbed today. As such, application filed through electronic mode be taken up on the next date of hearing.

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**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/22.10.2020**

**Bail Matters No.: 1572/2020**  
**State Vs Sumit Kumar**  
**FIR No. :188/2020**  
**PS: Rajinder Nagar**

**22/10/2020**

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

This is an application for anticipatory bail u/s 438 Cr.PC on behalf of applicant Sumit Kumar.

Already heard in detail from both sides.

The FIR in question is of the year 2016. Further all the offences alleged in the reply filed by the IO are punishable upto 7 years only. As such, before proceedings further to dispose off the present application, accused / applicant is directed to join investigation and fully cooperate with the IO / SHO concerned as and when so directed by the IO including regarding the whereabouts of 12 vehicles and other alleged accused persons. No coercive action be taken against the applicant / accused till the next date of hearing only provided he cooperate with the investigation.

Put up for further arguments / appropriate orders for **05/11/2020**.

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**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/22.10.2020**

**Bail Matters No.: 1569/2020**  
**State Vs Virender Kalu**  
**FIR No. :88/2020**  
**PS: Sarai Rohilla**  
**U/s 392, 397, 452, 506, 34 IPC**

**22/10/2020**

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

Vide this order interim bail application dated 19/10/2020 is disposed off.

In nutshell, it is submitted in such application that accused is falsely implicated in the present case; that wife of accused namely Anjana is suffering from some medical problem details of which is given at para C alongwith medical documents annexed with the present interim bail application; that such wife is admitted in the hospital and is under treatment. That presence of accused is required to give emotional and moral support to the wife as her condition is not improving. Further such wife is needed to be shifted in some bigger hospital. Further, funds need to be arranged for such medical treatment. Further in this pandemic time arrangements are to be made for the family.

On the other hand, in the reply submitted by the IO as also argued by learned Addl.PP for the State offence is serious in nature relating to robbery of Rs.5.5 lacs and some jewelry items but the medical papers submitted are found genuine. It is further argued that there are several other criminal cases against the present accused and he may affect the trial if released on bail.

I have heard both the sides and gone through the record. Such accused is in JC since 02/07/2020. Further as per report of the IO, he is involved in 4-5 other criminal cases of similar nature. Thus, there is likelihood that he may threaten the witness or influence the trial

**Contd...../-**

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*Bail Matters No.: 1569/2020  
State Vs Virender Kalu  
FIR No. :88/2020  
PS: Sarai Rohilla  
U/s 392, 397, 452, 506, 34 IPC*

if granted interim bail having regard to his criminal background which cannot be ignored altogether. Further, having regard to facts and circumstances, this court do not find sufficient ground that his wife require emotional and moral support for that purpose accused be granted interim bail. Further, such wife is stated to be already admitted in hospital. Same implies that there are some other persons also to take care of such wife or otherwise she is capable of taking care of herself. With these observations present application is dismissed.

**The bail application is accordingly disposed off. Learned counsel for applicant is at liberty to obtain through electronic mode. Further copy of this order be sent to Concerned Jail Superintendent, IO / SHO. Copy of order be uploaded on website.**

The observations made in the present interim bail application order are for the purpose of deciding of present application and do not affect the factual matrix of the investigation of the present case which is separate issue as per law.

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**(Naveen Kumar Kashyap)  
ASJ-04/Central/22.10.2020**

**SC No.: 27237/2016**  
**( Application of Chander Pal)**  
**FIR No.: 415/2015**  
**PS Kotwali**  
**State vs Sunil & others**

**22.10.2020**

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.  
Mr. Ravinder Aggarwal, learned counsel for applicant through VC.

Further miscellaneous application is also filed by applicant Chander Pal for providing current currency.

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

Put up for reply, arguments and appropriate orders for **27/10/2020**.

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**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/22.10.2020**

**State Vs Arjun Kumar**  
**( Application of Arjun Kumar)**  
**FIR No.: 205/2018**  
**PS Lahori Gate**

**22.10.2020**

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

Issue show cause notice to IO through DCP concerned as to why reply still not filed to the present bail application of accused Arjun Kumar. Such notice be issued by tomorrow.

Put up for reply, arguments and appropriate orders for **04/11/2020**. In case IO is not available then SHO concerned is directed to file such reply by the next date of hearing.

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Date: 2020.10.22  
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**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/22.10.2020**

At this stage, reply filed by the IO. Same be taken on record. Copy of the same is supplied to the accused side. As such, show cause notice need not be issued to the IO and the same is recorded.

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**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/22.10.2020**

**State Vs Ashu Atta**  
**( Application of Rahul @ Tyagi)**  
**FIR No.: 210/2018**  
**PS Prashad Nagar**

**22.10.2020**

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.  
Mr. Pankaj Srivastav, learned counsel for applicant through VC.

This is an interim bail application filed by the applicant through counsel.

Issue show cause notice to IO through DCP concerned as to why reply still not filed to the present bail application of accused. Such notice be issued by tomorrow.

Put up for reply, arguments and appropriate orders for **26/10/2020**. In case IO is not available then SHO concerned is directed to file such reply by the next date of hearing.

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**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/22.10.2020**

At this stage, reply filed through electronic mode. The same is taken on record. Accordingly, there is no need to issue show cause notice to the IO. Put up for the date already fixed.

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**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/22.10.2020**

**State vs Govind Kumar**  
**( Application of Govind Kumar)**  
**FIR No.: 215/2014**  
**PS NDRS**

**22.10.2020**

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.  
Mr. S.N. Shukla, learned counsel for the accused through VC.

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

Put up for reply, arguments and appropriate orders for **04/11/2020**.

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**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/22.10.2020**

**State Vs Deepak @ Deepu etc.**  
**( Misc. Application)**  
**FIR No.: 77/2013**  
**PS Kamla Market**

**22.10.2020**

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.  
Ms. Ashi, learned counsel for applicant through VC.

This is an application for release of FD of applicant Yogesh.

Put up for appropriate proceedings / orders for **27/10/2020**.

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**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/22.10.2020**

**State Vs Sunil & others**  
**( Bail Bond of Surender)**  
**FIR No.: 303/2014**  
**PS Subzi Mandi**

**22.10.2020**

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.  
Learned counsel for the accused through VC.  
Further surety also present physically in the court.

Bail bond verification report is filed by HC Harender PS Subzi Mandi. As per such report, address as well as security of the surety is verified.

As such, bail bond is accepted in view of such report. Original RC of scooty in question No. DL 4S CA 9321 is retained on record. Acknowledgment of the same be given to the surety. Release warrant be prepared accordingly.

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2020.10.22  
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**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/22.10.2020**

**SC No.: 28380/2016**  
**FIR No.: 58/2012**  
**PS Jama Masjid**  
**State vs Imran @ Dagda & others**

**22.10.2020**

*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 01/05/2020, 24/06/2020 & 25/08/2020. 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.

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

Mr. J.S. Mishra, learned LAC for accused Arshad through VC.

Accused Arshad is stated to be on bail and present through VC.

Mr. Saleem Ahmad, learned counsel for accused Nadeem @ Kuppa, Rizwan @ Mamu, Mohd. Arif, Shamsul Kumar, Bilal, Ziauddin and Imran @ Dagda is present in court.

None for rest of the accused persons.

In the interest of justice, no adverse order is passed in the present case. Issue production warrant for the accused persons who are in JC for the next date of hearing.

Put up for PE in terms of previous order for **09/03/2021**. Issue notice to two of the material witnesses for the next date of hearing.

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**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/22.10.2020**

**SC No.: 27237/2016**  
**FIR No.: 415/2015**  
**PS Kotwali**  
**State vs Sunil & others**

**22.10.2020**

*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 01/05/2020, 24/06/2020 & 25/08/2020. 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.

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

Mr. Gaurav Singhal, learned counsel for accused Maan Singh and Lalit through VC.

Accused Lalit stated to be in JC and Maan Singh is stated to be on interim bail is also present through VC with counsel.

Mr. J.S. Mishra, learned LAC for accused Laxman through VC.

Mr. Yatinder Kumar, learned LAC for accused Ajit, and amicus curiae for accused Joginder and Santraj through VC.

Mr. Ravinder Aggarwal, learned counsel for accused Chander Pal and Sanjeev through VC.

None for other accused persons.

In the interest of justice, no adverse order is passed in the present case. Issue production warrant for the accused persons who are in JC for the next date of hearing.

Put up for PE in terms of previous order for **10/03/2021**. Issue notice to two of the material witnesses for the next date of hearing.

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**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/22.10.2020**

**SC No.: 27891/2016**  
**FIR No.: 137/2012**  
**PS Sarai Rohilla**  
**State vs Irshad Ahmad & others**

**22.10.2020**

*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 01/05/2020, 24/06/2020 & 25/08/2020. 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.

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

Mr. Ayub Ahmad Qureshi, learned counsel for all accused in person in court.

It is stated by the counsel for the accused that all the accused are on bail and present in court.

Put up for PE in terms of previous order for **10/03/2021**. Issue notice to two of the material witnesses for the next date of hearing.

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**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/22.10.2020**

**SC No.: 27481/2016**  
**FIR No.: 386/2014**  
**PS Pahar Ganj**  
**State vs Pawan Sharma**

**22.10.2020**

*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.

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

None for the accused.

Put up for appearance of all the accused persons and for further appropriate proceedings for **27/10/2020**.

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**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/22.10.2020**

**CR No. 659/2019**  
**Ivan Jain Vs Shweta & others**

**22.10.2020**

*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.

Present: Revisionist through VC with counsel Mr. Sudhir Mendiratta.

Ms Rashmi Sharma, counsel for respondent through VC.

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

It is stated by both the sides that their arguments are not complete.

Written synopsis already filed by both the sides and it is stated today apart from that they do not want to argue further.

As such, put up for orders / clarification, if any, for **06/11/2020**.

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Date: 2020.10.22  
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**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/22.10.2020**

**CR No. 119/2020**  
**Piyush Kumar Sharma Vs State**

**22.10.2020**

*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.

Present: Ms. Arti Sharma, learned counsel for the revisionist through VC.

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

Put up for arguments / appropriate orders on the present revision petition for

**18/11/2020.** Trial Court record be called for the next date of hearing.

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2020.10.22  
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**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/22.10.2020**

**SC No. 26/2020**  
**FIR No. 606/2019**  
**PS Kotwali**  
**State vs Golu Singh Chauhan & others**

**22.10.2020**

*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.

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

Accused Munna Singh and Geeta produced through VC from Unnao.

It is stated that third accused Golu Singh Chauhan @ Sanjeev Singh is their son and is in judicial custody at Unnao Jail in the present case.

Issue production warrant of such accused Golu Singh Chauhan @ Sanjeev Singh for the next date of hearing.

Put up for **09/03/2021**.

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**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/22.10.2020**

**SC No.: 27/2020**  
**FIR No.: 144/2019**  
**PS Jama Masjid**  
**State vs Rajiv & others**

**22.10.2020**

*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.

Fresh case received by way of assignment. It be checked and registered separately.

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

All the accused are in JC.

Put up for consideration on **18/11/2020**.

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**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/22.10.2020**

**CR No.: 235/2020**  
**Ramesh Batheja Vs. Neeraj Krishnani**

**22.10.2020**

*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.

Present: Ld. Counsel for the Revisionist.

None for the respondent.

At request put up for appropriate order/consideration on **27/10/2020**.

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**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/22.10.2020**