FIR No. 556/20 U/s 392/397/411/120B of IPC and 25/27 Arms Act. PS: Rajouri Garden 15.07.2020

State

Vs.

Ajay Kumar

Present:

Ld. APP for the State through video-conferencing in Cisco-Webex

Application vide Meeting No. 166 650 2725.

Sh. Sh. Vivek Chaudhary, Ld. Counsel for the applicant/accused

through video-conferencing in Cisco-Webex Application vide

Meeting No. 166 650 2725.

Argument heard on the bail application on behalf of the accused. It is stated that the accused was falsely implicated in the present case and he has clean antecedents. It is submitted that the co-accused Nahid has already been granted bail vide order dated 30.06.2020. It is further submitted that neither the name of the accused nor there is any mention of knife or pistol, used in commission of offence, is find mentioned in the original FIR.

Bail application is opposed by Ld. APP for the State.

There is an allegation against the applicant/accused that he along with the co-accused persons had robbed the complainant of his mobile phone and bag containing laptop, purse, debit and credit card after threatening with a pistol and a knife. There is nothing on record to indicate that the complainant has any ill-will or prior enmity with the accused/applicant. The accused/applicant has already refused to participate in TIP Proceedings. One Desi pistol along with one live cartridge was recovered from the possession of the accused Ajay Kumar. The allegations are serious in nature. No ground is made out for grant of bail at this stage. Accordingly, the present bail application is hereby dismissed

Copy of this order be supplied to Ld. Counsel through Whatsapp, as prayed for.

FIR No. 556/20 U/s 392/397/411/120B of IPC and 25/27 Arms Act. PS: Rajouri Garden 15.07.2020

State

Vs.

Aman Sangwan

Present:

Ld. APP for the State through video-conferencing in Cisco-Webex Application vide Meeting No. 166 650 2725.

Sh. Sh. Vivek Chaudhary, Ld. Counsel for the applicant/accused through video-conferencing in Cisco-Webex Application vide Meeting No. 166 650 2725.

Argument heard on the bail application on behalf of the accused. It is stated that the accused was falsely implicated in the present case and he has clean antecedents. It is submitted that the co-accused Nahid has already been granted bail vide order dated 30.06.2020. It is further submitted that neither the name of the accused nor there is any mention of knife or pistol, used in commission of offence, is find mentioned in the original FIR.

Bail application is opposed by Ld. APP for the State.

There is an allegation against the applicant/accused that he along with the co-accused persons had robbed the complainant of his mobile phone and bag containing laptop, purse, debit and credit card after threatening with a pistol and a knife. There is nothing on record to indicate that the complainant has any ill-will or prior enmity with the accused/applicant. The accused/applicant has already refused to participate in TIP Proceedings. One Desi pistol along with one live cartridge was recovered from the possession of the accused Aman Sangwan. The allegations are serious in nature. No ground is made out for grant of bail at this stage. Accordingly, the present bail application is hereby dismissed

Copy of this order be supplied to Ld. Counsel through Whatsapp, as prayed for.

FIR No. 728/20 U/s 33/38 Delhi Excise Act PS: Nihal Vihar 15.07.2020

State

Vs.

Geeta

Present: Ld. APP for the State through video-conferencing in Cisco-Webex Application vide Meeting No. 166 650

2725.

Sh. K.K. Singh, Ld. LAC for theapplicant/accused.

Argument heard on the bail application on behalf of the accused. It is stated that the accused was falsely implicated in the present case and he has clean antecedents.

Bail application is opposed by Ld. APP for the State.

As the alleged recovery has already been effected, no useful purpose will be served by keeping the accused in JC. Accordingly, the accused Geeta is hereby released on bail on his furnishing the personal bond in the sum of Rs. 20,000/- and one surety of the like amount.

Copy of this order be given Dasti to Ld. LAC, as prayed for.

D/2629/00

E-FIR No. 3135/20 PS: Rajouri Garden 15.07.2020

This is an application for releasing vehicle bearing no. DL-3SCD-0547 on Superdari.

Present:-

Ld. APP for the State.

Ld. Counsel for the applicant in person.

IO has filed his reply. Taken on record.

Instead of releasing the vehicle on superdari, I am of the considered view that the vehicle has to be released as per directions of Hon'ble Supreme Court in case titled as Sunder Bhai Ambalal Desai Vs. State of Gujrat, AIR 2003 SC 638 wherein it has been held that

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

- 69. The photographs of the vehicle should be attested countersigned by the complainant, accused as well as by the person to whom the custody is handed over.
- 70. The production of the vehicle should not be insisted upon during the trial. The panchnama and photographs along with the valuation report should suffice for the purposes of evidence.
- 71. Return of vehicles and permission for sale thereof should be the general norm rather than the exception.
- 72. If the vehicle is insured, the court shall issue notice to the owner and the insurance company for disposal of the vehicle. If there is no response or the owner declines to take the vehicle or informs that it has claimed insurance/released its right in the vehicle to the insurance company and the insurance company fails to take possession of the vehicle, the vehicle may be ordered to be sold in auction.
- 73. If a vehicle is reply not claimed by the accused, owner, or the insurance company or by a third person, it may be ordered to be sold by auction."

The view of the Hon'ble Supreme Court has been reiterated by Hon'ble Delhi High Court in case titled as Manjit Singh Vs. State in Crl. M.C. No. 4485/2013 dated 10.09.2014.

Considering the facts and circumstances and law laid down by higher courts, vehicle in question bearing registration no. DL-3SCD-0547 be released to the registered owner after due identity verification and on furnishing security bond as per valuation report of the vehicle. After preparation of panchnama of the vehicle and furnishing of security bond as per directions of Hon'ble Supreme Court, the vehicle shall be released by the IO.

Copy of this order be given dasti to applicant.

Panchnama and valuation report shall be filed in the court along with charge

15.07.2020

E-FIR No. 14149/20 PS: Rajouri Garden 15.07.2020

Present: Ld. APP for the State.

Applicant in person.

One application moved by the applicant for modification of order dated 11.07.2020.

Vehicle number mentioned in the order dated 11.07.2020 be read as DL-8SCJ-8711. Accordingly, application for modification of order dated 11.07.2020 stands disposed of.

Copy of this order be given Dasti to the applicant, as prayed for.

FIR No. 473/20 U/s 33/38 Delhi Excise Act PS: Tilak Nagar 15.07.2020

State

Vs.

Karim Khan

Present: Ld. APP for the State through video-conferencing in Cisco-Webex Application vide Meeting No. 166 650 2725.

Sh. Sanjay Kumar, Ld. Counsel for the applicant/accused.

Argument heard on the bail application on behalf of the accused. It is stated that the accused was falsely implicated in the present case and he has clean antecedents.

Bail application is opposed by L.d. APP for the State.

As the alleged recovery has already been effected, no useful purpose will be served by keeping the accused in JC. Accordingly, the accused Karim Khan is hereby released on bail on his furnishing the personal bond in the sum of Rs. 40,000/- and one surety of the like amount.

Copy of this order he given Pasti to Ld. Courself as pryectfor.

(Pankaj Arora)

DMM/West/THC/Delhi

15.07.2020

FIR No. 0241/20 U/s 392/34 of IPC PS: Nihal Vihar 15.07.2020

State

Vs.

Nikky @ Paji

Present: Ld. APP for the State through video-conferencing in Cisco-Webex Application vide Meeting No. 166 650 2725.

Sh. Mohd. Fahad, Ld. counsel for the applicant/accused.

Argument heard on the bail application on behalf of the accused. It is stated that the accused was falsely implicated in the present case and he has clean antecedents.

Bail application is opposed by Ld. APP for the State.

As the investigation 'qua' the applicant/accused is complete, charge sheet in the present case is filed and the alleged recovery has already been effected, no useful purpose will be served by keeping the accused in JC. Accordingly, the accused Nikkyu @ Paji is hereby released on bail on his furnishing the personal bond in the sum of Rs. 30,000/- and one surety of the like amount.

Copy of this order be given Dasti to Ld. counsel, as prayed for.

FIR No. 715/20 U/s 380/411/34 of IPC PS: Nihal Vihar 15.07.2020

State

Vs.

Jatin

Present:

Ld. APP for the State through video-conferencing in Cisco-Webex Application vide Meeting No. 166 650 2725.

Sh. Pradeep Kumar, Ld. counsel for the applicant/accused.

Argument heard on the bail application on behalf of the accused. It is stated that the accused was falsely implicated in the present case and he has clean antecedents.

Bail application is opposed by Ld. APP for the State.

As the investigation 'qua' the applicant/accused is complete and the alleged recovery has already been effected, no useful purpose will be served by keeping the accused in JC. Accordingly, the accused Jatin is hereby released on bail on his furnishing the personal bond in the sum of Rs. 20,000/- and one surety of the like amount.

Copy of this order be given Dasti to id. Com

DMM/West/THC/Delhi

15.07.2020

E-FIR No. 00186/20 *U/s 379/411 of IPC* PS: Paschim Vihar East 15.07.2020

State

Vs.

Deepak @ Kalu

Present: Ld. APP for the State through video-conferencing in Cisco-Webex Application vide Meeting No. 166 650 2725.

Sh. Rose Malik, Ld. Counsel for the applicant/accused.

Argument heard on the bail application on behalf of the accused. It is stated that the accused was falsely implicated in the present case.

Bail application is opposed by Ld. APP for the State.

As the alleged recovery has already been effected, no useful purpose will be served by keeping the accused in JC. Accordingly, the accused Deepak @ Kalu be hereby released, if he is not required to be kept in JC in any other criminal case, on his furnishing the personal bond in the sum of Rs. 10,000/- to the satisfaction of Jail Superintendent concerned. Jail Superintendent shall also ascertain from PS concerned as to whether the address of the accused is verified or not before releasing the accused.

Full signed duplicate of this order be sent to Jail Superintendent concerned, which shall also be treated as release warrant upon the acceptance of personal bond.

Copy of this order be given Dasti, as prayed for.

FIR No. 597/20 PS: Nihal Vihar 15.07.2020

This is an application for releasing vehicle bearing no. DL-10SE-0438 on Superdari.

Present:-

Ld. APP for the State.

Ld. counsel for the applicant

IO has filed his reply. Taken on record.

Instead of releasing the vehicle on superdari, I am of the considered view that the vehicle has to be released as per directions of Hon'ble Supreme Court in case titled as **Sunder Bhai Ambalal Desai Vs. State of Gujrat, AIR 2003 SC 638** wherein it has been held that

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

- 69. The photographs of the vehicle should be attested countersigned by the complainant, accused as well as by the person to whom the custody is handed over.
- 70. The production of the vehicle should not be insisted upon during the trial. The panchnama and photographs along with the valuation report should suffice for the purposes of evidence.
- 71. Return of vehicles and permission for sale thereof should be the general norm rather than the exception.
- 72. If the vehicle is insured, the court shall issue notice to the owner and the insurance company for disposal of the vehicle. If there is no response or the owner declines to take the vehicle or informs that it has claimed insurance/released its right in the vehicle to the insurance company and the insurance company fails to take possession of the vehicle, the vehicle may be ordered to be sold in auction.
- 73. If a vehicle is reply not claimed by the accused, owner, or the insurance company or by a third person, it may be ordered to be sold by auction."

The view of the Hon'ble Supreme Court has been reiterated by Hon'ble Delhi High Court in case titled as Manjit Singh Vs. State in Crl. M.C. No. 4485/2013 dated 10.09.2014.

Considering the facts and circumstances and law laid down by higher courts, vehicle in question bearing registration no. *DL-10SE-0438* be released to the **registered owner after due identity verification** and on furnishing security bond as per valuation report of the vehicle. After preparation of panchnama of the vehicle and furnishing of security bond as per directions of Hon'ble Supreme Court, the vehicle shall be released by the IO.

Copy of this order be given dasti to applicant.

Panchnama and valuation report shall be filed in the court along with charge sheet.

E-FIR No. 12107/20 PS: Nangloi 15.07.2020

This is an application for releasing vehicle bearing no. DL-4SDH-4494 on Superdari.

Present:-

sheet.

Ld. APP for the State.

Ld. counsel for the applicant

IO has filed his reply. Taken on record.

Instead of releasing the vehicle on superdari, I am of the considered view that the vehicle has to be released as per directions of Hon'ble Supreme Court in case titled as **Sunder Bhai Ambalal Desai Vs. State of Gujrat, AIR 2003 SC 638** wherein it has been held that

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

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

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

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

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

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

The view of the Hon'ble Supreme Court has been reiterated by Hon'ble Delhi High Court in case titled as Manjit Singh Vs. State in Crl. M.C. No. 4485/2013 dated 10.09.2014.

Considering the facts and circumstances and law laid down by higher courts, vehicle in question bearing registration no. *DL-4SDH-4494* be released to the **registered owner after due identity verification** and on furnishing security bond as per valuation report of the vehicle. After preparation of panchnama of the vehicle and furnishing of security bond as per directions of Hon'ble Supreme Court, the vehicle shall be released by the IO.

Copy of this order be given dasti to applicant.

Panchnama and valuation report shall be filed in the court along with charge

FIR No. 610/19 PS: Rajouri Garden 15.07.2020

File taken up today on an application for seeking permission for issuance of passport.

Present: Ld. APP for the State through video-conferencing in Cisco-Webex Application vide Meeting No. 166 650 2725.

Sh. Pankaj Verma, Ld. Counsel for the applicant/accused through video-conferencing in Cisco-Webex Application vide Meeting No. 166 650 2725.

Heard on the application for seeking permission for issuance of passport.

Reply of IO perused wherein it is stated that the accused has already been released on police bail and there is nothing on record to indicate that the accused is no cooperating in the investigation of the present case. Accordingly, this Court has no objection for issuance of passport to the accused Bhupender Nautiyal S/o Sh. Devi Dutt Nautiyal. However, the applicant/accused shall not leave India without prior permission of this court.

The present application is hereby disposed of.

Copy of this Order be given Dasti, as prayed for.

FIR No. 0444/20 U/s 356/379/411 of IPC PS: Tilak Nagar 15.07.2020

State

Vs.

Ranjeet Singh

Present: Ld. APP for the State through video-conferencing in Cisco-Webex Application vide Meeting No. 166 650

2725.

Sh. Suresh Bhardwaj, Ld. Counsel for the applicant/accused through video-conferencing in Cisco-Webex Application vide Meeting No. 166 650 2725...

Argument heard on the bail application on behalf of the accused. It is stated that the accused was falsely implicated in the present case.

Bail application is opposed by Ld. APP for the State.

As the alleged recovery has already been effected and investigation 'qua' the applicant/accused is complete no useful purpose will be served by keeping the accused in JC. Accordingly, the accused Ranjeet Singh is hereby released on bail on his furnishing the personal bond in the sum of Rs. 20,000/- and one surety of the like amount.

Copy of this order be given Dasti to Ld. Counsel thorugh Whatsapp, as prayed for.

FIR No.614/19 U/s 379/411/34 of IPC PS: Maya Puri 15.07.2020

State

Vs.

Kamal Bedi

Present:

Ld. APP for the State through video-conferencing in

Cisco-Webex Application vide Meeting No. 166 650 2725.

Sh. Mohit Auluck, Ld. Counsel for the

applicant/accused through video-conferencing in

Cisco-Webex Application vide Meeting No. 166 650 2725.

Argument heard on the bail application on behalf of the accused. It is stated that the accused was falsely implicated in the present case. It is submitted that the investigation in the present case is complete and charge-sheet in the present is filed. It is further submitted that the accused has already been acquitted/discharged in seven other cases pending against him.

Bail application is opposed by Ld. APP for the State.

There is an allegation against the accused that one stolen mobile phone was recovered from his possession. As per the status of pending cases filed by Ld. counsel, charge has already been framed against the accused in three cases for the offence punishable under Section 411 of IPC. The previous bail application has already been dismissed by Ld. Sessions Court on 10.06.2020. No ground is made out for grant of bail at this stage. Accordingly, the present bail application is hereby dismissed.

Copy of this Order be supplied to Ld. counsel through Whatsapp, as prayed for.

FIR No. 132/20 PS: Rajouri Garden 15.07.2020

This is an application for releasing vehicle bearing no. DL-1RU-3233 on Superdari.

Present:-

Ld. APP for the State.

Applicant in person.

IO has filed his reply. Taken on record.

Instead of releasing the vehicle on superdari, I am of the considered view that the vehicle has to be released as per directions of Hon'ble Supreme Court in case titled as Sunder Bhai Ambalal Desai Vs. State of Gujrat, AIR 2003 SC 638 wherein it has been held that

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

- 69. The photographs of the vehicle should be attested countersigned by the complainant, accused as well as by the person to whom the custody is handed over.
- 70. The production of the vehicle should not be insisted upon during the trial. The panchnama and photographs along with the valuation report should suffice for the purposes of evidence.
- 71. Return of vehicles and permission for sale thereof should be the general norm rather than the exception.
- 72. If the vehicle is insured, the court shall issue notice to the owner and the insurance company for disposal of the vehicle. If there is no response or the owner declines to take the vehicle or informs that it has claimed insurance/released its right in the vehicle to the insurance company and the insurance company fails to take possession of the vehicle, the vehicle may be ordered to be sold in auction.
- 73. If a vehicle is reply not claimed by the accused, owner, or the insurance company or by a third person, it may be ordered to be sold by auction."

The view of the Hon'ble Supreme Court has been reiterated by Hon'ble Delhi High Court in case titled as Manjit Singh Vs. State in Crl. M.C. No. 4485/2013 dated 10.09.2014.

Considering the facts and circumstances and law laid down by higher courts, vehicle in question bearing registration no. DL-1RU-3233 be released to the registered owner after due identity verification and on furnishing security bond as per valuation report of the vehicle. After preparation of panchnama of the vehicle and furnishing of security bond as per directions of Hon'ble Supreme Court, the vehicle shall be released by the IO.

Copy of this order be given dasti to applicant.

Panchnama and valuation report shall be filed in the court along with charge

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DMM/West/THC/Delhi

15.07.2020

FIR No. 05287/20 PS: Paschim Vihar West 15.07.2020

This is an application for releasing vehicle bearing no. DL-4SCY-7929 on Superdari.

Present:-

Ld. APP for the State.

Applicant in person.

IO has filed his reply. Taken on record.

Instead of releasing the vehicle on superdari, I am of the considered view that the vehicle has to be released as per directions of Hon'ble Supreme Court in case titled as **Sunder Bhai Ambalal Desai Vs. State of Gujrat, AIR 2003 SC 638** wherein it has been held that

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

- 69. The photographs of the vehicle should be attested countersigned by the complainant, accused as well as by the person to whom the custody is handed over.
- 70. The production of the vehicle should not be insisted upon during the trial. The panchnama and photographs along with the valuation report should suffice for the purposes of evidence.
- 71. Return of vehicles and permission for sale thereof should be the general norm rather than the exception.
- 72. If the vehicle is insured, the court shall issue notice to the owner and the insurance company for disposal of the vehicle. If there is no response or the owner declines to take the vehicle or informs that it has claimed insurance/released its right in the vehicle to the insurance company and the insurance company fails to take possession of the vehicle, the vehicle may be ordered to be sold in auction.
- 73. If a vehicle is reply not claimed by the accused, owner, or the insurance company or by a third person, it may be ordered to be sold by auction."

The view of the Hon'ble Supreme Court has been reiterated by Hon'ble Delhi High Court in case titled as Manjit Singh Vs. State in Crl. M.C. No. 4485/2013 dated 10.09.2014.

Considering the facts and circumstances and law laid down by higher courts, vehicle in question bearing registration no. *DL-4SCY-7929* be released to the **registered owner after due identity verification** and on furnishing security bond as per valuation report of the vehicle. After preparation of panchnama of the vehicle and furnishing of security bond as per directions of Hon'ble Supreme Court, the vehicle shall be released by the IO.

Copy of this order be given dasti to applicant.

Panchnama and valuation report shall be filed in the court along with charge

sheet.

ondy

FIR No. 748/20 PS: Nihal Vihar 15.07.2020

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

Present:-

Ld. APP for the State.

Applicant in person.

IO has filed his reply. Taken on record.

Instead of releasing the article on superdari, I am of the considered view that the article has to be released as per directions of Hon'ble Supreme Court in case titled as Sunder Bhai Ambalal Desai Vs. State of Gujrat, AIR 2003 SC 638. The view of the Hon'ble Supreme Court has been reiterated by Hon'ble Delhi High Court in case titled as Manjit Singh Vs. State in Crl. M.C. No. 4485/2013 dated 10.09.2014 wherein it has been held that

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

- The photographs of such articles should be attested or countersigned by the complainant, accused as well as by the person to whom the custody is handed over. Whenever necessary, the court may get the jewellery articles valued from a government approved valuer.
- 61. The actual production of the valuable articles during the trial should not be insisted upon and the photographs along with the panchnama should suffice for the purposes of evidence."

Considering the facts and circumstances and law laid down by higher courts, seized articles in question as per seizure memo be released to owner as per invoice after due identify verification. IO is directed to get the valuation done of mobile phone prior to the release the same to the applicant as per directions of Hon'ble Supreme Court.

Panchnama and valuation report shall be filed at the time of filing charge sheet.

Copy of this order be given Dasti to Ld. counsel, as prayed for.

(Panka Arora) DMM/West/THC/Delhi 15.07.2020

Ramile Rami

FIR No. 6574/20 U/s 379 of IPC PS: Tilak Nagar 15.07.2020

State

Vs.

Rajinder Singh

Ld. APP for the State through video-conferencing in Present:

Cisco-Webex Application vide Meeting No. 166 650

2725.

Sh. Sahil Sharma, Ld. Counsel for the

applicant/accused.

Argument heard on the bail application on behalf of the accused. It is stated that the accused was falsely implicated in the present case and he has clean antecedents.

Bail application is opposed by Ld. APP for the State.

As the alleged recovery has already been effected, no useful purpose will be served by keeping the accused in JC. Accordingly, the accused Rajinder Singh is hereby released on bail on his furnishing the personal bond in the sum of Rs. 15,000/- and one surety of the like amount.

Copy of this order be given Dasti to Ld. Counsel, as prayed for.

DMM/West/THC/Delhi