

**FIR No.698/20
PS Rajouri Garden
u/s 25 Arms Act
State Vs. Dharambir**

31.05.2021

Proceedings through VC

Present: Ld. APP for the state.

Ms. Neha Jain, Ld. LAC for the accused/ applicant.

This is an application for grant of interim bail to accused Dharambir, S/o Shuku.

Reply has been filed by the IO along with the previous involvement report.

It is submitted by counsel for accused that accused has been falsely implicated in the present case. It is further argued that the benefit of interim bail be granted to the accused as the case of the accused is squarely covered within the guidelines of the HPC, and the accused be allowed on interim bail on personal bond only.

Ld. APP for the State has argued that the allegations contained in the FIR are serious and the accused should not be enlarged on bail as the possibility of him fleeing from justice cannot be ruled out, especially in view of his previous involvements. On these grounds, Ld APP has opposed the application of the accused/applicant.

Heard. Record perused. Considered.

The accused is languishing in custody since 06.08.2020. The reply of the IO does not show any cogent ground requiring further pre-trial detention of the accused. Further, the accused does not have substantial number of previous involvements as per the report filed by the IO. This court finds itself in agreement

with the arguments raised by Ld. LAC for the accused that the case of the accused is squarely covered by the guidelines of the High Power Committee formed by the Hon'ble High Court of Delhi dated 04.05.2021 and 11.05.2021 for the decongestion of jails in view of the recent surge in the cases of covid-19. Accordingly the accused/ applicant **Dharambir, S/o Shuku** is directed to be released on interim bail for a period of 90 days on furnishing of personal bond in the sum of Rs. 10,000/- to the satisfaction of the Jail Superintendent concerned, who shall ascertain from the PS concerned if the address of the accused has been verified or not. Accused/applicant **Dharambir, S/o Shuku** shall surrender before the Jail Authority concerned after the expiry of period of interim bail for a period of 90 days. Application stands disposed of accordingly.

Let copy of this order be sent to Jail Superintendent concerned for information and compliance, and shall also operate as release warrant. The order be sent through all means, including email.

Let a hard copy of the application, its reply and misc documents be filed on the record within one week of the resumption of regular functioning of the Courts. Further, let a copy of the order be uploaded on the website of District Courts forthwith.

Copy of the order be given *dasti* to Ld. LAC for accused.

(Medha Arya)
MM-02 (West)/THC/Delhi
31.05.2021

**FIR No.926/20
PS Rajouri Garden
u/s 25 Arms Act
State Vs. Akash @ Varun**

31.05.2021

Proceedings through VC

Present: Ld. APP for the state.

Ms. Neha Jain, Ld. LAC for the accused/ applicant.

This is an application for grant of interim bail to accused Akash @ Varun, S/o Vijay Bahadur filed.

Reply has been filed by the IO along with the previous involvement report.

Ld. LAC for the accused has prayed for grant of interim bail by stating that the case of the accused is squarely covered within the guidelines of HPC constituted by the Hon'ble High court of Delhi for grant of interim bail.

Ld.APP for the state has opposed the bail application on the ground that the accused has multiple previous involvements.

Heard. Record perused. Considered.

The offence alleged against the accused is serious in nature. Further, the accused appears to be a habitual offender, as reflected from the previous involvement report of the accused. As per the said report, the accused has been convicted in the case arising out of FIR No. 949/17, PS Aman Vihar and has several other cases pending against him. In view of the guidelines of the HPC constituted by Hon'ble High Court of Delhi, dated 11.05.2021, the application for grant of interim bail to accused **Akash @ Varun, S/o Vijay Bahadur** stands dismissed at this stage without prejudice.

**(Medha Arya)
MM-02 (West)/THC/Delhi
31.05.2021**

**FIR No.768/20
PS Rajouri Garden
State Vs. Himmat Singh**

31.05.2021

Proceedings through VC

Present: Ld. APP for the state.

Ms. Neha Jain, Ld. LAC for the accused/applicant.

This is an application for release of accused Himmat Singh, S/o Kishan Singh on personal bond only. It is prayed in the application that the accused was granted bail vide order dated 08.01.2021, but has not been able to furnish surety and may be released on personal bond only. Perusal of the record reveals that similar application of the accused has been dismissed on 02.02.2021 and 06.03.2021.

This court does not have the power to review its own order. Even otherwise, in view of the fact that the accused has several other previous involvements and in fact, has been convicted qua FIR No. 237/18, PS Khayala, this court is of the considered opinion that this is not a fit case to release the accused Himmat Singh, S/o Kishan Singh on personal bond only. In view of the foregoing observations, the application of the accused Himmat Singh, S/o Kishan Singh seeking release of accused on personal bond only stands dismissed.

**(Medha Arya)
MM-02 (West)/THC/Delhi
31.05.2021**

**FIR No.109/21
PS Rajouri Garden
u/s 25 Arms Act
State Vs. Tarun**

31.05.2021

Proceedings through VC

Present: Ld. APP for the state.

Ms. Neha Jain, Ld. LAC for the accused/ applicant.

This is an application for grant of interim bail to accused Tarun, S/o Newton Bhatii, R/o Vegabond, Hari Nagar DDU Hospital, Hari Nagar Delhi.

Reply has been filed by the IO along with the previous involvement report.

Ld. LAC for the accused has prayed for grant of interim bail by stating that the case of the accused is squarely covered within the guidelines of HPC constituted by the Hon'ble High court of Delhi for grant of interim bail.

Ld. APP for the state has opposed the bail application on the ground that the accused has multiple previous involvements.

Heard. Record perused. Considered.

The offence alleged against the accused shows the complete disregard of the accused towards the law and order situation. Further, the accused appears to be a habitual offender, as reflected from the previous involvement report of the accused. In view of the guidelines of the HPC constituted by Hon'ble High Court of Delhi, dated 11.05.2021, the application for grant of interim bail to accused the application for grant of interim bail to accused **Tarun, S/o Newton Bhatii**, stands dismissed at this stage without prejudice.

**(Medha Arya)
MM-02 (West)/THC/Delhi
31.05.2021**

**FIR No.567/20
PS Rajouri Garden
u/s 25 Arms Act
State Vs. Akash @ Mogli**

31.05.2021

Proceedings through VC

Present: Ld. APP for the state.

Ms. Neha Jain, Ld. Remand Advocate.

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

This is an application for grant of bail to accused Akash @ Mogli, S/o Subhash u/s 437 CrPC.

Reply has been filed by the IO.

It is submitted by counsel for accused that accused has been falsely implicated in the present case. It is further argued that the benefit of bail be granted to the accused and it is further submitted that the accused is ready and willing to furnish a sound surety, and is also willing to abide by conditions imposed upon him by the court.

Ld. APP for the State has argued that the allegations contained in the FIR are serious and the accused should not be enlarged on bail as the possibility of him fleeing from justice cannot be ruled out.

This Court is mindful of the proposition that bail is a rule and jail is an exception. As held by **Hon'ble Supreme Court of India** in the judgment titled **State of Rajasthan, Jaipur vs Balchand @ Baliay 1978 SCR (1) 538**, **"The basic rule is bail, not jail, except-where there are circumstances suggestive of fleeing from justice or thwarting the course of justice or creating other troubles in the shape of repeating offences or intimidating witnesses and**

the like by the petitioner who seeks enlargement on bail from the Court.”

The accused is languishing in custody since 24.06.2020. Previous bail application of the accused has been dismissed, which was filed after the filing of the charge sheet. However, record reveals that though charge sheet has already been filed, cognizance in the matter has not been taken till date for want of sanction u/s 39 of the Arms Act. That is to say, prosecution has not been launched till date and in view of the suspended functioning of the courts, it is now likely to take a long time to conclude. These grounds merit a favourable view in favour of the accused. Even though accused has a number of previous involvements, he has not been convicted qua any of the cases reflected in the report, and mere pendency of cases cannot justify further pre-trial detention of the accused, in view of above observations. Co-accused has already been granted bail and the accused/ applicant is entitled to bail on the ground of parity as well. Accordingly, **Akash @ Mogli, S/o Subhash** is admitted to bail on his furnishing personal bond in the sum of Rs. 10,000/- with one surety of the like amount and further subject to the condition that accused shall join the investigation as and when required, shall not commit any other offence of similar nature, shall not contact the complainant/witnesses in any manner and desist from doing anything which may hamper the due process of law. **Bail bond not furnished.**

Bail application disposed of accordingly. The accused be released from custody if not required in any other case. Copy of the order be sent to Jail Superintendent concerned via official email ID, and is directed to operate as release warrant.

Copy of the order be given *dasti* to Ld. counsel for accused.

(Medha Arya)
MM-02 (West)/THC/Delhi
31.05.2021

**FIR No.334/19
PS Rajouri Garden
State Vs. Joginder**

31.05.2021

Proceedings through VC

Present: Ld. APP for the state.

Ms. Neha Jain, Ld. Remand Advocate.

Sh. Sunil Tiwari, Ld. Counsel for the accused/ applicant.

In the present application, it is submitted by the accused/ applicant that the accused was admitted to interim bail by the Ld. Duty MM, contingent upon his furnishing of personal bond in the sum of Rs. 10,000/- vide order dated 18.05.2021. However, the accused has not been released till date.

Heard.

Report including the order of Ld. Duty MM, Ms. Neetu Nagar dated 18.05.2021 perused.

The submissions of the Ld. Counsel are borne out of the record. Let a report be called from the Jail Superintendent concerned directing him to specify as to why accused has not been released from custody, despite being admitted to interim bail vide the above quoted order dated 18.05.2021.

Let a notice of this order be also issued to Jail Superintendent concerned through all means including e-mail, returnable for 01.06.2021.

**(Medha Arya)
MM-02 (West)/THC/Delhi
31.05.2021**

**E FIR No.13072/21
PS Rajouri Garden**

31.05.2021

Proceedings through VC

Present: Ld. APP for the state.

Ms. Neha Jain, Ld. Remand Advocate.

Sh. Satya Bhushan Bajaj, Ld. Counsel for the applicant.

This is an application for release of vehicle bearing no. DL-9SAR-9757 on superdari.

Reply has been filed by IO HC Rajendra Kumar. In the reply of the IO, the IO has taken no objection for the release of the vehicle to its rightful owner.

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. 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 :

"1. 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.

2. 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.

3. 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.

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

5. 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.

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

Considering the facts and circumstances and law laid down by higher courts, vehicle No. **DL-9SAR-9757** in question be released to the rightful/registered owner on furnishing security bond as per the valuation of the vehicle. IO is also directed to obtain the photographs of the aforesaid vehicle as per the directions contained in judgment titled as Manjit Singh Vs. State (Supra).

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. Panchnama and valuation report shall be filed in the court alongwith the police report. Let the CDs/ the negatives of the photographs obtained by the IO be placed on record alongwith the colored photographs of the vehicle at the time of filing of the police report.

Dasti.

(Medha Arya)
MM-02 (West)/THC/Delhi
31.05.2021

**FIR No.209/19
PS Rajouri Garden
State Vs. Pankaj @ Nonu**

31.05.2021

Proceedings through VC

Present: Ld. APP for the state.

Ms. Neha Jain, Ld. Remand Advocate.

None for the applicant.

In pursuance of the order of this court, report has been received by this Court under the signatures of Deputy Superintendent, Central Jail No.10, Rohini, Delhi as per which the accused Pankaj @ Nonu, S/o Ravi has been released from custody on 25.05.2021. Nothing survives in the in the present application. Accordingly, application stands disposed of.

**(Medha Arya)
MM-02 (West)/THC/Delhi
31.05.2021**

**E FIR No.042177/18
PS Rajouri Garden
State Vs. Salman @ Rehan
u/s 411 IPC**

31.05.2021

Proceedings through VC

Fresh charge sheet has been filed. It be checked and registered as per rules.

Present: Ld. APP for the state.

IO HC Baldev Raj is present.

Accused Salman @ Rehan is stated to be in JC but not appearing.

Cognizance of the offence is hereby taken.

Let notice be issued to the Jail Superintendent concerned for production of accused through VC on 11.06.2021.

**(Medha Arya)
MM-02 (West)/THC/Delhi
31.05.2021**

**FIR No.819/15
PS Rajouri Garden
State Vs. Vishnu
u/s 384/506 IPC & 41.1 (C)
CrPC**

31.05.2021

Proceedings through VC

Present: Ld. APP for the state.

Ms. Neha Jain, Ld. LAC for accused/ applicant.

The application for grant of interim bail to accused Vishnu, S/o Rampal has been already been allowed by the Duty MM, West THC, Delhi vide order dated 23.05.2021. Nothing survives in the present application. Application is disposed of accordingly.

**(Medha Arya)
MM-02 (West)/THC/Delhi
31.05.2021**