

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

BAIL APPLICATION No.:1685/2020

State v. Sanjeev Pahwa
FIR No.: 354/2017
PS Prasad Nagar

15.01.2021

Present: Sh. Pawan Kumar, Ld. Addl. PP for the State through VC.
Sh. Vikas Manchanda, Ld. counsel for applicants/accused through VC.
Sh. Partha Sharma, Ld. Counsel for complainant through VC.

1. Vide this order, anticipatory bail application u/s 438 Cr.P.C. filed by applicant Sanjeev Pahwa dated 02.11.2020 is disposed of.
2. In nutshell, it is argued on behalf of the applicants/accused that applicant is a permanent resident of Delhi and has roots in the society. That he is in business of dry cleaning since 1998. That on 28.10.2020, some police officials visited his work shop and carried out a thorough search of the premises under the occupation of present applicant pursuant to present FIR. That on visiting the IO at PS Prasad Nagar, he came to know about the allegations in the present FIR which was registered way back on 11.11.2017. It is further argued that cognizance of present FIR is already time barred as offence u/s 406 IPC is punishable upto three years only. That one Rajkumar who was the Sales man of the complainant collected certain payments on behalf of the complainant but did not hand over the same to the complainant. That such Rajkumar is the main accused. That as per the allegations, such co-accused Rajkumar confessed that the material belonging to the complainant was given to applicant factory at Haider Pur. That such Rajkumar has already expired. That present applicant is suffering from medical problems and he is 54 years

old. It is further argued that nothing can be recovered after such lapse of four years. That he has already joined the investigation and fully cooperated with the IO.

3. On the other hand, it is submitted by learned counsel for complainant that in a well planned conspiracy, the accused Rajkumar alongwith present applicant got delivered to the present applicant the clothes belonging to the complainant. It is further argued that even the driver of the tempo/vehicle through which such goods were delivered to present applicant factory confirmed the same. It is further stated that they made bills amounting to Rs. 45 lacs. Further, learned counsel for complainant also filed written arguments alongwith case laws.

4. It is further stated by IO that although the accused joined the investigation but did not cooperated in the same. That case property is yet to be recovered. That he may cause disappearance of the material/case property. It is further stated that efforts were made already on 28.10.2020 to search for case property at complainant factory but nothing was recovered. As such, present application is opposed.

5. I have heard all the sides and gone through the record.

6. At this stage it may be noted that in the case of **Bhadresh Bipinbhai Sheth Vs. State Of Gujarat & Another**(Criminal Appeal Nos. 1134-1135 Of 2015, Arising Out Of Special Leave Petition (Crl.) Nos. 6028-6029 Of 2014), Hon'ble SC discussed and reviews the law relating to section 438 Cr.P.C.

7. A judgment which needs to be pointed out is a Constitution Bench Judgment of this Court in the case Gurbaksh Singh Sibbia and Other vs. State of Punjab(1980 AIR 1632 ; 1980 SCR(3) 383), The Constitution Bench in this case emphasized that provision of anticipatory bail enshrined in [Section 438](#) of the Code is conceptualised under [Article 21](#) of the Constitution which relates to personal liberty. Therefore, such a provision calls for liberal interpretation of [Section 438](#) of the Code in light of [Article 21](#) of the Constitution. The Code explains that an anticipatory bail is a pre- arrest legal process which directs that if the person in whose

favour it is issued is thereafter arrested on the accusation in respect of which the direction is issued, he shall be released on bail. The distinction between an ordinary order of bail and an order of anticipatory bail is that whereas the former is granted after arrest and therefore means release from the custody of the police, the latter is granted in anticipation of arrest and is therefore, effective at the very moment of arrest. A direction under [Section 438](#) is therefore intended to confer conditional immunity from the 'touch' or confinement contemplated by [Section 46](#) of the Code. The essence of this provision is brought out in the following manner:

“26. We find a great deal of substance in Mr Tarkunde’s submission that since denial of bail amounts to deprivation of personal liberty, the court should lean against the imposition of unnecessary restrictions on the scope of [Section 438](#), especially when no such restrictions have been imposed by the legislature in the terms of that section. [Section 438](#) is a procedural provision which is concerned with the personal liberty of the individual, who is entitled to the benefit of the presumption of innocence since he is not, on the date of his application for anticipatory bail, convicted of the offence in respect of which he seeks bail. An over-generous infusion of constraints and conditions which are not to be found in [Section 438](#) can make its provisions constitutionally vulnerable since the right to personal freedom cannot be made to depend on compliance with unreasonable restrictions. The beneficent provision contained in [Section 438](#) must be saved, not jettisoned. No doubt can linger after the decision in [Maneka Gandhi v. Union of India](#), (1978) 1 SCC 248, that in order to meet the challenge of [Article 21](#) of the Constitution, the procedure established by law for depriving a person of his liberty must be fair, just and reasonable. [Section 438](#), in the form in which it is conceived by the legislature, is open to no exception on the ground that it prescribes a

procedure which is unjust or unfair. We ought, at all costs, to avoid throwing it open to a Constitutional challenge by reading words in it which are not to be found therein.”

8. Though the Court observed that the principles which govern the grant of ordinary bail may not furnish an exact parallel to the right to anticipatory bail, still such principles have to be kept in mind, namely, the object of bail which is to secure the attendance of the accused at the trial, and the proper test to be applied in the solution of the question whether bail should be granted or refused is whether it is probable that the party will appear to take his trial. Otherwise, bail is not to be withheld as a punishment. The Court has also to consider whether there is any possibility of the accused tampering with evidence or influencing witnesses etc. Once these tests are satisfied, bail should be granted to an undertrial which is also important as viewed from another angle, namely, an accused person who enjoys freedom is in a much better position to look after his case and to properly defend himself than if he were in custody. Thus, grant or non-grant of bail depends upon a variety of circumstances and the cumulative effect thereof enters into judicial verdict. The Court stresses that any single circumstance cannot be treated as of universal validity or as necessarily justifying the grant or refusal of bail. After clarifying this position, the Court discussed the inferences of anticipatory bail in the following manner:

“31. In regard to anticipatory bail, if the proposed accusation appears to stem not from motives of furthering the ends of justice but from some ulterior motive, the object being to injure and humiliate the applicant by having him arrested, a direction for the release of the applicant on bail in the event of his arrest would generally be made. On the other hand, if it appears likely, considering the antecedents of the applicant, that taking advantage of the order of anticipatory bail he will flee from justice, such an order would not be made. But the

converse of these propositions is not necessarily true. That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and, equally, that anticipatory bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the State" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail. The relevance of these considerations was pointed out in [The State v. Captain Jagjit Singh](#), AIR 1962 SC 253 : (1962) 3 SCR 622 : (1962) 1 Cri LJ 216, which, though, was a case under the old [Section 498](#) which corresponds to the present [Section 439](#) of the Code. It is of paramount consideration to remember that the freedom of the individual is as necessary for the survival of the society as it is for the egoistic purposes of the individual. A person seeking anticipatory bail is still a free man entitled to the presumption of innocence. He is willing to submit to restraints on his freedom, by the acceptance of conditions which the court may think fit to impose, in consideration of the assurance that if arrested, he shall be enlarged on bail."

9. It is pertinent to note that while interpreting the expression "may, if it thinks fit" occurring in [Section 438\(1\)](#) of the Code, the Court pointed out that it gives discretion to the Court to exercise the power in a

particular case or not, and once such a discretion is there merely because the accused is charged with a serious offence may not by itself be the reason to refuse the grant of anticipatory bail if the circumstances are otherwise justified. At the same time, it is also the obligation of the applicant to make out a case for grant of anticipatory bail. But that would not mean that he has to make out a “special case”. The Court also remarked that a wise exercise of judicial power inevitably takes care of the evil consequences which are likely to flow out of its intemperate use.

10. Another case to which can be referred to is the judgment of a Division Bench of this Court in the case of [Siddharam Satlingappa Mhetre v. State of Maharashtra and Others](#)(SLP(CRL.) 7615/2009 DATED 02-12-2021).This case lays down an exhaustive commentary of [Section 438](#) of the Code covering, in an erudite fashion, almost all the aspects and in the process relies upon the aforesaid Constitution Bench judgment in Gurbaksh Singh's case. In the very first para, the Court highlighted the conflicting interests which are to be balanced while taking a decision as to whether bail is to be granted or not, as is clear from the following observations:

“1.This appeal involves issues of great public importance pertaining to the importance of individual's personal liberty and the society's interest. Society has a vital interest in grant or refusal of bail because every criminal offence is the offence against the State. The order granting or refusing bail must reflect perfect balance between the conflicting interests, namely, sanctity of individual liberty and the interest of the society. The law of bails dovetails two conflicting interests, namely, on the one hand, the requirements of shielding society from the hazards of those committing crimes and potentiality of repeating the same crime while on bail and on the other hand, absolute adherence to the fundamental principle of criminal jurisprudence

regarding presumption of innocence of an accused until he is found guilty and the sanctity of individual liberty.....”

11. The principles which can be culled out can be stated as under:

(i) The complaint filed against the accused needs to be thoroughly examined, including the aspect whether the complainant has filed a false or frivolous complaint on earlier occasion. If the connivance between the complainant and the investigating officer is established then action be taken against the investigating officer in accordance with law.

(ii) The gravity of charge and the exact role of the accused must be properly comprehended. Before arrest, the arresting officer must record the valid reasons which have led to the arrest of the accused in the case diary. In exceptional cases, the reasons could be recorded immediately after the arrest, so that while dealing with the bail application, the remarks and observations of the arresting officer can also be properly evaluated by the court.

(iii) It is imperative for the courts to carefully and with meticulous precision evaluate the facts of the case. The discretion to grant bail must be exercised on the basis of the available material and the facts of the particular case. In cases where the court is of the considered view that the accused has joined the investigation and he is fully cooperating with the investigating agency and is not likely to abscond, in that event, custodial interrogation should be avoided. A great ignominy, humiliation and disgrace is attached to arrest. Arrest leads to many serious consequences not only for the accused but for the entire family and at times for the entire community. Most people do not make any distinction between arrest at a pre-conviction stage or post-conviction stage.

(iv) There is no justification for reading into [Section 438 CrPC](#) the limitations mentioned in [Section 437 CrPC](#). The plenitude of [Section 438](#) must be given its full play. There is no requirement that the accused

must make out a “special case” for the exercise of the power to grant anticipatory bail. This virtually, reduces the salutary power conferred by [Section 438 CrPC](#) to a dead letter. A person seeking anticipatory bail is still a free man entitled to the presumption of innocence. He is willing to submit to restraints and conditions on his freedom, by the acceptance of conditions which the court may deem fit to impose, in consideration of the assurance that if arrested, he shall be enlarged on bail.

(v) The proper course of action on an application for anticipatory bail ought to be that after evaluating the averments and accusations available on the record if the court is inclined to grant anticipatory bail then an interim bail be granted and notice be issued to the Public Prosecutor. After hearing the Public Prosecutor the court may either reject the anticipatory bail application or confirm the initial order of granting bail. The court would certainly be entitled to impose conditions for the grant of anticipatory bail. The Public Prosecutor or the complainant would be at liberty to move the same court for cancellation or modifying the conditions of anticipatory bail at any time if liberty granted by the court is misused. The anticipatory bail granted by the court should ordinarily be continued till the trial of the case.

(vi) It is a settled legal position that the court which grants the bail also has the power to cancel it. The discretion of grant or cancellation of bail can be exercised either at the instance of the accused, the Public Prosecutor or the complainant, on finding new material or circumstances at any point of time.

(vii) In pursuance of the order of the Court of Session or the High Court, once the accused is released on anticipatory bail by the trial court, then it would be unreasonable to compel the accused to surrender before the trial court and again apply for regular bail.

(viii) Discretion vested in the court in all matters should be exercised with

care and circumspection depending upon the facts and circumstances justifying its exercise. Similarly, the discretion vested with the court under [Section 438 CrPC](#) should also be exercised with caution and prudence. It is unnecessary to travel beyond it and subject the wide power and discretion conferred by the legislature to a rigorous code of self-imposed limitations.

(ix) No inflexible guidelines or straitjacket formula can be provided for grant or refusal of anticipatory bail because all circumstances and situations of future cannot be clearly visualised for the grant or refusal of anticipatory bail. In consonance with legislative intention, the grant or refusal of anticipatory bail should necessarily depend on the facts and circumstances of each case.

(x) The following factors and parameters that need to be taken into consideration while dealing with anticipatory bail:

- (a) The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made;
- (b) The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a court in respect of any cognizable offence;
- (c) The possibility of the applicant to flee from justice;
- (d) The possibility of the accused's likelihood to repeat similar or other offences;
- (e) Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her;
- (f) Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people;

- (g) The courts must evaluate the entire available material against the accused very carefully. The court must also clearly comprehend the exact role of the accused in the case. The cases in which the accused is implicated with the help of [Sections 34](#) and [149](#) of the Penal Code, 1860 the court should consider with even greater care and caution, because overimplication in the cases is a matter of common knowledge and concern;
- (h) While considering the prayer for grant of anticipatory bail, a balance has to be struck between two factors, namely, no prejudice should be caused to free, fair and full investigation, and there should be prevention of harassment, humiliation and unjustified detention of the accused;
- (i) The Court should consider reasonable apprehension of tampering of the witness or apprehension of threat to the complainant;
- (j) Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to an order of bail.

12. In this background of the case law we come back to the present case. In this case even before the present applicant filed the present application on 02.11.2020, it is the admitted position of the IO that search was made for the case property at the factory of the accused on 28.10.2020 and nothing was found. Further, the FIR is of the year 2017. Further, the main accused is stated to be Rajkumar who is the employee of the complainant and who has already expired. It is claimed that such Rajkumar disclosed involvement of present accused. Further, during further investigation also, no such case property is recovered. Further, the present offence is punishable upto three years only. Further, there is a delay of years in carrying out such search/investigation qua the present

accused. Therefore, having regard to the nature of accusation and the nature of offence, accused/applicant be released on bail in the event of his/her arrest on furnishing of personal bond and surety bond in the sum of Rs. 30,000/-, subject further following conditions.

i) That he will appear before 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 contact or threaten the witness or tampering with evidence.

13. 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.

14. **With these observations present anticipatory bail application is disposed of. Learned counsel for the applicant / accused is at liberty to collect the order through electronic mode. Further copy of this order be sent to IO and SHO concerned through electronic mode.**

15. The observations made in the present anticipatory 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.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2021.01.15
16:37:59 +05'30'

(NAVEEN KUMAR KASHYAP)
ASJ-04/Central/THC
15.01.2021

Anticipatory Bail

**Bail Matters No.:1020/2020
State Vs Inder Prakas & Anr
FIR No. : 368/2019
PS: Sarai Rohilla
U/S: 498A, 406 IPC**

15/01/2021

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

Vide this order, joint anticipatory bail application dated 26/08/2020 filed by accused Inder Prakash and Satenderi Devi under section 438 Cr.P.C. on behalf of accused filed through counsel is disposed off.

In the present case, in nutshell, it is argued on behalf of applicants that applicants are father in law and mother in law of the complainant; that there bald allegations of demand of Rs. 5 lacs by the applicants from the complainant for the purpose of repayment of loan taken by the husband.

In fact, contentions of both sides are already mentioned in detail by my learned Predecessor in order dated 28/08/2020 on the present application.

Now, it is argued today by learned counsel for complainant that still jewelry articles are not returned. Further a sum of Rs.50,000/- not returned. On the other hand, it is stated by the learned counsel for the applicants / accused that everything which was in their possession have already been returned.

In the present case, there is still dispute regarding whether jewelry items were returned or not. The allegations against the present accused persons who are

**State Vs Inder Prakas & Anr
FIR No. : 368/2019
PS: Sarai Rohilla
U/S: 498A, 406 IPC**

father in law and mother in law is that they were demanding Rs.5 lacs. Further, it is stated that applicants joined investigation. Further, apart from certain cash and jewelry items, it appears that rest of the dowry articles are already stand recovered. Further, the offences u/s 498A & 406 IPC are punishable upto three years only. At this stage, there cannot be presumption in favour of one party or the other regarding committing or non committing of such offence. Therefore, having regard to the nature of allegations, circumstances under which it is made, and the reply filed by the IO, both the applicants be released on bail in the event of their / his / her arrest on furnishing of personal bond and surety bond in the sum of **Rs. 25,000/- (each)**, subject further following conditions.

i) That he / she will appear before Trial Court as and when called as per law.

ii) He / she will not indulge in any kind of activities which are alleged against him / her in the present case.

iii) That he / she will not leave India without permission of the Court.

iv) He / she will not contact or threaten the witness or tampering with evidence.

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.

With these observations present bail application is disposed of. Learned counsel for the applicant / accused is at liberty to collect the order through electronic mode. Further copy of this order be sent to Jail

**State Vs Inder Prakas & Anr
FIR No. : 368/2019
PS: Sarai Rohilla
U/S: 498A, 406 IPC**

Superintendent concerned, IO and SHO. Copy of order be uploaded on the website.

The observations made in the present anticipatory 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.

NAVEEN KUMAR
KASHYAP

Digitally signed by NAVEEN
KUMAR KASHYAP
Date: 2021.01.15 16:38:46
+05'30'

(NAVEEN KUMAR KASHYAP)
ASJ-04(Central/Delhi/15/01/2021)

State Vs Inder Prakas & Anr
FIR No. : 368/2019
PS: Sarai Rohilla
U/S: 498A, 406 IPC

BAIL APPLICATION

State v. Sunil & others
Bail application of Sonu
FIR No. : 415/2015
PS: Kotwali

15.01.2021.

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

Reply not filed by the IO.

Issue fresh notice to IO through SHO concerned for filing of reply by the next date of hearing.

Put up for filing of reply, arguments and appropriate orders for **28/01/2021**.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2021.01.15
16:39:30 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/15.01.2021

BAIL APPLICATION

State v. Mukesh @ Lamboo & others
Bail application of Ravi @ Vicky @ Titti
FIR No. :200/2010
PS: Pahar Ganj

15.01.2021.

Present: Mr. Pawan Kumar ,Ld. Addl. PP for the State through VC.
Mr. Anil Kumar Mishra, learned counsel for accused/applicant through VC.
Mr. S.N. Shukla, learned LAC is also present through VC.

It is stated by learned counsel Mr. Anil Kumar Mishra that he has moved the present regular bail application on behalf of such accused at the instructions of his sister Mamta who is also present through VC. On the other hand, on perusal of other bail application which is moved by accused himself through DLSA through Jail visiting advocate.

As such, such application moved by applicant / accused himself be given preference for hearing. Accordingly, other application moved by sister of accused is disposed off and be tagged with the application filed through DLSA.

Reply filed by the IO. Copy be supplied.

At request of learned LAC counsel, put up for arguments for 19/01/2021.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2021.01.15
16:40:02 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/15.01.2021

BAIL BOND

State v. Roshan Kumar Mishra & others
Bail bond of Deepak
FIR No. :261/2020
PS: Burari

15.01.2021.

Present: Mr. Pawan Kumar ,Ld. Addl. PP for the State through VC.
Both the sureties Sandeep Kumar Mishra and Brijesh Kumar Jha are present through VC.

IO is directed to verify their addresses as well as FDs and file report by 2 PM

on **18/01/2021.**

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR KASHYAP
Date: 2021.01.15 16:40:24
+05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/15.01.2021

BAIL APPLICATION

State v. Babloo & others
Bail application of Babloo
FIR No. : 251/2019
PS: Sarai Rohilla

15.01.2021.

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

This is a fresh bail application seeking regular bail of accused Babloo filed by applicant.

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

Put up for reply, arguments and appropriate orders for **29/01/2021**.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2021.01.15
16:40:44 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/15.01.2021

BAIL APPLICATION

State v. Imran @ Akhtar Khan
Interim Bail application of Imran @ Akhtar Khan
FIR No. : 227/2020
PS: Wazirabad

15.01.2021.

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

Learned counsel for accused seeks sometime to clarify regarding bail grant to co-accused Ajit.

At request, put up for **18/01/2020**. Further, issue notice to IO also to appear with case file for clarification regarding bail, if any, granted to co-accused Ajit.

NAVEEN KUMAR KASHYAP
Digitally signed by NAVEEN KUMAR KASHYAP
Date: 2021.01.15 16:41:04 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/15.01.2021

State Vs Satyawati
Bail Application No.: 2248/2020
FIR No.:481/2020
PS: Karol Bagh
U/s 406, 498A, 34 IPC

15.01.2021

Present: Mr. Pawan Kumar, learned Addl.PP for the State through VC.
Mr. Moni Chinmoy, learned counsel for the applicants through VC.
Mr. Jagdish Singh, learned counsel for complainant alongwith complainant through VC.
Further IO SI Baljinder Singh is also present through VC.

Learned counsel for complainant states that copy of reply filed by the IO except, for the case of Uttam / husband, not supplied to him. The same be supplied through electronic mode on his e-mail ID i.e.: advjagdishsingh@gmail.com. IO to file further status report including regarding articles, if any, recovered as well as articles which are still in dispute as per the claim of parties.

At request, put up for 30/01/2021. IO to file report positively by the next date of hearing and also to appear through VC with case file on next date of hearing. Further, interim protection to continue in terms of previous order.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2021.01.15
16:41:26 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/15.01.2021

State Vs Pawan Rekha @ Pinki
Bail Application No.: 2169/2020
FIR No.:481/2020
PS: Karol Bagh
U/s 406, 498A, 34 IPC

15.01.2021

Present: Mr. Pawan Kumar, learned Addl.PP for the State through VC.
Mr. Moni Chinmoy, learned counsel for the applicants through VC.
Mr. Jagdish Singh, learned counsel for complainant alongwith complainant through VC.
Further IO SI Baljinder Singh is also present through VC.

Learned counsel for complainant states that copy of reply filed by the IO except, for the case of Uttam / husband, not supplied to him. The same be supplied through electronic mode on his e-mail ID i.e.: advjagdishsingh@gmail.com. IO to file further status report including regarding articles, if any, recovered as well as articles which are still in dispute as per the claim of parties.

At request, put up for 30/01/2021. IO to file report positively by the next date of hearing and also to appear through VC with case file on next date of hearing. Further, interim protection to continue in terms of previous order.

NAVEEN
KUMAR
KASHYAP
(Naveen Kumar Kashyap)
ASJ-04/Central/15.01.2021

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2021.01.15
16:41:45 +05'30'

State Vs Ganga Ram Jelia
Bail Application No.: 2229/2020
FIR No.:481/2020
PS: Karol Bagh
U/s 406, 498A, 34 IPC

15.01.2021

Present: Mr. Pawan Kumar, learned Addl.PP for the State through VC.
Mr. Moni Chinmoy, learned counsel for the applicants through VC.
Mr. Jagdish Singh, learned counsel for complainant alongwith complainant through VC.
Further IO SI Baljinder Singh is also present through VC.

Learned counsel for complainant states that copy of reply filed by the IO except, for the case of Uttam / husband, not supplied to him. The same be supplied through electronic mode on his e-mail ID i.e.: advjagdishsingh@gmail.com. IO to file further status report including regarding articles, if any, recovered as well as articles which are still in dispute as per the claim of parties.

At request, put up for 30/01/2021. IO to file report positively by the next date of hearing and also to appear through VC with case file on next date of hearing. Further, interim protection to continue in terms of previous order.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2021.01.15
16:42:06 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/15.01.2021

State Vs Uttam Kumar
Bail Application No.: 98/2021
FIR No.:481/2020
PS: Karol Bagh
U/s 406, 498A, 34 IPC

15.01.2021

Present: Mr. Pawan Kumar, learned Addl.PP for the State through VC.
Mr. Moni Chinmoy, learned counsel for the applicants through VC.
Mr. Jagdish Singh, learned counsel for complainant alongwith complainant through VC.
Further IO SI Baljinder Singh is also present through VC.

Learned counsel for complainant states that copy of reply filed by the IO except, for the case of Uttam / husband, not supplied to him. The same be supplied through electronic mode on his e-mail ID i.e.: advjagdishsingh@gmail.com. IO to file further status report including regarding articles, if any, recovered as well as articles which are still in dispute as per the claim of parties.

At request, put up for 30/01/2021. IO to file report positively by the next date of hearing and also to appear through VC with case file on next date of hearing. Further, interim protection to continue in terms of previous order.

NAVEEN
KUMAR
KASHYAP

Digitally signed
by NAVEEN
KUMAR KASHYAP
Date: 2021.01.15
16:42:27 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/15.01.2021

State Vs Kusum Lata
Bail Application No.: 2170/2020
FIR No.:481/2020
PS: Karol Bagh
U/s 406, 498A, 34 IPC

15.01.2021

Present: Mr. Pawan Kumar, learned Addl.PP for the State through VC.
Mr. Moni Chinmoy, learned counsel for the applicants through VC.
Mr. Jagdish Singh, learned counsel for complainant alongwith complainant through VC.
Further IO SI Baljinder Singh is also present through VC.

Learned counsel for complainant states that copy of reply filed by the IO except, for the case of Uttam / husband, not supplied to him. The same be supplied through electronic mode on his e-mail ID i.e.: advjagdishsingh@gmail.com. IO to file further status report including regarding articles, if any, recovered as well as articles which are still in dispute as per the claim of parties.

At request, put up for 30/01/2021. IO to file report positively by the next date of hearing and also to appear through VC with case file on next date of hearing. Further, interim protection to continue in terms of previous order.

NAVEEN
KUMAR
KASHYAP

Digitally signed
by NAVEEN
KUMAR KASHYAP
Date: 2021.01.15
16:42:49 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/15.01.2021

BAIL APPLICATION NO.:2105/2020

State v. Vijay Kumar @ Champion

FIR No.: 522/2020

PS: Karol Bagh

U/S: 307/34 IPC

15.01.2021.

Present bail application received from the court of Ld. Principal District & Sessions Judge (HQs).

Present: Sh. Pawan Kumar, Ld. Addl. PP for the state through VC.
None for applicant/accused.
IO Insp. Sanjeev through VC..

Submissions heard from IO.

Put up for further arguments, if any/clarifications on 19.01.2021.

IO to appear with case file on next date .

Interim protection, if any to continue till next date of hearing.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2021.01.15
16:43:47 +05'30'

(Naveen Kumar Kashyap)

ASJ-04/Central/15.01.2021

BAIL APPLICATION NO.:700/2020

State v. Vijeta Saraswat

FIR No.: 123/2020

PS: Hauz Qazi

U/S: 498-A/406/34 IPC

15.01.2021.

Present bail application received from the court of Ld. Principal District & Sessions Judge (HQs).

Present: Sh. Pawan Kumar, Ld. Addl. PP for the state through VC.
None for applicant/accused.
Sh. Manoj Sharma, Ld. Counsel for complainant alongwith complainant in person through VC.

Heard.

Put up for orders/clarifications, if any on 19.01.2021.

Interim protection, if any to continue in terms of previous order till next date.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2021.01.15
16:44:09 +05'30'

(Naveen Kumar Kashyap)

ASJ-04/Central/15.01.2021

BAIL APPLICATION NO.:705/2020

State v. Surya Kant Sharma

FIR No.: 123/2020

PS: Hauz Qazi

U/S: 498-A/406/34 IPC

15.01.2021.

Present bail application received from the court of Ld. Principal District & Sessions Judge (HQs).

Present: Sh. Pawan Kumar, Ld. Addl. PP for the state through VC.
None for applicant/accused.
Sh. Manoj Sharma, Ld. Counsel for complainant alongwith complainant in person through VC.

Heard.

Put up for orders/clarifications, if any on 19.01.2021.

Interim protection, if any to continue in terms of previous order till next date.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2021.01.15
16:44:28 +05'30'

(Naveen Kumar Kashyap)

ASJ-04/Central/15.01.2021

BAIL APPLICATION NO.:703/2020

State v. Shakti Sharma

FIR No.: 123/2020

PS: Hauz Qazi

U/S: 498-A/406/34 IPC

15.01.2021.

Present bail application received from the court of Ld. Principal District & Sessions Judge (HQs).

Present: Sh. Pawan Kumar, Ld. Addl. PP for the state through VC.
None for applicant/accused.
Sh. Manoj Sharma, Ld. Counsel for complainant alongwith complainant in person through VC.

Heard.

Put up for orders/clarifications, if any on 19.01.2021.

Interim protection, if any to continue in terms of previous order till next date.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2021.01.15
16:44:48 +05'30'

(Naveen Kumar Kashyap)

ASJ-04/Central/15.01.2021

BAIL APPLICATION NO.:704/2020

State v. Sunil Saraswat

FIR No.: 123/2020

PS: Hauz Qazi

U/S: 498-A/406/34 IPC

15.01.2021.

Present bail application received from the court of Ld. Principal District & Sessions Judge (HQs).

Present: Sh. Pawan Kumar, Ld. Addl. PP for the state through VC.
None for applicant/accused.
Sh. Manoj Sharma, Ld. Counsel for complainant alongwith complainant in person through VC.

Heard.

Put up for orders/clarifications, if any on 19.01.2021.

Interim protection, if any to continue in terms of previous order till next date.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2021.01.15
16:45:09 +05'30'

(Naveen Kumar Kashyap)

ASJ-04/Central/15.01.2021

SC: 257/2020

State v. Tejbhan

FIR No.: 153/2020

15.01.2021.

Present: Sh. Pawan Kumar, Ld. Addl. PP for the state through VC.
Sh. S.N. Shukla, LAC for applicant/accused Ramesh Kanpuria through VC.
Accused Tejbhan S/o Mallu produced from Mandoli Jail through
VC.

Put up for purpose fixed/arguments in terms of previous order for

06.05.2021.

P/W of the accused, if any in JC be issued for next date.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2021.01.15
16:46:10 +05'30'

(Naveen Kumar Kashyap)

ASJ-04/Central/15.01.2021

CA: 51/19

R.K. Nigam v. State

15.01.2021.

Present: None for Appellant.
Sh. Pawan Kumar, Ld. Addl. PP for the state/respondent through VC.

Put up for further appropriate proceedings for 22.01.2021.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2021.01.15
16:46:41 +05'30'

(Naveen Kumar Kashyap)

ASJ-04/Central/15.01.2021

CrI. Rev.: 235/2020

Ramesh Batheja v. Neeraj Krishnani & Ors.

15.01.2021.

Present: Sh. Rajiv Kapoor, Ld. Counsel for Revisionist through VC.
Sh. Vijay Zaveri, Ld. Counsel for respondent through VC.

Put up for reply of present revision petition, if any, to be filed before next date
of hearing.

Put up on 03.02.2021.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2021.01.15
16:47:05 +05'30'

(Naveen Kumar Kashyap)

ASJ-04/Central/15.01.2021

SC:27200/2016

State v. Nehal Hassan @ Sanjay

FIR No.: 391/2014

PS: Kashmere Gate

15.01.2021.

Present: Sh. Pawan Kumar, Ld. Addl. PP for the state through VC.
None for accused.

**Put up for purpose fixed/PE in terms of previous order for 06.05.2021.
P/W of the accused, if any in JC be issued for next date.**

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2021.01.15
16:47:30 +05'30'

(Naveen Kumar Kashyap)

ASJ-04/Central/15.01.2021

SC:27250/2016

State v. Sunil @ Kalu etc.

FIR No.: 303/2014

PS: Subzi Mandi

15.01.2021.

Present: Sh. Pawan Kumar, Ld. Addl. PP for the state through VC.
Sh. Kaushlender Singh, Ld. Counsel for both accused through VC.
One accused Karan is present through VC who is stated to be on interim bail
and other accused is stated to be in JC.
Accused Rakesh @ Sunny is in JC.
Sh. S.K. Verma, Ld. Counsel for accused Ravi Dika, Vikrant and Varun through
VC.
Accused Deepesh @ Deepu produced from Jail no. 3, Tihar through VC.
Witness Insp. Surender also present through VC.

Put up for purpose fixed/PE in terms of previous order for 06.05.2021.

P/W of the accused, if any in JC be issued for next date.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2021.01.15
16:47:54 +05'30'

(Naveen Kumar Kashyap)

ASJ-04/Central/15.01.2021

SC:28705/2016

State v. Shahjahan

FIR No.: 307/2016

PS: Kotwali

15.01.2021.

Present: Sh. Pawan Kumar, Ld. Addl. PP for the state through VC.
None for accused.

Put up for purpose fixed/PE in terms of previous order for 06.05.2021.

P/W of the accused, if any in JC be issued for next date.

NAVEEN KUMAR KASHYAP
Digitally signed by
NAVEEN KUMAR KASHYAP
Date: 2021.01.15 16:48:20
+05'30'

(Naveen Kumar Kashyap)

ASJ-04/Central/15.01.2021

SC: 225/19

State v. Raj Kishore Chhokra

FIR No.: 86/2017

PS: Subzi Mandi

15.01.2021.

Present: Sh. Pawan Kumar, Ld. Addl. PP for the state through VC.
None for accused.

Put up for purpose fixed/PE in terms of previous order for 07.05.2021.

P/W of the accused, if any in JC be issued for next date.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2021.01.15
16:48:44 +05'30'

(Naveen Kumar Kashyap)

ASJ-04/Central/15.01.2021

SC:28296/2016

State v. Pooja

FIR No.: 292/2014

PS: Rajinder Nagar

15.01.2021.

Present: Sh. Pawan Kumar, Ld. Addl. PP for the state through VC.
Sh. S.N. Shukla, LAC on behalf of counsel Diwakar Chaudhary, LAC for
accused no.1 and 2 through VC.
Accused no. 4 Mohit Sharma @ Sunny in person, who is stated to be on
interim bail through VC.
Accused Pooja in person in court.
Sh. Bhuvneshwar Sharma, Ld. Counsel for accused Munni @ Moni through
VC.

At request, put up for 28.01.2021 for further final arguments on physical
hearing day.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2021.01.15 16:49:08
+05'30'

(Naveen Kumar Kashyap)

ASJ-04/Central/15.01.2021

BAIL APPLICATION NO.:1829/2020

State v. Seema Chawla

FIR No.: 231/2020

PS: Prasad Nagar

15.01.2021.

Today case was fixed for orders/clarifications/filing of written synopsis/case law by the complainant side.

Present: Sh. Pawan Kumar, Ld. Addl. PP for the state through VC.
None for applicant/accused.
Ms. Ekta Vats, Ld. Counsel for complainant.

She sought time till 12.30 pm to file written synopsis/case laws.

Court waited till 1.30 pm. It is 1.35 pm now.

As per Reader/court staff, no written synopsis/case law filed by learned counsel for complainant. Other matters are pending in this court in which orders are to be dictated. As such, put up for filing of such case law/appropriate orders for 18.01.2021.

In case, no such case law/written synopsis filed, matter would be decided based on arguments already addressed and material on record.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2021.01.15
16:49:32 +05'30'

(Naveen Kumar Kashyap)

ASJ-04/Central/15.01.2021

BAIL APPLICATION NO.:1830/2020

State v. Sanjiv Kumar Chawla

FIR No.: 231/2020

PS: Prasad Nagar

15.01.2021.

Today case was fixed for orders/clarifications/filing of written synopsis/case law by the complainant side.

Present: Sh. Pawan Kumar, Ld. Addl. PP for the state through VC.
None for applicant/accused.
Ms. Ekta Vats, Ld. Counsel for complainant.

She sought time till 12.30 pm to file written synopsis/case laws.

It is 01.25 pm now.

As per Reader/court staff, no written synopsis/case law filed by learned counsel for complainant. Other matters are pending in this court in which orders are to be dictated. As such, put up for filing of such case law/appropriate orders for 18.01.2021.

In case, no such case law/written synopsis filed, matter would be decided based on arguments already addressed and material on record.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2021.01.15
16:49:55 +05'30'

(Naveen Kumar Kashyap)

ASJ-04/Central/15.01.2021

BAIL APPLICATION NO.:1857/2020

State v. Mrigna Chawla

FIR No.: 231/2020

PS: Prasad Nagar

15.01.2021.

Today case was fixed for orders/clarifications/filing of written synopsis/case law by the complainant side.

Present: Sh. Pawan Kumar, Ld. Addl. PP for the state through VC.
None for applicant/accused.
Ms. Ekta Vats, Ld. Counsel for complainant.

She sought time till 12.30 pm to file written synopsis/case laws.

It is 01.25 pm now.

As per Reader/court staff, no written synopsis/case law filed by learned counsel for complainant. Other matters are pending in this court in which orders are to be dictated. As such, put up for filing of such case law/appropriate orders for 18.01.2021.

In case, no such case law/written synopsis filed, matter would be decided based on arguments already addressed and material on record.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2021.01.15
16:50:16 +05'30'

(Naveen Kumar Kashyap)

ASJ-04/Central/15.01.2021

BAIL APPLICATION NO.:1858/2020

State v. Anshul Chawla

FIR No.: 231/2020

PS: Prasad Nagar

15.01.2021.

Today case was fixed for orders/clarifications/filing of written synopsis/case law by the complainant side.

Present: Sh. Pawan Kumar, Ld. Addl. PP for the state through VC.
None for applicant/accused.
Ms. Ekta Vats, Ld. Counsel for complainant.

She sought time till 12.30 pm to file written synopsis/case laws.

It is 01.25 pm now.

As per Reader/court staff, no written synopsis/case law filed by learned counsel for complainant. Other matters are pending in this court in which orders are to be dictated. As such, put up for filing of such case law/appropriate orders for 18.01.2021.

In case, no such case law/written synopsis filed, matter would be decided based on arguments already addressed and material on record.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2021.01.15
16:50:42 +05'30'

(Naveen Kumar Kashyap)

ASJ-04/Central/15.01.2021

CA No.: 452/2019
Mukesh Sharma Vs Pramod Sharma

15.01.2021

Present: Appellant in person.
Mr. Rishi Manchanda, learned counsel for respondent through VC.

Today again no payment made by the appellant in terms of settlement in mediation.

At request, put up for further compliance / appropriate orders for **18/01/2021**.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2021.01.15
16:52:15 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/15.01.2021

CA Nos. 06 & 07/2020
Ajanta Raj Protein Pvt. Ltd. & Ors Vs Himanshu Food Pvt. Ltd.

15.01.2021

Present: Mr. V.N. Chaturvedi, learned counsel for both appellants through VC.
Mr. Shalabh Gupta, learned counsel for respondent through VC.

Adjournment sought by the counsel for the appellant on the ground that he be heard on physical hearing day. HEARD.

This is a case u/s 138 NI Act in which convict is not in JC as his sentence is suspended. As such, it is not possible to accommodate him date of physical hearing which is now meant for JC matters as per directions of the Hon'ble High Court.

Ample opportunities have already been given to address arguments. In the interest of justice, one more opportunity is given to address final arguments. In the alternate learned counsel for appellant can file written synopsis also not exceeding 3 pages.

Put up for further arguments for **21/01/2021**.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2021.01.15 16:52:48
+05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/15.01.2021