

SC No.59/2021
FIR No. 289/2018
PS Prasad Nagar
U/s 307/341/174-A IPC
State Vs. Pankaj Nagar @ Keshav

27/07/2021

File taken up today on the bail application of accused Pankaj Nagar @ Keshav for grant of interim bail for period of 90 days as per the H.P.C. guidelines.

(Proceedings Convened through Video Conferencing)

Present: Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State (through V.C.).
Sh. S. G. Ashthana, Ld. Counsel for the accused Pankaj Nagar @ Keshav
(through V.C.).

One of the regular stenographers and Assistant Ahlmad are on leave today.

By way of present order, this Court shall disposed of interim bail application of the accused Pankaj Nagar @ Keshav.

Arguments have already been heard on the aforesaid interim bail application of accused Pankaj Nagar @ Keshav. Perused the material available on record.

During the course of arguments on the aforesaid interim bail application, it was submitted by counsel for the accused that in terms of directions dated 07/05/2021 given by the Hon'ble Supreme Court of India in Suo Moto Writ Petition No.(C)1/2020 and minutes of H.P.C guidelines dated 04/05/2021 and 11/05/2021, the accused be released on interim bail for the period of 90 days. It was further submitted that case of the accused falls in the criteria of minutes of H.P.C. guidelines dated 04/05/2021 and 11/05/2021. It was further submitted that the accused is in J/C in the present case for the period of more than nine months and jail conduct of the accused is good. It was further submitted that the accused shall be abide by all terms and conditions, if the interim bail is granted to the accused and accused shall surrender after the interim bail period.

During the course of arguments on the aforesaid interim bail application, it was submitted by Addl. P.P. for the State that allegations against the accused are serious in nature and present interim bail application of the accused be dismissed. It was further submitted that accused is also involved in two other criminal cases and in view of the minutes of H.P.C. guidelines dated 11/05/2021, the aforesaid interim bail application of the accused is not maintainable and same be dismissed.

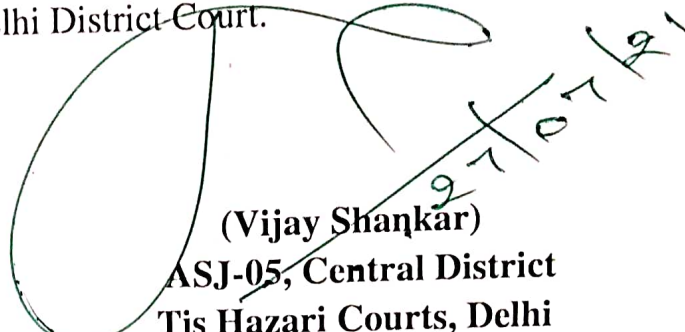
It is mentioned in the minutes of H.P.C guidelines dated 11/05/2021 that:-
“If, the Under Trial Prisoner falling in one of the Eleven criteria laid down by this Committee in the Minutes of Meeting dated 4th May, 2021 and/ or in any of the Two criteria laid down today hereinabove, has three or more criminal cases pending against him, then his case shall not be considered for grant of interim bail.”

In the present case, charge-sheet had been filed against the accused for the offences u/s. 307/341/174-A IPC. In the present case, reply/ report was called from the SHO/ IO and concerned Jail Superintendent and reply/ reports were filed. It is mentioned in the reply of SI Ram Avtar that the accused is also involved in E-FIR No.29/2017 U/s 457/380/411/34 IPC PS Prasad Nagar (NDOH 04/09/2021) and FIR No.348/2013 U/s 457/380/411/34 IPC PS Prasad Nagar (NDOH 23/11/2021). The accused is having three criminal cases including the present case against him and in view of the aforesaid minutes of H.P.C. guidelines dated 11/05/2021, the case of the accused does not fall in the criteria of minutes of H.P.C. guidelines dated 04/05/2021 and 11/05/2021. In view of the minutes of H.P.C. guidelines dated 04/05/2021 and 11/05/2021, the present interim bail application of the accused is not maintainable. It is pertinent to mention here that in the present case, the accused was declared proclaimed offender and thereafter, he was arrested. Keeping in view the directions dated 07/05/2021 passed by the Hon'ble Supreme Court of India and H.P.C. guidelines dated 04/05/2021 and 11/05/2021, facts and circumstances of the case, gravity of offence and nature of serious allegations levelled against the accused, this Court is of the

considered opinion that no ground for interim bail of accused is made out. Accordingly, the present interim bail application of accused Pankaj Nagar @ Keshav is dismissed.

A copy of this order be sent to the concerned Jail Superintendent through e-mail for information and necessary action. Copy of order be also sent to DLSA, Central District, Delhi. Counsel for the accused is at liberty to collect the copy of present order through electronic mode.

Order be uploaded on the website of Delhi District Court.


(Vijay Shankar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
27/07/2021(G)