

**FIR No.1225/14
PS Rajouri Garden
u/s 420/34 IPC
State Vs. Ashish Puri**

03.06.2021

Proceedings through VC

Present: Ld. APP for the state.

Sh. M.S. Bammi, Ld. Counsel for accused/ applicant.

IO SI Arvind Kumar is present.

Accused Ashish Puri produced from JC through VC from Mandoli Jail No.15.

Accused Ashish Puri has been produced from JC, post his arrest under Kalandara vide DD No. 38 A. Order of Ld. Duty MM dated 02.06.2021 perused.

The IO has filed an application for interrogation and formal arrest of the accused. The accused is stated to be lodged in Mandoli Jail No. 15, w.r.t the Kalandra u/s 41.1 C CrPC vide DD No.38 A dated 02.06.2021, PS Saket South Delhi, after having been arrested on 02.06.2021.

Application perused. It is stated in the application that the accused was declared a P.O. vide order of this court dated 18.09.2018 and has now been arrested and his interrogation is required for the purpose of investigation in the above captioned FIR No. 1225/14, PS Rajouri Garden.

Heard. Record perused.

Ground for seeking permission to interrogate the accused found justified.

Application stands allowed. IO is permitted to interrogate the accused in the present case in Mandoli Jail Premises where he is stated to be

presently lodged, for 30 minutes. Jail Superintendent concerned is directed to facilitate the interrogation as per rules. IO is at liberty to formally arrest the accused, if required.

In case the accused persons are arrested, they be produced before concerned Duty MMM within 24 hours of his arrest, as per law.

Pending the procedure for interrogation, the accused is remanded to JC till 04.06.2021.

An application for grant of bail to the accused u/s 437 CrPC has also been filed. As the accused has not been arrested w.r.t the above captioned FIR, the application for grant of bail is pre-mature.

At this stage Ld. Counsel has submitted that the application may still be kept pending as the relief for cancellation of P.O. proceedings has also sought in the present application. Ld. counsel for the accused/ applicant submits that he shall assist the court on the NDOH on the point as to whether proceedings u/s 82 CrPC can be recalled even the accused was already been declared a proclaimed offender/ absconder. The IO has also sought some time to adduce on the record the case diary as well as the relevant material.

In view of the aforesaid circumstances, relist on 05.06.2021.

Ahlmad is directed to put up the application with the file on 05.06.2021.

At this stage, Ld. Counsel for the accused/ applicant has submitted that the accused needs medical attention as he had recently suffered a paralytic attack. The Jail Superintendent concerned is directed to ensure the proper medical care of the accused.

Let a copy of this order be sent to Jail Superintendent concerned for information and necessary compliance.

(Medha Arya)
MM-02 (West)/THC/Delhi
03.06.2021

**FIR No.297/21
PS Rajouri Garden
u/s 195-A/389/182/120-B/34 IPC
State Vs. Kiran & Ors.**

03.06.2021

Proceedings through VC

Present: Ld. APP for the state.

Ms. Neha Jain, Ld. Remand Advocate.

Sh. Jaiveer Chaudhary, Ld. Counsel for accused/ applicant.

This is an application for release of jamtalashi articles (personal search) on behalf of the accused/ applicant Poonam, D/o Late Lal Chand.

Reply has been filed by IO SI Asha. The reply reveals that the mobile phones of which the release is sought were not seized vide personal search memo, but as per the seizure memo dated 12.04.2021, copy of which is annexed with the reply of the IO. The mobile phones, as per the reply of the IO, are required to be sent to the FSL for forensic examination, as they were allegedly used for the commission of offences by the accused/ applicant Poonam. As such, the said mobile phones cannot be released at this stage.

At this stage, Ld. Counsel for the accused applicant submits that the Aadhar Card of the accused Poonam which was seized vide the personal search memo may be released. Heard. Let the Aadhar Card be released as per the personal search memo against proper acknowledgment.

The applicant/ accused Poonam has also sought the release of the scooty bearing registration no. DL-4SCV-0161 make Honda Activa 5 G. The IO has not taken any valid objection qua the release of the scooty except stating that the same was taken into possession as it was used for the commission of the crime by the accused/ applicant.

Heard.

The application qua the release of the scooty bearing registration no. DL-4SCV-0161 make Honda Activa 5 G filed on behalf of the accused/ applicant Poonam also stands allowed.

Reply of the IO/ SI Asha Singh has been filed. 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, scooty bearing registration no. **DL-4SCV-0161 make Honda Activa 5 G** 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
03.06.2021

**FIR No.297/21
PS Rajouri Garden
u/s 195-A/389/182/120-B/34 IPC
State Vs. Kiran & Ors.**

03.06.2021

Proceedings through VC

Present: Ld. APP for the state.

Ms. Neha Jain, Ld. Remand Advocate.

Sh. Jaiveer Chaudhary, Ld. Counsel for accused/ applicant.

This is an application for release of jamtalashi articles (personal search) on behalf of the accused/ applicant Sonia, D/o Late Lal Chand has been filed.

Reply has been filed by IO SI Asha. The reply reveals that the mobile phones of which the release is sought were not seized vide personal search memo, but as per the seizure memo dated 12.04.2021, copy of which is annexed with the reply of the IO. The mobile phones as per the reply of the IO are required to be sent to the FSL for forensic examination, as they were allegedly used for the commission of offences by the accused/ applicant Sonia. As such the said mobile phones cannot be released at this stage. Accordingly, the present application stands dismissed.

**(Medha Arya)
MM-02 (West)/THC/Delhi
03.06.2021**

**FIR No.12697/21
PS Rajouri Garden
State Vs. Unknown**

03.06.2021

Proceedings through VC

Present: Ld. APP for the state.

Ms. Neha Jain, Ld. Remand Advocate.

Sh. Puneet Ahuja, applicant in person.

This is an application for release of vehicle bearing no. DL- 10 SB-4505 make Activa on superdari.

Reply of IO HC Rajendra Kumar has been filed. In the reply of the IO, the IO has stated that he has 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 CrI. 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- 10 SB-4505 make Activa** in question be released to the rightful/registered owner on furnishing security bond of **Rs. 15,000/-**. 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
03.06.2021

**FIR No.439/21
PS Rajouri Garden
u/s 356/379/411/34 IPC
State Vs. Sameer**

03.06.2021

Proceedings through VC

Present: Ld. APP for the state.

Ms. Neha Jain, Ld. Remand Advocate.

Sh. Prashant Ld. Counsel for accused/ applicant.

This is an application for grant of bail to accused Sameer, S/o Javir u/s 437 CrPC.

Reply has been filed by the IO.

Ld. Counsel for the accused/applicant has submitted that the accused has been falsely implicated in the present case and may be granted the benefit of bail.

In the reply, the IO has stated that the investigation is at a nascent stage.

At this stage, Ld. counsel for the accused/ applicant submits that he seeks permission to withdraw the present application.

In view of the submissions, application stands dismissed as withdrawn.

**(Medha Arya)
MM-02 (West)/THC/Delhi
03.06.2021**

**FIR No.823/20
PS Rajouri Garden
u/s 379/411 IPC
State Vs. Rajan @ Sajan @
Bhuriya**

03.06.2021

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 Rajan @ Sajan @ Bhuriya, S/o Dharam Singh.

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

Ld. LAC for the accused/ applicant has submitted that the accused may be admitted to interim bail as he is languishing in custody since 03.10.2020 and his case 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.

Ld. APP for the state has opposed the application on the ground that the offence alleged against the accused is heinous in nature and the accused is a habitual offender.

Heard. Perused. Considered.

The accused is languishing in custody since 03.10.2020. Perusal of the previous involvement report of the accused reveals that he has multiple previous involvements and is a habitual offender. The possibility of the accused misusing the liberty of bail cannot be discounted. In view of the numerous previous involvements, the case of the accused cannot be considered for grant of interim bail in view of the revised guidelines of the HPC constituted by the

Hon'ble High Court of Delhi dated 11.05.2021. Accordingly, the application for grant of interim bail to accused **Rajan @ Sajan @ Bhuriya, S/o Dharam Singh** stands dismissed, without prejudice. Dasti.

(Medha Arya)
MM-02 (West)/THC/Delhi
03.06.2021

**FIR No.858/20
PS Rajouri Garden
u/s 411 IPC
State Vs. Rajan @ Sajan @
Bhuriya**

03.06.2021

Proceedings through VC

Present: Ld. APP for the state.

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

This is an application for grant of interim bail to accused Rajan @ Sajan @ Bhuriya, S/o Dharam Singh.

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

Ld. LAC for the accused/ applicant has submitted that the accused may be admitted to interim bail as he is languishing in custody since 03.10.2020 and his case 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.

Ld. APP for the state has opposed the application on the ground that the offence alleged against the accused is heinous in nature and the accused is a habitual offender.

Heard. Perused. Considered.

The accused is languishing in custody since 03.10.2020. Perusal of the previous involvement report of the accused reveals that he has multiple previous involvements and is a habitual offender. The possibility of the accused misusing the liberty of bail cannot be discounted. In view of the numerous previous involvements, the case of the accused cannot be considered for grant of interim bail in view of the revised guidelines constituted by the HPC dated

11.05.2021. Accordingly, the application for grant of interim bail to accused **Rajan @ Sajan @ Bhuriya, S/o Dharam Singh** stands dismissed, without prejudice.

Dasti.

(Medha Arya)
MM-02 (West)/THC/Delhi
03.06.2021

**FIR No.561/19
PS Rajouri Garden
u/s 380/457 IPC
State Vs. Untrace**

03.06.2021

Proceedings through VC

Fresh untrace report has been filed. It be checked and registered as per rules.

Present: Ld. APP for the state.

IO ASI Kuldeep Singh is present.

This is untrace report.

Notice be issued to the complainant through IO for 08.09.2021.

IO is directed to remain present on the NDOH with the case diary.

**(Medha Arya)
MM-02 (West)/THC/Delhi
03.06.2021**

**FIR No. 153/21
PS Rajouri Garden
u/s 363 IPC
State Vs. Cancellation report**

03.06.2021

Proceedings through VC

Fresh cancellation report has been filed. It be checked and registered as per rules.

Present: Ld. APP for the state.

IO ASI Kuldeep Singh is present.

This is cancellation report.

Notice be issued to the complainant through IO for 08.09.2021.

**(Medha Arya)
MM-02 (West)/THC/Delhi
03.06.2021**