

E.FIR No. 015678/2021
PS Sarai Rohilla
U/S 379/411/34 IPC
State Vs. Faisal S/o Nishar

(Through Video Conferencing)

08.07.2021

2nd application under section 437 Cr.P.C for grant of bail on behalf of accused Faisal S/o Nishar

Present: Ld. APP for the State
Sh. Ashish Kumar Ojha, Ld. Counsel for accused.

Counsel for accused has submitted that accused is in JC since 18.06.2021 and has been falsely implicated in the present case.

I have heard ld counsel for accused and perused the reply.

Offences are serious in nature, further, first bail application of the accused has already been dismissed vide order dated 01.07.2021, since then, there has been no change of circumstance. Accused is a habitual offender with around 10 previous involvements. Accordingly no fresh ground for bail is made out. Application is accordingly dismissed.

Copy of the order be uploaded on District Court websites by the court coordinator and also be sent to the counsel for the accused on his email/whatsapp.

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MM-04/Central:

Delhi/08.07.2021

FIR No. 01/2021
PS : Sarai Rohilla
U/s 25 Arms Act
State Vs. Bitto @ Bhuri S/o Lt. Sh. Baldev Raj Tuli

(Through Video Conferencing)

08.07.2021

Personal bond application on behalf of accused Bitto @ Bhuri S/o Lt. Sh. Baldev Raj Tuli

Present: Ld. APP for the State
Sh. Ajay Kumar Saini, LAC for the accused.

LAC for applicant/accused has submitted that accused is in JC since 01.01.2021 and has been falsely implicated in the present case. LAC for the accused has also stated that the accused has already been granted regular bail vide order dated 23.03.2021, and despite such order, accused has been languishing in prison due to non availability of a surety.

Heard. Record perused.

Applicant/accused is in JC since 01.01.2021, and after perusal of record it is revealed that the accused was indeed granted bail vide order dated 23.03.2021, but accused could not be released, due to above mentioned reason. In such circumstances, where in accused is languishing in jail for more than 3 months after being granted bail, this court while taking a lenient view and in light of the observations made by Hon'ble High Court of Delhi in Ajay Verma v. Govt. of NCT of Delhi, WP (C) 10689/2017, deem it fit to release the accused on personal bond and relax the conditions imposed vide bail order dated 23.03.2021.

Accordingly, accused be released on personal bond in the sum of Rs. 10,000 to the satisfaction of the Jail superintendent concerned, subject to the following conditions:

1. That he shall not indulge into similar offence or any other offence in the event of release on bail;
2. That he shall not tamper with evidence in any manner;
3. That in case of change of his residential address, he shall intimate the court about the same;
4. That he shall regularly appear before the court on each and every date of hearing;
5. That he shall furnish his contact number and e-mail ID on the personal bail bond to be furnished;

Accused be released from JC, if not required in any other case.

Copy of the order be uploaded on District Court websites by the court coordinator and also be sent to the counsel for the accused on his email. In addition a copy be also sent to concerned Jail Superintendent forthwith, by all possible modes, including electronically.

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MM-04/Central:
Delhi/08.07.2021

E.FIR No. 017444/2021
PS : Sarai Rohilla
U/s 379 IPC

08.07.2021

(Through Video Conferencing)

An application has been moved on behalf of applicant for release of vehicle bearing no. DL-8SBS-2617 on superdari.

Present: Ld. APP for the State.
Sh. B.C. Pant, Ld. Counsel for applicant.

Submissions heard.

It is submitted by Ld. Counsel for the applicant that Ajay Pal Singh is the registered owner of the above said vehicle. Scan copy of RC and insurance certificate, filed by the counsel for applicant.

As per reply of IO, he has no objection to the release of vehicle on superdari to the applicant who is the rightful owner of the vehicle.

No useful purpose shall be served by retaining vehicle No. DL-8SBS-2617 in police station. Accordingly, in view of observations of Hon'ble High Court of Delhi in 'Manjeet Singh Vs State' (CRL M.C 4485/2013 and CRL.M.A 16055/2013) date of decision 10.09.2014, the aforesaid vehicle be released to **registered owner**. The IO/SHO is further directed to take photographs of vehicle from all angles and get the said photographs signed by the applicant/**registered owner**. The photographs along with CD shall be filed with the final report.

The application is disposed of accordingly. Copy of order be provided to applicant/counsel.

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MM-04/Central/THC
08.07.2021

FIR No.393/2021
PS : Sarai Rohilla
U/s 279/337/304-A IPC

08.07.2021

(Through Video Conferencing)

An application has been moved on behalf of applicant for release of vehicle, cluster bus, bearing no. DL-1PD-3510 on superdari.

Present: Ld. APP for the State.
Sh. Rishabh Gulati, Ld. Counsel for applicant.

Submissions heard.

It is submitted by Ld. Counsel for the applicant that M/s A.B. Grain Spirits Pvt. Ltd, is the registered owner of the above said vehicle, and Sh. Dharmendra Kala is the AR of the owner company (authority letter attached with the application). Scanned copy of RC, insurance certificate, fitness certificate and PUC certificate filed by the counsel for applicant.

As per reply of IO, Mechanical inspection as well as verification of documents have been done. However IO has stated that accused driver has not joined investigation and therefore vehicle may not be released. To this, Ld. Counsel for the applicant has stated that no notice to join the investigation was served on the accused driver. IO through naib court HC Rajesh has informed that, intimation to join investigation has been given to the accused driver yesterday and, the accused shall join investigation today.

Be that as it may, accused driver not joining the investigation cannot be a yardstick to dispose of instant application. In case accused driver fails to join investigation, IO is at liberty to ensure the presence of accused driver by any other means as sanctioned by law.

No useful purpose shall be served by retaining vehicle No. DL-1PD-3510 in police station. Insurance certificate also perused, it is found in order. Accordingly, in view of observations of Hon'ble High Court of Delhi in 'Manjeet Singh Vs State' (CRL M.C 4485/2013 and CRL.M.A 16055/2013) date of decision 10.09.2014, the aforesaid

vehicle be released to **registered owner**. The IO/SHO is further directed to take photographs of vehicle from all angles and get the said photographs signed by the applicant/**registered owner**. IO shall prepare detailed panchnama also mentioning the colour, appearance, engine number, chassis number, registered owner and other necessary details of the vehicle. The photographs along with CD shall be filed with the final report.

The application is disposed of accordingly. Copy of order be provided to applicant/counsel.

CHARU ASIWAL
(Charu Asiwali)
MM-04/Central/THC
08.07.2021

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