

Bail Application No.2163/21
FIR No. 643/2020
P.S. Wazirabad
U/s 323/354/354A/354B/447/427/379/506/34
IPC
State Vs. Rajeev Kumar

23.08.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad through Video Conferencing Mode.

This is an application moved for accused Rajeev Kumar under Section 438 Cr.P.C., for grant of anticipatory bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.
Sh. Gurmeet Singh, Ld. Counsel for applicant through VC.
Sh. Rambir Singh Chouhan, Ld. counsel for complainant through VC.

Ld. counsel for applicant submits that he wants to file some documents to substantiate his claim.

At request, list for arguments on 24.08.2021.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/23.08.2021

Bail Application No.1902/21
FIR No. 71/2021
P.S. Wazirabad
U/s 376/506IPC
State Vs. Amit Dedha

23.08.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad through Video Conferencing Mode.

This is an application moved for accused Amit Dedha under Section 438 Cr.P.C., for grant of anticipatory bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.
Sh. Sunil Choudhary, Ld. Counsel for applicant through VC.
Sh. Rahul Sharma, Ld. Counsel for complainant
alongwith complainant through VC.
IO/WSI Sonika through VC.

Ld. Counsel for applicant has submitted that he wants to file affidavit to substantiate his claim.

At request, list for arguments on 25.08.2021.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/23.08.2021

Bail Application No.2159/21
FIR No. 276/21
P.S. Civil Line
U/s 354/354B/354D/506 IPC
State Vs. Arun

23.08.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad through Video Conferencing Mode.

This is an application moved for accused Arun under Section 438 Cr.P.C., for grant of anticipatory bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.
Sh.S.N.Shukla, Ld. Counsel for applicant through VC.
IO/WSI Gurdeep Kaur is present through VC.

Reply of IO received.

IO seeks some time to file further reply as investigation is under way.

At request, re-list for arguments on 25.08.2021.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/23.08.2021

Bail Application No.2187/21
FIR No. 644/2021
P.S. Burari
U/s 376 IPC
State Vs. Krishan

23.08.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad through Video Conferencing Mode.

Fresh application moved for accused Krishan under Section 438 Cr.P.C., for grant of anticipatory bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.
Dr. Alok, Ld. Counsel for applicant through VC.

Let reply of the application be called from IO/SHO for NDOH.

Re-list for arguments on 27.08.2021.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/23.08.2021

Bail Application No.2190/21
FIR No. Not Known
P.S. Wazirabad
U/s Not Known
State Vs. Fezan

23.08.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad through Video Conferencing Mode.

This is an application moved for accused Fezan under Section 438 Cr.P.C., for grant of anticipatory bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.
None for applicant.

Let reply of the application be called from IO/SHO for NDOH.

Re-list for arguments on 27.08.2021.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/23.08.2021

Bail Application No.2188/21
FIR No. Not Known
P.S. Roop Nagar
U/s Not Known
State Vs. Fezan

23.08.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad through Video Conferencing Mode.

This is an application moved for accused Fezan under Section 438 Cr.P.C., for grant of anticipatory bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.
None for applicant.

Let reply of the application be called from IO/SHO for NDOH.

Re-list for arguments on 27.08.2021.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/23.08.2021

Bail Application No.2186/21
FIR No. 132/2021
P.S. Crime Branch (Central)
U/s 3/9 Official Secrets Act
State Vs. Kavita Bhardwaj

23.08.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad through Video Conferencing Mode.

Fresh application moved for accused Kavita Bhardwaj under Section 438 Cr.P.C., for grant of anticipatory bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.
Sh. Suheb Safullah, Ld. Counsel for applicant through VC.

The present bail application pertains to Section 3/9 Official Secrets Act, which is a Special Act. Accordingly, in view of Order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 of Ld. Principal District & Sessions Judge (HQs), Delhi, present application be transferred to the Court of Dr. Kamini Lau, Ld. Judge, MACT (Central), Tis Hazari Courts, Delhi for 25.08.2021.

Copy of order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/23.08.2021

Bail Application No.2198/21
FIR No. 137/2020
P.S. Crime Branch
U/s 420 IPC
State Vs. Rajesh Sharma

23.08.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad through Video Conferencing Mode.

Fresh application moved for accused Rajesh Sharma under Section 438 Cr.P.C., for grant of anticipatory bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.
Sh. Kirti Sharma, Ld. Counsel for applicant through VC.

Let reply of the application be called from IO/SHO for NDOH.

Re-list for arguments on 31.08.2021.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/23.08.2021

Bail Application No.2191/21
FIR No. 0038/2019
P.S. Wazirabad
U/s 420/34 IPC
State Vs. Nand Kishore Sharma

23.08.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad through Video Conferencing Mode.

Fresh application moved for accused Nand Kishore Sharma under Section 438 Cr.P.C., for grant of anticipatory bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.
Sh. Vishal Soni, Ld. Counsel for applicant through VC.

Let reply of the application be called from IO/SHO for NDOH.
Re-list for arguments on 27.08.2021.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/23.08.2021

Bail Application No.2192/21
FIR No. 0081/2019
P.S. Wazirabad
U/s 420/34 IPC
State Vs. Nand Kishore Sharma

23.08.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad through Video Conferencing Mode.

Fresh application moved for accused Nand Kishore Sharma under Section 438 Cr.P.C., for grant of anticipatory bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.
Sh. Vishal Soni, Ld. Counsel for applicant through VC.

Let reply of the application be called from IO/SHO for NDOH.
Re-list for arguments on 27.08.2021.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/23.08.2021

Bail Application No.2193/21
FIR No. 0131/2019
P.S. Wazirabad
U/s 420/120-B IPC
State Vs. Asha Sharma

23.08.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad through Video Conferencing Mode.

Fresh application moved for accused Asha Sharma under Section 438 Cr.P.C., for grant of anticipatory bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.
Sh. Vishal Soni, Ld. Counsel for applicant through VC.

Let reply of the application be called from IO/SHO for NDOH.
Re-list for arguments on 27.08.2021.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/23.08.2021

Bail Application No.2194/21
FIR No. 0038/2019
P.S. Wazirabad
U/s 420/34 IPC
State Vs. Asha Sharma

23.08.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad through Video Conferencing Mode.

Fresh application moved for accused Asha Sharma under Section 438 Cr.P.C., for grant of anticipatory bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.
Sh. Vishal Soni, Ld. Counsel for applicant through VC.

Let reply of the application be called from IO/SHO for NDOH.
Re-list for arguments on 27.08.2021.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/23.08.2021

Bail Application No.2196/21
FIR No. 0081/2019
P.S. Wazirabad
U/s 420/120-B IPC
State Vs. Asha Sharma

23.08.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad through Video Conferencing Mode.

Fresh application moved for accused Asha Sharma under Section 438 Cr.P.C., for grant of anticipatory bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.
Sh. Vishal Soni, Ld. Counsel for applicant through VC.

Let reply of the application be called from IO/SHO for NDOH.
Re-list for arguments on 27.08.2021.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/23.08.2021

Bail Application No.2197/21
FIR No. 0131/2019
P.S. Wazirabad
U/s 420/120-B IPC
State Vs. Nand Kishore Sharma

23.08.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad through Video Conferencing Mode.

Fresh application moved for accused Nand Kishore Sharma under Section 438 Cr.P.C., for grant of anticipatory bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.
Sh. Vishal Soni, Ld. Counsel for applicant through VC.

Let reply of the application be called from IO/SHO for NDOH.
Re-list for arguments on 27.08.2021.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/23.08.2021

Bail Application No.2199/21
FIR No. 145/19
P.S. Crime Branch
U/s 419/420/468/471/170/120B/34 IPC
State Vs. Hemant Sharma

23.08.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad through Video Conferencing Mode.

Fresh application moved for accused Hemant Sharma under Section 439 Cr.P.C., for grant of bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.
None for applicant.

Let reply of the application be called from IO/SHO for NDOH.

List for arguments on 31.08.2021.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/23.08.2021

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

Bail Application No. 1031/21
FIR No. 83/21
U/s 354/354-B/452/506/509/427 IPC
P.S. Timarpur
State Vs. Deepak Mavi

23.08.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad Video Conferencing Mode.

Present application u/s 438 Cr.P.C. has been filed on behalf of accused for grant of anticipatory bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.
Sh. Santosh Kumar Sharma, Ld. Counsel for the applicant through VC.
IO/WSI Neelam present through VC.

Report dated 06.08.2021 has been received from IHBAS (Institute of Human Behaviour and Allied Sciences). As per the report the patient was offered admission so that Medical Board Examination process could be conducted, however patient / accused herein had refused for the same. It has been mentioned in the report that the patient requires inpatient evaluation and involvement of family members.

At this juncture Ld. Counsel for applicant seeks an adjournment to ascertain from the patient and from the family members whether the patient would want to submit himself to such an inpatient evaluation.

Contd.....

Accordingly, be put up on 23.09.2021 for further proceedings.
Till then applicant is granted interim protection from arrest.

Order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/23.08.2021

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

BAIL APPLICATION NO. 2116/21 & 2071/21

FIR NO. 184/2021

U/S 33/58 Delhi Excise Act

P.S. Gulabi Bagh

State vs Mithun Kumar & Aman

23.08.2021

Vide Order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Wazirabad and Crime Branch of Central Police District through Video Conferencing Mode.

Present applications u/s 438 Cr.P.C. & 439 Cr.P.C. have been filed on behalf of the applicants Mithun Kumar & Aman respectively for grant of anticipatory and regular bail respectively.

Present: Sh. Balbir Singh, Ld. Addl. PP for the State through VC.

Sh. Arjun Bansal, Ld. Counsel for applicant Mithun Kumar through VC.

Sh. Krishna Mohan, Ld. Counsel for applicant Aman through VC.

IO/ SI Rahul Malik present through VC.

**ORDER ON ANTICIPATORY AND REGULAR BAIL
APPLICATIONS FILED ON BEHALF OF APPLICANTS**

1. Vide this order, this Court shall adjudicate upon the anticipatory bail and regular bail applications filed on behalf of the

applicants/accused Mithun Kumar and Aman respectively. Arguments heard *in extenso*, the gist whereof is discussed hereunder.

2. Ld. Counsel for applicant / accused Aman had submitted that co-accused Rahul was the one who was responsible for the commission of the offence, and co-accused Rahul used to adopt a modus operandi by hiring innocent drivers to do this work. It was submitted that accused Aman was hired only for a day, and he is merely a driver. Further accused is in J/C since 05.07.2021.
3. Ld. counsel for applicant / accused Mithun Kumar submitted that applicant was merely an owner of the vehicle and he had no inkling that his vehicle would be used for the commission of the offence. It was submitted that applicant / accused Mithun Kumar is living and working in Bihar, and running a cosmetic shop and was unaware of the factum of his vehicle being used for the commission of the offence. It was further submitted that the vehicle in question was given to one Udaan Company which is engaged in the business of transport of goods. However, no proof thereof was submitted.
4. *Per contra*, Ld Addl. PP for the State alongwith the IO vehemently opposed the present anticipatory and regular bail applications as per law. IO had submitted that applicant / accused Mithun Kumar has not joined the investigation. Further, it was submitted that accused Aman is a habitual offender.

5. Before advertent to the rival contentions of the parties, the facts of the present case, as alleged by the prosecution, are hereby succinctly recapitulated: It was alleged that on 05.07.2021 at about 1 AM while SI Harender Singh was on area patrolling alongwith Ct. Sunil, a secret information was received regarding illicit liquor. He alongwith Ct. Sunil setup the barricades near gali no. 6, Pratap Nagar, Delhi and stopped the suspected vehicle no. DL 1 LP 5700 and checked the vehicle. There were 56 cartons of illicit liquor of alcohol Santra found in the vehicle. A total 2800 quarters of illicit liquor of Haryana Santra were recovered from the possession of accused Aman. The said vehicle was seized and accused Aman was arrested who disclosed that one Rahul handed over the said illicit liquor consignment to him and directed him to deliver the same in Gulabi Bagh area. The registered owner of the said vehicle is accused Mithun Kumar who is in Bihar for the past 1 – 2 years and the said vehicle was used by his brother Rahul. A notice has been served to Rahul to join the investigation, who disclosed that his brother Mithun Kumar is the owner of the said vehicle and the vehicle was in his possession for past long time and he gave that vehicle to accused Aman on rent. The owner of the vehicle i.e. accused Mithun Kumar yet not joined the investigation. Thus, the present FIR came to be registered.
6. During the course of arguments it was submitted that accused Aman had, in his disclosure statement revealed that the offence

was committed at the behest of Rahul. However, during the course of arguments Ld. Counsel for applicant / accused Mithun Kumar had submitted that it was co-accused Aman who was responsible for boot legging of illicit liquor. It was also brought to the fore by the IO that applicant / accused Mithun Kumar has not been joining the investigation. Further, it was also apprised by the IO that applicant/accused Aman is a habitual offender and has been previously involved in two similar offences. It was also pointed out by the IO that accused Aman, during the interrogation, tried to mislead the investigating agencies.

7. Regarding non-joining of investigation, it would be apposite to reproduce the following extracts of ***Bhadresh Bipin Bhai Sheth Vs. State of Gujarat & Anr., (2016) 1 Supreme Court Cases 152:-***

“The principles for grant of anticipatory bail can be summarised as follows:-

(i).....

(ii).....

*(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.....”

8. Under these circumstances, taking into the account the gravity of the offence, severity of the punishment that the offence entails and the role attributed to the applicants/accused coupled with the fact that applicant Mithun Kumar has not joined the investigation, previous involvement of the accused Aman, and the fact that investigation is still underway, this Court is of the opinion that the applicants / accused ought not to be granted anticipatory/regular bail. Accordingly, the present anticipatory bail application filed on behalf of Mithun Kumar and regular bail application filed on behalf of Aman are hereby dismissed.
9. Needless to say, the abovementioned observations are predicated solely on the facts as alleged, and brought forth at this juncture, and are not findings on merits, and would also have no bearing on the merits of the case. With these conditions, and observations, the anticipatory and regular bail applications stand disposed off.
10. Copy of the order be uploaded on the website of the District Court.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/23.08.2021

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

Bail Application No. 2058/21
FIR No. 566/18
U/s 420/120B/34 IPC
P.S. Burari
State Vs. Dheeraj Tyagi

23.08.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad Video Conferencing Mode.

Present application u/s 439 Cr.P.C. has been filed on behalf of accused Dheeraj Tyagi for grant of regular bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.
Sh. Mukesh Kalia, Ld. Counsel for applicant through VC.

ORDER ON BAIL APPLICATION

1. Vide this order, this Court shall adjudicate upon the bail application filed on behalf of the accused. Arguments were heard *in extenso*, the gist whereof is discussed hereunder.
2. Ld. Counsel for applicant /accused submitted that charge sheet has already been filed in the present matter and thus custodial interrogation of the applicant is not required. It was also argued by Ld. Counsel that though the incident took place in the year

2009, the first police complaint was made only in the year 2015, thus according to Ld. Counsel for applicant / accused, there is an inordinate delay in taking the steps to initiate the present prosecution. It was further submitted that all the relevant documents are in the possession of the police and since the evidences are documentary in nature, no fruitful purpose would be served in detaining the applicant / accused any longer. Ld. Counsel also contended that a perusal of bail application would reveal that, as per the order of the SDM the accused herein was in cultivatory possession of Khasra No. 9/21-22 situated in the Revenue Estate of village Kamalpur Mazra, Burari, Delhi, and thus the contention that the property belongs to Gaon Sabha was not correct. It was submitted that the peaceful possession of the property was endeavoured to be given to the complainant herein, but due to his own lapse, the possession thereof was not taken. Ld. Counsel for applicant has placed on the following judgments to support his contentions:-

(i) Prabhakar Tewari Vs. State of Uttar Pradesh & Anr., 2020 SCC Online SC 75

(ii) Maulana Mohammad Amir Rashadi Vs. State of Uttar Pradesh & Anr., 2012 SCC Online SC 54

(iii) Devangana Kalita Vs. State of NCT Delhi, (2020) 215 AIC 425

*(iv) Vijay Singh Vs. State of Rajasthan,
(1988) 1 RLR 155*

*(v) Jaipal Vs. State of Rajasthan,
1984 RLR 1077*

3. *Per contra*, Ld Addl. PP for the State vehemently opposed the bail application as per law. It was submitted that this is not a simple transaction pertaining to the property rather it is a scheme whereby accused herein has duped several individuals and therefore, various FIRs have been registered against the accused. It was further submitted that there was no inordinate delay in filing the police complaint, rather the complainant waited to go the police on account of assurances given by the accused herein that he would handover the possession to the complainant. Ld. Addl. PP for the State further submitted that due to the factum of accused absconding from due process of law, a reward of Rs. 50,000/- was offered for his capture. Lastly, it was submitted that judgments relied by Ld. Counsel for applicant / accused do not apply to the facts of this case in as much as, a perusal of the merits of this case would reveal that he is not entitled to grant of bail.
4. Before adverting to the rival contentions of the parties, the facts of the present case, as alleged by the prosecution, are hereby succinctly recapitulated: It was alleged by the complainant that he was approached that he was approached by accused Dheeraj Tyagi in December 2008. Dheeraj Tyagi persuaded complainant to

purchase property i.e. 70 Yards out of Property bearing Khasra No. 9/21-22, Village Kamalpur Majra, Burari Delhi. When complainant asked Dheeraj Tyagi to show chain of documents of Property in question same were shown by Amit Tyagi S/o Shiv Kumar Tyagi. Shiv Kumar Tyagi S/o Sh. Amir Singh also convinced complainant for the purchase of property. On 09.01.2009 Dheeraj Tyagi executed agreement to sale, GPA etc in favour of complainant after receiving cash Rs. 2.5 Lakhs. The complainant approached accused persons to give the possession of property in question but same was not given to him. Later on complainant came to know that the accused Dheeraj Tyagi was not real owner of the property in question.

Accused Dheeraj Tyagi was involved in number of similar cases he remained absconding. Reward of Rs. 50,000/- was declared on his arrest. On 28.05.2021 accused Dheeraj Tyagi and his father Shiv Kumar Tyagi were arrested by Spl Staff North, whereas accused Amnit Tyagi remained absconding. On 29.05.2021 accused Dheeraj Tyagi and Shiv Kumar Tyagi were arrested in present case.

During the course of investigation exhibits. Original documents in connection sale of property in question were taken in possession and same have been sent to FSL alongwith specimen signatures of accused Dheeraj Tyagi FSL result is awaited. During investigation it revealed that accused sold same piece of land to the number of

persons. Hence, numerous FIRs have been registered against him.

5. A perusal of record reveals that the present FIR was initiated pursuant to passing of judicial order dated 27.11.2018 passed by Ld. MM-09, Central, Tis Hazari Courts while allowing Section 156 (3) Cr.P.C. application of the complainant. During the course of arguments it was explained by the Ld. Addl. PP for the State that the FIR came to be lodged belatedly as the accused herein was postponing handing over possession of the property to the complainant on one pretext or the other. It was after all the efforts turned futile, that the complainant was constrained to take recourse to legal proceedings. Further, a perusal of the record prima facie reveals that when the transaction was made in the year 2009, the accused herein did not have rights of alienation. Even the orders of the SDM, on which Ld. Counsel for the accused has placed reliance, mention accused as merely being the General Power of Attorney holder, and not as the owner of the property in question. As far as previous antecedents are concerned, judgment of *Prabhakar Tewari Vs. State of Uttar Pradesh & Anr. (Supra)* is not applicable in as much as therein the statement of Narendra Dev Upadhyay, on which reliance was placed by the prosecution and the appellant, was recorded after fifty days from the date of occurrence of incident, and further even as per the FIR and the statement of the witnesses, the accused therein was not named as having participated in the act of assault or being present at the

place of occurrence while assault took place. Further, judgment of ***Maulana Mohammed Amir Rashadi Vs. State of Uttar Pradesh & Anr. (Supra)*** is also not applicable in as much as therein two prosecution witnesses were already examined. Again in *Devangana Kalita Vs. State of NCT Delhi (Supra)* persons similarly placed as the petitioner were not arrested by the investigating agency and thus, the Hon'ble High Court was of the opinion that the continued custody of the petitioner therein would serve no purpose. Thus, the above mentioned judgments do not apply to the facts and circumstances of the present case. This Court cannot overlook the fact that the accused is implicated not in one or two, but as many as 15 cases of cheating, of which he is in judicial custody in at least 14 cases.

6. Under these circumstances, taking into the account the gravity of the offence, severity of the punishment that the offence entails, the role attributed to the accused herein coupled with his previous involvements, this Court is of the opinion that the accused ought not to be granted bail at this juncture. Accordingly, the present bail application is hereby dismissed.
7. Needless to say, the abovementioned observations are predicated solely on the facts as alleged, and brought forth at this juncture, and are not findings on merits, and would also have no bearing on the merits of the case. With these conditions, and observations, the bail application stands disposed off.

8. Order be uploaded on the website of the District Court.
9. TCR be sent back alongwith copy of this order.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/23.08.2021

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

FIR No. 130/2021
U/s 447/420/34 IPC
P.S. Wazirabad

State Vs. Satpal Tyagi & Yashpal Tyagi

23.08.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad Video Conferencing Mode.

Present applications u/s 438 Cr.P.C. has been filed on behalf of accused Satpal Tyagi & Yashpal Tyagi for grant of anticipatory bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State in person.
Sh. Anuroop, Ld. Counsel for applicant in person.
Sh. N.D.Sharma, Assistant Engineer, Irrigation & Flood Control Department, Delhi in person.
Sh. Abhilash Sharma, Junior Engineer, Irrigation & Flood Department, Delhi.
IO/SI Praveen in person.

ORDER ON ANTICIPATORY BAIL APPLICATION

1. Vide this common order, this Court shall adjudicate upon the anticipatory bail applications filed on behalf of the applicants namely

Satpal Tyagi & Yashpal Tyagi. Arguments were heard *in extenso*, the gist whereof is discussed hereunder.

2. Ld. Counsel for applicant /accused contended that the evidences that need to be collected are documentary in nature, and the same have already been handed over by the accused to the IO. It was stressed that it is incumbent upon the IO to ascertain the veracity of the documents submitted, and to conduct investigation by examining the concerned officials of relevant departments. It was submitted that the land in question pertains to unauthorized colony which was regularized subsequently, and that accused herein was in possession thereof by virtue of a will of one Nardev. It was submitted that accused Yashpal had joined the investigation and thus the applicants ought to be granted anticipatory bail.
3. *Per contra*, Ld Addl. PP for the State alongwith the IO, assisted by the officials of Irrigation and Flood Control Department vehemently opposed the anticipatory bail applications as per law. It was submitted that it is an admitted fact that government land was transferred by the applicant to his family members. It was strenuously canvassed that the reason for such transfer needs to be explored, and details of transactions have to be ascertained, and for this purpose custodial interrogation is imperative. It has been submitted that accused is not co-operating with the IO in the investigation.
4. Before adverting to the rival contentions of the parties, the facts of the present case, as alleged by the prosecution, are hereby succinctly

recapitulated: The case of the prosecution is that a complaint vide DD No. 758A/SHO Wazirabad, Delhi was received at PS Wazirabad on 15.03.2021 from Sh. N.S.P Patwal, Executive Engineer, Civil Division No. IX, I & FC Deptt, Sector15, Rohini, Delhi wherein it has been submitted that an illegal construction on Khasra No.31/25 is being done by Sh. Satpal Tyagi which is a government land. It is stated in the said complaint that an illegal construction has been done on the government land after tress passing it. Further, it was also found that apart from selling the land under Khasra no. 31/25, he has also given possession to the people on the land belonging to I & FC Department which was awarded to the said department vide award no. 40/79-80. It has been further alleged in the complaint that they have illegally and wrongfully encroached upon khasra no. 31/25 by raising the wall encroaching the government land despite the order of Hon'ble High Court of Delhi vide order dated 01.03.2021, wherein it has directed that "if, however, there is any construction, which the GNCTD intends to demolish, notice shall be given to the occupant concerned, in accordance with the procedure. The petitioner shall not raise any fresh construction in the subject properties vide CM Appeal No. 7080/2021 is disposed of". Thus, on the basis of the above said complaint, present FIR against Satpal Tyagi and Yashpal Tyagi came to be registered.

5. Since the issue of non-cooperation in investigation was raised by the IO during the course of arguments, it would be apposite to reproduce the following extracts of ***Bhadresh Bipin Bhai Sheth Vs. State of***

Gujarat & Anr., (2016) 1 Supreme Court Cases 152:-

“The principles for grant of anticipatory bail can be summarised as follows:-

(i).....

(ii).....

(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.....”

In the present case, it was averred that applicant Yashpal though joined the investigation but did not co-operate with the investigating authorities. The accused pleaded ignorance with respect to certain queries put by the IO especially qua documents of which he had knowledge of.

6. At this juncture, it would be apposite to peruse the judgment titled ***Sunil Dahiya Vs. State (Govt. of NCT of Delhi), Bail Application No. 1212/2016 dated 18.10.2016*** wherein Hon’ble High Court of Delhi has held as thus:-

“49. The applicant accused appears to be a person with deep pockets. If he could manipulate and dupe more than 1000 investors to invest in his projects, he may as well be able to

influence these investors, other witnesses and the evidence to save his own skin. The Applicant herein has been accused of economic offences involving cheating and misappropriation of huge amounts of public funds, and such offences - as observed by the Apex Court, have to be viewed seriously. In Y.S. Jagan Mohan Reddy v. Central Bureau of Investigation, (2013) 7 SCC 439, the Court in Para 34 observed:

"34. Economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The economic offences having deep rooted conspiracies and involving huge loss of public funds need to be viewed seriously and considered as grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country."

50. Further, in State of Gujarat vs. Mohanlal Jitamalji Porwal and Anr., (1987) 2 SCC 364, the Court in Para 5 observed:

"5. The entire Community is aggrieved if the economic offenders who ruin the economy of the State are not brought to book. A murder may be committed in the heat of moment upon passions being aroused. An economic offence is committed with cool calculation and deliberate design with an eye on personal profit regardless of the consequence to the Community. A disregard for the interest of the Community can be manifested only at the cost of forfeiting the trust and faith of the Community in the system to administer justice in an even handed manner without fear of criticism from the quarters which view white collar crimes with a permissive eye unmindful of the damage done to the national economy and national interest.."

7. Further, the above judgment, which ordains Courts to be circumspect while adjudicating bail applications in cases pertaining to offences against property, and offences related to documents, also observed as thus:-

“53. The Supreme Court, in *Neeru Yadav v. State of U.P.*, (2014) 16 SCC 508 - which was also a case of regular bail under *Section 439*, observed as follows:

"16. xxx We are not oblivious of the fact that the liberty is a priceless treasure for a human being. It is founded on the bed rock of constitutional right and accentuated further on human rights principle. It is basically a natural right. In fact, some regard it as the grammar of life. No one would like to lose his liberty or barter it for all the wealth of the world. People from centuries have fought for liberty, for absence of liberty causes sense of emptiness. The sanctity of liberty is the fulcrum of any civilized society. It is a cardinal value on which the civilisation rests. It cannot be allowed to be paralysed and immobilized. Deprivation of liberty of a person has enormous impact on his mind as well as body. A democratic body polity which is wedded to rule of law, anxiously guards liberty. But, a pregnant and significant one, the liberty of an individual is not absolute. The society by its collective wisdom through process of law can withdraw the liberty that it has sanctioned to an individual when an individual becomes a danger to the collective and to the societal order. Accent on individual liberty cannot be pyramided to that extent which would bring chaos and anarchy to a society. A society expects responsibility and accountability from the member, and it desires that the citizens should obey the law, respecting it as a cherished social norm. No individual can make an attempt to create a concavity in the stem of social stream. It is impermissible. Therefore, when an individual behaves in a disharmonious manner ushering in disorderly things which the society disapproves, the legal consequences are bound to follow. At that stage, the Court has a duty. It cannot abandon its sacrosanct obligation and pass an order at its own whim or caprice. It has to be guided by the established parameters of law".

8. During the course of arguments the IO had submitted that applicant/accused is not co-operating in the investigation, despite joining. During the course of arguments, Ld. Counsel for accused had vociferously argued that the land in question pertained to an unauthorised colony which was subsequently regularised. However, beyond producing a Gazette Notification dated 29.10.2019 of the Ministry of Housing and Urban Affairs, no cogent proof of such assertions was placed on record. Further, no document evincing verily the proof of ownership of the accused herein was placed on record, thus, leading to the irresistible conclusion that chain of documents need to unearthed. In the absence of co-operation from the accused, custodial interrogation thus becomes inevitable. Further, the factum of previous involvement of the accused persons in FIR No. 45/13, under Section 420/34 IPC, PS Burari can not be overlooked by this Court. The custodial interrogation of the accused persons to ascertain the forged chain of documents on the strength of which they have sold Government land to various individuals thus become imperative in the present facts and circumstances of this case.
9. Under these circumstances, taking into the account the gravity of the offence, severity of the punishment that the offence entails, factum of the applicant not cooperating with the investigation and the role attributed to the applicant herein, this Court is of the opinion that the accused ought not to be granted anticipatory bail at this juncture. Accordingly, the present anticipatory bail application is hereby

dismissed.

10. Needless to say, the abovementioned observations are predicated solely on the facts as alleged, and brought forth at this juncture, and are not findings on merits, and would also have no bearing on the merits of the case. With these conditions, and observations, the anticipatory bail application stands disposed off.
11. Copy of the order be uploaded on the website of the District Court.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
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