

06.01.2021

Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, the cases are being taken up through Video Conferencing today.

Joined through Video Conferencing on Cisco Webex.

Present : Ld. APP for State (through V.C.).

Mr. Nikhil Yadav, Ld. LAC for accused (through V.C.).

IO ASI Chander Shekhar appeared physically before the Court.

An application has been moved electronically by Ld. LAC for the applicant/accused for release of applicant/accused on personal bond stating that applicant/accused was admitted on bail by this Court vide order dated 08.12.2020 and applicant/accused was directed to furnish his personal bond in the sum of Rs. 15,000/- with one surety of like amount. However, applicant/accused belongs to a very poor family and is unable to furnish surety for releasing applicant/accused on bail due to which he is languishing in the jail. Ld. LAC for applicant/accused submits that applicant/accused is in J/C since 27.09.2020, therefore, it is prayed that considering the condition of applicant/accused, he may be released on his personal bond.

Reply has been filed by IO electronically. Same has been supplied to Id. LAC for applicant/accused. IO in his reply has stated that applicant/accused does not have a permanent address in Delhi and he has previous involvements in 7 criminal cases and hence, he may abscond.

It is submitted by IO that applicant/accused is a vagabond and on enquiry from his mother, it has been found out that he does not visit his house.

Ld. APP for the State vehemently opposed the present application on the ground that applicant/accused was apprehended on the spot by police official and case property was recovered from his possession. It is further submitted that applicant/accused is a habitual offender and he may abscond, if released on personal bond.

Shanki

Considering the antecedents of applicant/accused and in view of reply filed by IO that applicant/accused is a vagabond and he does not have a permanent address, this Court does not deem it fit to release the applicant/accused on personal bond.

Hence, the present application stands dismissed.

One copy of the order be uploaded on Delhi District Court Website. Copy of order be also sent to the e-mail of jail superintendent and SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant.



(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/06.01.2021

State Vs. Rajesh Dass & ors.
PS Sadar Bazar

06.01.2021

Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, the cases are being taken up through Video Conferencing today.

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Present : Ld. APP for the State (through V.C.).

Sh. Puroshottam, Ld. Counsel for applicant has joined through V.C.

An application for calling of status report has been filed on behalf of applicant.

Status report has been filed electronically by IO. Same is taken on record.

IO is directed to supply the copy of status report to the Ld. Counsel for applicant electronically during the course of the day.

In view of same, the present application stands disposed off.

One copy of the order be uploaded on Delhi District Court Website. Copy of order be also sent to the e-mail of SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant/applicant.


(SHIVLI TALWAR)
MM-06(C)/THC/Delhi/06.01.2021

Feroz Ahmed Vs Gopal Dass
PS Sadar Bazar
Miscellaneous application

06.01.2021

Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, the cases are being taken up through Video Conferencing today.

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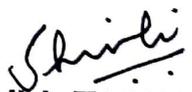
Present : Complainant has joined through V.C.
IO SI Vijay Panwar has also joined through V.C.

Progress report has been filed by IO in compliance of previous order electronically. Same is taken on record. As per the said report, the investigation of the case is still in progress.

IO submits that the investigation could not be completed yet due to the prevailing COVID pandemic.

IO / SHO is directed to expedite the investigation in the present matter. Accordingly, application stands disposed off.

One copy of the order be uploaded on Delhi District Court Website. Copy of order be also sent to the e-mail of SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant/applicant.


(SHIVLI TALWAR)
MM-06(C)/THC/Delhi/06.01.2021

State V/s Rajni
State Vs Archana
FIR No. 345/20
P.S. Sadar Bazar
U/s 379/34 IPC

06.01.2021

Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, the cases are being taken up through Video Conferencing today.

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These are two separate applications U/s 437 Cr.P.C. for grant of bail have been moved on behalf of applicants/accused persons namely, Rajni and Archana.

Present : Ld. APP for State (through V.C).

Mr. Amit Kumar Kaushal, Id. Counsel for applicants/accused persons (through V.C).

Separate replies of both applications have been filed electronically. Copies thereof have been sent to the Ld. Counsel for applicants/ accused persons electronically.

Vide this common order, both bail applications are being disposed off together as they arise out of the same FIR.

At this stage, it is submitted by Ld. Counsel for applicants/accused persons that he wants to withdraw the present bail applications.

Heard. Request stands allowed.

At request of Ld. Counsel for applicants/accused persons, the present bail applications stand dismissed as withdrawn.

One copy of the order be uploaded on Delhi District Court Website. Copy of order be also sent to the e-mail of jail superintendent and SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant.


(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/06.01.2021

State Vs. Rajiv
FIR No. 481/20
PS Civil Lines
U/s 392/411/34 IPC

06.01.2021

Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, the cases are being taken up through Video Conferencing today.

Joined through Video Conferencing on Cisco Webex.

Present : Ld. APP for State (through V.C.).

Mr. Nikhil Yadav, Ld. LAC for accused (through V.C.).

An application has been moved electronically by Ld. LAC for the applicant/accused for Test Identification Parade.

At this stage, Ld. LAC for applicant/accused seeks permission to withdraw the present application.

Heard. Request stands allowed.

In view of same, the present application stands dismissed as withdrawn.

One copy of the order be uploaded on Delhi District Court Website. Copy of order be also sent to the e-mail of jail superintendent and SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant.


(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/06.01.2021

State V/s Kunal @ Don
FIR No. 342/20
P.S. Sadar Bazar
U/s 379/411/34 IPC

06.01.2021

Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, the cases are being taken up through Video Conferencing today.

This is bail application U/s 437 Cr.P.C. moved on behalf of applicant/accused Kunal @ Don s/o Late Rajender.

Present : Ld. APP for State through V.C.

Sh. Nikhil Yadav, Ld. LAC for applicant/accused through V.C.

Reply to the present bail application has been filed by IO electronically. Same is taken on record. Copy of same is sent to Id. LAC for applicant/accused electronically.

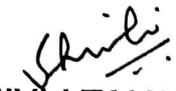
Ld. LAC has been apprised that bail application of applicant/accused has been dismissed by this Court vide order dated 05.01.2021.

At this stage, it is submitted by Id. LAC for applicant/accused that he wants to withdraw the present bail application.

Heard. Request stands allowed.

In view of same, the present bail application stands dismissed as withdrawn.

One copy of the order be uploaded on Delhi District Court Website. Copy of order be also sent to the e-mail of jail superintendent and SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant.


(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/06.01.2021

06.01.2021

Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, the cases are being taken up through Video Conferencing today.

This is an application for releasing of vehicle bearing No. DL-1CR-0146 on superdari filed by applicant/ registered owner Sh. Sunil Shah.

Present : Ld. APP for the State through V.C.

Sh. Sunil Shah, applicant joined through V.C.

Reply filed by the IO. Same is take on record. As per the reply of IO, he has no objection in releasing the same to the applicant as it is stated that the vehicle in question is no more required for the purpose of investigation.

For the purpose of identity, scanned copy of AADHAR card of applicant is also sent alongwith the application.

However, applicant submits that upon perusal of photographs of his vehicle shown to him by the IO, it has come to his knowledge that colour as well as number plate of the vehicle have been changed by the accused and hence, applicant submits that he will have difficulty in plying the vehicle on road after its release.

In view of submissions made by the applicant, let notice be issued to IO concerned to file fresh reply to the present application on the next date of hearing.

Let notice be issued to IO to appear in person physically before the Court for the NDOH.

Be put up for **11.01.2021 (physical hearing day).**

One copy of order be uploaded on CIS. Copy of order be also sent to the e-mail of SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant/applicant.



(SHIVLI TALWAR)
MM-06(C)/THC/Delhi/06.01.2021

06.01.2021

Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, the cases are being taken up through Video Conferencing today.

This is an application for releasing of mobile make Oppo blue colour bearing IMEI No. 869353036845694 / 869353036845686 on superdari filed by applicant/ registered owner Sh. Gulfam Yusuf.

Present : Ld. APP for the State (through V.C.).

Sh. Sharang Pawar, Ld. Counsel for applicant has joined through V.C.

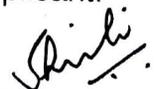
Reply on behalf of IO filed electronically. Same is taken on record. Copy of same has been sent to Ld. Counsel for applicant electronically. As per the reply, it is stated that IO has no objection in releasing the mobile phone make **Oppo blue colour bearing IMEI No. 869353036845694 / 869353036845686** to the applicant as it is no more required for the purpose of investigation.

The applicant has sent the scanned copy of bill of mobile phone.

Instead of releasing the said mobile on superdari, I am of the considered view that the aforesaid mobile 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**", which has been reiterated by Hon'ble High Court of Delhi in case titled as "**Manjit Singh Vs. State**".

Considering the facts and circumstances and law laid down by higher courts, mobile of make **Oppo blue colour bearing IMEI No. 869353036845694 / 869353036845686** be released to the applicant on furnishing security bond/indemnity bond as per valuation report of the aforesaid mobile. Accordingly, IO is directed to get the valuation done of the mobile phone prior to releasing the same to the applicant, as per directions of Hon'ble Supreme Court. Coloured photographs of the mobile phone be also taken as per rules.

Copy of this order be given dasti to Ld. Counsel for the applicant. One copy of the order be uploaded on Delhi District Court Website. Copy of order be also sent to the e-mail of SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant/applicant.


(SHIVLI TALWAR)
MM-06(C)/THC/Delhi/06.01.2021

State Vs. Lokender Singh Kushwaha
FIR No. 562/20
PS Civil Lines
U/s 186/353/332 IPC

06.01.2021

Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, the cases are being taken up through Video Conferencing today.

Present : Ld. APP for the State (through V.C.).

IO ASI Ravinder joined through V.C.

Report has been filed by Addl. DCP in compliance of previous order. Same is taken on record. Let copy of same be supplied to Ld. Counsel for applicant/accused.

Report has been perused. It has been mentioned in the report that accused was beaten by public persons as he was trying to run away and efforts are being made to identify the persons (passersby) who manhandled him. It is further stated that directions have been given to ACP Civil Lines to monitor the investigation of the case.

Ahlmad is directed to club the present proceedings as and when the charge-sheet is filed before the Court.

One copy of the order be uploaded on Delhi District Court Website.



(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/06.01.2021

06.01.2021

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Present : Ld. APP for the State (through V.C.).

Sh. Nitin Gupta, Ld. Counsel for applicant/accused has joined through V.C

An application for surrender cum grant of bail has been moved on behalf of applicant/accused Sumit. Ld. Counsel for applicant/accused submits that applicant/accused was granted interim bail by Ld. Sessions Court vide order dated 23.12.2020, which expired on 04.01.2021. It is further submitted that applicant/accused went to Tihar Jail in the late evening of 04.01.2021 to surrender but jail authorities refused to take him into custody on the ground that post 07.00 PM, they do not take any new under-trial in custody. Thus, applicant/accused has filed the present application for surrender cum grant of bail.

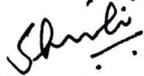
It is pertinent to mention that applicant/accused has filed the present application electronically on 05.01.2021 and it has been taken up for hearing by this Court today. Ld. Counsel for applicant/accused, during the course of addressing arguments on the present application has not pressed upon his prayer for grant of bail to applicant/accused and has requested the Court to list the application for surrender cum grant of bail on a physical hearing day.

This Court has perused the order passed by Ld. Sessions Court granting interim bail to applicant/accused. Perusal of the same reveals that the Ld. Sessions Court has specifically directed the applicant/accused to surrender in jail on 04.01.2021. In view of such specific direction passed by Ld. Sessions Court, this Court is not inclined to allow the present application or to list it for a physical hearing day.

Applicant/accused is directed to surrender before the Jail immediately in compliance of order passed by Ld. Sessions Court.

Accordingly, the present application stands dismissed.

Copy of this order be given dasti to Ld. Counsel for the applicant. One copy of the order be uploaded on Delhi District Court Website. Copy of order be also sent to the e-mail of concerned Jail superintendent, SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant/applicant.


(SHIVLI TALWAR)
MM-06(C)/THC/Delhi/06.01.2021

06.01.2021

Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, the cases are being taken up through Video Conferencing today.

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The present application for grant of bail U/s 437 Cr.P.C. has been moved on behalf of applicant/accused Vikas s/o Sh. Vijay.

Present : Ld. APP for State (through V.C).

Mr. T.D. Tiwari, Id. Counsel for applicant/accused (through V.C).

It is submitted by Ld. Counsel for applicant/accused that applicant/accused is innocent and has been falsely implicated in the present case. It is further submitted that no recovery has been made from or at the instance of the applicant/accused and the alleged recovery has been planted by the police. It is further submitted that applicant/accused has been arrested on the basis of disclosure statement of co-accused. It is further submitted that the past antecedents of the applicant/accused are clean and he is not a previous convict. It is further submitted that the applicant/accused is in J/C since 23.12.2020 and investigation qua him is already complete and he is no more required for any custodial interrogation. It is further submitted that the applicant/accused is a young boy aged about 20 years. Therefore, it has been prayed that the applicant/accused be released on bail.

Reply of IO has been filed electronically. Copy of same has been sent to Ld. Counsel for the applicant/accused electronically. Perusal of the same reveals that the present case was registered on the complaint of complainant Sh. Sagar Dhuria. It is stated by the complainant that someone has stolen Rs. 1,24,000/- from his pitthu bag. During the course of investigation, on 22.11.2020, co-accused Mohit was arrested in another case and he disclosed about the commission of crime in the present FIR and disclosed that he alongwith applicant/accused and one another friend of applicant/accused had stolen Rs. 1,24,000/- from the bag of a bike rider at Idgah Road, near Banke Birla Masjid, Sadar Bazar, Delhi. It is further stated that on



22.12.2020, applicant/accused was arrested at the instance of a secret informer and a part of stolen amount i.e. Rs. 1000/- was recovered from the possession of applicant/accused. It is further stated that applicant/accused has been previously involved in similar cases. It is further stated that co-accused namely, Kamal is yet to be arrested and remaining stolen amount is yet to be recovered.

Ld. APP for the State has opposed the bail application on the ground that a part of stolen amount has been recovered from the possession of the applicant/accused. It is further submitted that the entire stolen amount has not been recovered yet and further custody of applicant/accused is required to recover the remaining stolen amount as well as to trace the co-accused. It is further submitted that applicant/accused has been previously involved in a case of similar nature. Thus, it is prayed that applicant/accused shall not be released on bail.

I have given thoughtful consideration to the facts and circumstances of the case and carefully perused the record in light of submissions made before me.

Perusal of reply of IO reveals that the complainant averred that when he was going to his office from his home, someone stole Rs. 1,24,000/- from his *pitthu bag*. Applicant/accused has been arrested on the basis of disclosure statement of co-accused. Recovery of only an amount of Rs. 5000/- has been made from both applicant/accused as well as co-accused, Mohit. A large part of the stolen amount remains to be recovered. Furthermore, co-accused Kamal has not yet been apprehended. Investigation of the case is still at an initial stage. Thus, this Court is not inclined to grant bail to the applicant/accused at this stage. Hence, bail application of applicant/accused stands dismissed.

Accordingly, the present application is disposed off.

One copy of the order be uploaded on Delhi District Court Website. Copy of order be also sent to the e-mail of jail superintendent and SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant.



(SHIVLI TALWAR)
MM-06(C)/THC/Delhi/06.01.2021

State Vs. Sonu Mehra
FIR No. 481/20
PS Civil Lines
U/s 392/411/182/34 IPC

06.01.2021

Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, the cases are being taken up through Video Conferencing today.

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Present : Ld. APP for State (through V.C.).

Mr. Nikhil Yadav, Ld. LAC for accused (through V.C.).

An application has been moved electronically by Ld. LAC for the applicant/accused for release of applicant/accused on personal bond.

IO has not filed reply to the present application.

Accordingly, let notice be issued to IO to file reply to the present application on **07.01.2020.**

One copy of the order be uploaded on Delhi District Court Website. Copy of order be also sent to the e-mail of jail superintendent and SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant.


(SHIVLI TALWAR)
MM-06(C)/THC/Delhi/06.01.2021

06.01.2021

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File has been remanded back from the Court of Ld. ASJ Sh. Sanjay Sharma-II.

Present : Mr. Kunal Prakash, Ld. Counsel for complainant (through V.C.).
Mr. Tarun Goomer, Ld. Counsel for accused No. 1 to 3 (through V.C).
Mr. Arshdeep Singh, Ld. Counsel for accused No. 5 (through V.C).
Mr. Arsh Khanna, Ld. Counsel for accused No. 6 (through V.C.).

Vide order dated 24.12.2020 passed by Ld. ASJ Sh. Sanjay Sharma-II in Criminal Revision No. 479/2019, Ld. ASJ has allowed the Criminal Revision Petition filed by the petitioner (complainant in the present matter) and set aside the order dated 06.05.2019 passed by Ld. Predecessor of this Court, thereby, restoring the application u/s 156 (3) Cr.P.C. and complaint u/s 200 Cr.P.C. Furthermore, Ld. ASJ has directed this Court to decide the application u/s 156 (3) Cr.P.C. within one month from the date of receipt of the order.

Ld. ASJ vide the said order directed the parties to appear before this Court today. Arguments advanced by the complainant on the application u/s 156 (3) Cr.P.C. heard.

It is settled law that the accused need not be heard at the stage of deciding an application u/s 156 (3) Cr.P.C.

Put up for clarifications, if any, otherwise for orders on the application u/s 156 (3) Cr.P.C. on **18.01.2021.**



(SHIVLI TALWAR)
MM-06(C)/THC/Delhi/06.01.2021

