

CNR No. DLCT01-009697-2018

SC No.26/2021

FIR No. 140/2018

PS Sarai Rohilla

U/s 307/34 IPC & 27 Arms Act

State Vs. Rohit Mundra & Ors.

13/08/2021

File taken up today on bail application u/s. 439 Cr.P.C. of the accused Rohit Mundra for grant of regular bail.

(Proceedings Convened through Video Conferencing)

Present: Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State (through V.C.).

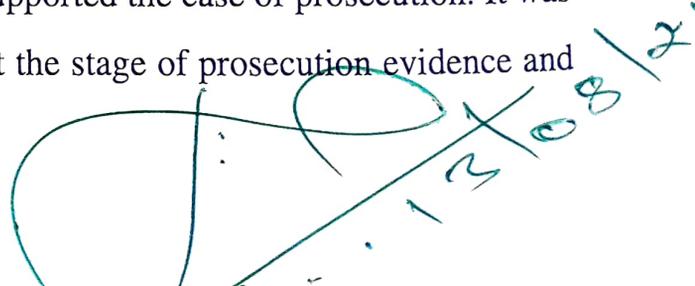
Sh. Vikas Bhatia, Ld. counsel for the accused Rohit Mundra (through V.C.).

Assistant Ahlmad is on leave today.

By way of present order, this Court shall disposed of bail application u/s. 439 Cr.P.C. of the accused Rohit Mundra for grant of regular bail.

Arguments heard on the aforesaid bail application of the accused Rohit Mundra. Perused the material available on record.

During the course of arguments on the aforesaid bail application, it was submitted by counsel for the accused Rohit Mundra that the present bail application is the 3rd bail application of the accused Rohit Mundra and no other regular bail application of the accused Rohit Munda is pending/ decided by the Hon'ble Superior Courts. It was further submitted that the accused has been falsely implicated in the present case and there is no incriminating evidence against the accused and investigation in the present case has already been completed and the accused is no more required for the purpose of further investigation as charge-sheet has already been filed in the present case. It was further submitted that the injured was discharged from the hospital after three days. It was further submitted that in the present case, PW-1 and PW-3 have not supported the case of prosecution. It was further submitted that the present matter is at the stage of prosecution evidence and

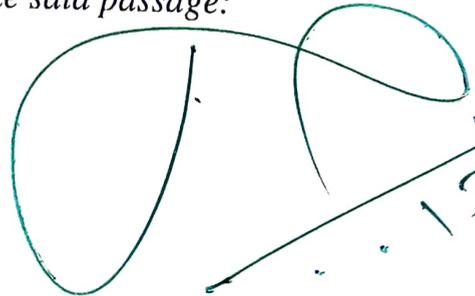


in view of the present Covid-19 pandemic situation, the trial will take considerable time. It was further submitted that the accused is in J/C for the period more than three years. It was further submitted that accused is the sole bread earner of his family and he has to look after his old parents. It was further submitted that bail be granted to the accused and accused shall be abide by all terms and conditions imposed by the court.

During the course of arguments, it was submitted by Addl. P.P. for the State that the allegations against the accused are serious in nature and accused can abscond, if the bail is granted to the accused. It was further submitted that bail applications of the accused Rohit Mundra were dismissed vide orders dated 04/09/2019 and 11/08/2020 and in the present bail application, no fresh ground has been mentioned by the accused. It was further submitted that the accused Rohit Mundra is a habitual offender and he has been involved in 3 other criminal cases. It was further submitted that there is sufficient incriminating material against the accused and bail application of accused Rohit Mundra be dismissed.

It was held by the Hon'ble Supreme Court of India in case titled as "**Virupakshappa Gouda and Anr. Vs. State of Karnataka and Anr.**" {(2017) 5 SCC 406} that :

*"15. The court has to keep in mind what has been stated in **Chaman Lal v. State of U.P.** The requisite factors are: (i) the nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence; (ii) reasonable apprehension of tampering with the witness or apprehension of threat to the complainant; and (iii) prima facie satisfaction of the court in support of the charge. In **Prasanta Kumar Sarkar v. Ashis Chatterjee**, it has been opined that while exercising the power for grant of bail, the court has to keep in mind certain circumstances and factors. We may usefully reproduce the said passage:*


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"9...among other circumstances, the factors which are to be borne in mind while considering an application for bail are:

(i) whether there is any prima facie or reasonable ground to be believe that the accused had committed the offence.

(ii) nature and gravity of the accusation;

(iii) severity of the punishment in the event of conviction;

(iv) danger of the accused absconding or fleeing, if released on bail;

(v) character, behaviour, means, position and standing of the accused;

(vi) likelihood of the offence being repeated;

(vii) reasonable apprehension of the witnesses being influenced; and

(viii) danger, of course, of justice being thwarted by grant of bail."

16. In **CBI v. V. Vijay Sai Reddy**, the Court had reiterated the principle by observing thus:- " 34. While granting bail, the court has to keep in mind the nature of accusation, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public/State and other similar considerations. It has also to be kept in mind that for the purpose of granting bail, the legislature has used the words "reasonable grounds for believing" instead of "the evidence" which means the court dealing with the grant of bail can only satisfy itself as to whether there is a genuine case against the accused and that the prosecution will be able to produce prima facie evidence in support of the charge. It is not expected, at this stage, to have the evidence establishing the guilt of the accused beyond reasonable doubt."

17. From the aforesaid principles, it is quite clear that an order of bail cannot be granted in an arbitrary or fanciful manner. In this context, we may, with profit, reproduce a passage from **Neeru Yadav v. State of U.P.**, wherein the Court setting aside an order granting bail observed:

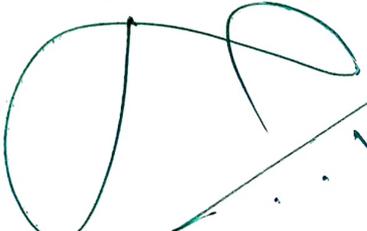
"16. The issue that is presented before us is whether this Court can annul the order passed by the High Court and curtail the liberty of the second respondent? We are not oblivious of the

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fact that the liberty is a priceless treasure for a human being. It is founded on the bedrock 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 its members, 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."

It was held by the Hon'ble Supreme Court of India in case titled as
"Kalyan Chandra Sarkar Vs. Rajesh Ranjan @ Pappu Yadav and Anr."
{2004 Cri. L.J. 1796 (1)} that :

"11. The law in regard to grant or refusal of bail is very well settled. The Court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at


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the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the Court granting bail to consider among other circumstances, the following factors also before granting bail; they are,

- (a) The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence;*
- (b) Reasonable apprehension of tampering of the witness or apprehension of threat to the complainant;*
- (c) Prima facie satisfaction of the Court in support of the charge.*

12. In regard to cases where earlier bail applications have been rejected there is a further onus on the Court to consider the subsequent application for grant of bail by noticing the grounds on which earlier bail applications have been rejected and after such consideration if the Court is of the opinion that bail has to be granted then the said Court will have to give specific reasons why in spite of such earlier rejection the subsequent application for bail should be granted.

14. In such cases, in our opinion, the mere fact that the accused has undergone certain period of incarceration (three years in this case) by itself would not entitle the accused to being enlarged on bail, nor the fact that the trial is not likely to be concluded in the near future either by itself or coupled with the period of incarceration would be sufficient for enlarging the appellant on bail when the gravity of the offence alleged is severe and there are allegations of tampering with the witnesses by the accused during the period he was on bail.

20. Before concluding, we must note though an accused has a right to make successive applications for grant of bail the Court entertaining such subsequent bail applications has a duty to consider the reasons and grounds on which the earlier bail applications were rejected. In such cases, the Court also has a duty to record what are the fresh grounds which persuade it to take a view different from the one taken in the earlier applications.....”

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It was held by the Hon'ble Supreme Court of India in case titled as "**Satish Jaggi Vs. State of Chhatisgarh and Ors.**" {AIR 2007 SC (Supp) 256} that :

"5. It is well settled law that in granting or non-granting of bail in non-bailable offence, the primary consideration is the nature and gravity of the offence....."

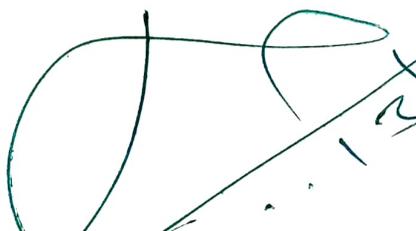
12.At the stage of granting of bail, the court can only go into the question of the prima-facie case established for granting bail. It cannot go into the question of credibility and reliability of the witnesses put up by the prosecution. The question of credibility and reliability of prosecution witnesses can only be tested during the trial."

It was held by the Hon'ble Supreme Court of India in case titled as "**Gurucharan Singh & Others Vs. State**" {AIR 1978 SC 179 (1)} that :

"29. We may repeat the two paramount considerations, viz likelihood of the accused fleeing from justice and his tampering with prosecution evidence relate to ensuring a fair trial of the case in a court of justice. It is essential that due and proper weight should be bestowed on these two factors apart from others. There cannot be an inexorable formula in the matter of granting bail. The facts and circumstances of each case will govern the exercise of judicial discretion in granting or cancelling bail."

In the present case, charge for the offences u/s. 307/34 IPC & 27 Arms Act was framed against all accused.

It is pertinent to mention here that regular bail applications of the accused Rohit Mundra were dismissed vide orders dated 04/09/2019 and 11/08/2020 passed by Ld. Predecessor of this Court. The factum regarding dismissal of the aforesaid bail applications on 04/09/2019 and 11/08/2020 has not been mentioned by the accused in the present bail application. No reasonable explanation has been furnished by counsel for the accused for the same.


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At the time of dismissal of aforesaid regular bail applications of the accused, the present matter was at the stage of prosecution evidence and at present, the case is also at the stage of prosecution evidence. There is no material change of circumstances after the dismissal of the bail applications vide orders dated 04/09/2019 and 11/08/2020. Grounds as mentioned in the present bail application of the accused Rohit Mundra were already available with the accused at the time of deciding the previous regular bail applications of the accused. It is well settled law that successive bail applications can be filed on change of facts or circumstances of the case. Where the grounds taken in successive bail applications already agitated and rejected by the Court, the same cannot be ordinarily allowed to be re-agitated. If the subsequent bail application is filed on the same grounds as taken in the previous bail application, the subsequent bail application would be deemed to be seeking review of earlier order, which is not permissible under the criminal law.

The present application being an application for bail, details of evidence on record is not discussed. However, relevant portion of the aforesaid bail order vide order dated 04/09/2019 is reproduced as under:-

“ The applicant is the main offender in the case. He is the one who had used the gun. PW-2 Charanjeet Verma has supported the allegations. He has correctly identified the applicant. He has vividly described as to how the applicant attempted to kill the witness by firing shots and by striking the butt of the gun repeatedly on the head of the victim. The applicant also threatened the victim that in case the victim complains the victim would be killed. There is a serious threat to the safety of the victim. There are chances that the applicant, if released, would again attack and would try to kill the victim. Given the audacity of the offender and the brash manner of committing the crime in the wee hours, it appears that the offender

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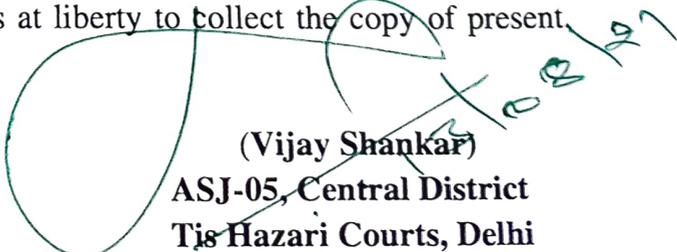
has no fear of the police or of consequences of commission of crime. Such persons are a hazard to the safety and well-being of the victim and others. It is not possible for the court to monitor activities of the applicant while he is on bail."

The contentions of counsel for the accused Rohit Mundra that the accused has been falsely implicated in the present case and there is no incriminating evidence against him is not tenable at this stage as it is well settled law that at the stage of considering bail, it would not be proper for the Court to express any opinion on the merits or demerits of the prosecution case as well as defence. Complainant and other public witness are yet to be examined in the present case. Accused is stated to be habitual offender and stated to be involved in 3 other criminal cases.

Keeping in view the 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 regular bail of the accused Rohit Mundra is made out. Accordingly, the present application for regular bail of the accused Rohit Mundra is dismissed.

Nothing stated herein shall tantamount to be an expression of opinion on the merits of the present case and the observations made in the present order are only for the purpose of deciding the present bail application.

A copy of this order be sent to the concerned Jail Superintendent through E-mail for information. Order be uploaded on the website of the Delhi District Court. Counsel for the accused is at liberty to collect the copy of present order through electronic mode.


(Vijay Shankar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
13/08/2021(A)

CNR No. DLCT01-000127-2014
SC No. 98/2021
FIR No. 303/2014
PS Subzi Mandi
U/s 302/307/149/34 IPC & 27 Arms Act
State Vs. Sunil @ Kalu & Ors.

13/08/2021

File taken up today on the application u/s. 439 Cr.P.C. of accused Vikrant Sagar for grant of interim bail as per the HPC guidelines.

(Proceedings Convened through Video Conferencing)

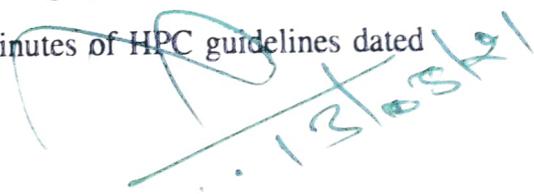
Present: Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State (through V.C.).
Sh. Sukreet Khandelwal, Ld. Counsel for the accused Vikrant Sagar (through V.C.)

Assistant Ahlmad is on leave today.

By way of present order, this Court shall disposed of interim bail application of the accused Vikrant Sagar.

Arguments have already been heard on the aforesaid interim bail application of the accused Vikrant Sagar. 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. It was further submitted that case of the accused falls in the criteria no. (xii) of minutes of HPC guidelines dated 11/05/2021. It was further submitted that apart from present case, there is only one another case pending against the accused wherein he is on bail. It was further submitted that as per minutes of HPC guidelines dated 11/05/2021, if any under trial prisoner has three or more criminal cases pending against him, only then his case shall not be considered for grant of interim bail. It was further submitted that there are only two cases, including the present case, pending against the accused and in view of same, accused is entitled for interim bail as per minutes of HPC guidelines dated

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11/05/2021. It was further submitted that on the last year, the accused was released on interim bail on the medical ground of his mother and the accused had timely surrendered after expiry of interim bail period and present interim bail application is the first interim bail application of the accused as per HPC guidelines. It was further submitted that the accused is in J/C in the present case for the period of more than six years. 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 in criteria no. (xii) of the minutes of H.P.C. guidelines dated 11/05/2021, it is specifically mentioned that there shall be no involvemnet in any other case and in view of the same, the aforesaid interim bail application of the accused is not maintainable and same be dismissed.

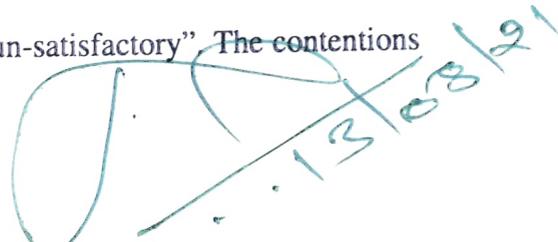
It is mentioned in the minutes of H.P.C. guidelines dated 11/05/2021 that:-

“(xii) Under trial prisoners (UTPs) facing trial for a case under Section 302 IPC and are in jail for more than two years with no involvement in any other case.”

In the present case, charge for the offences u/s 302/307/149 IPC was framed against the accused Vikrant Sagar.

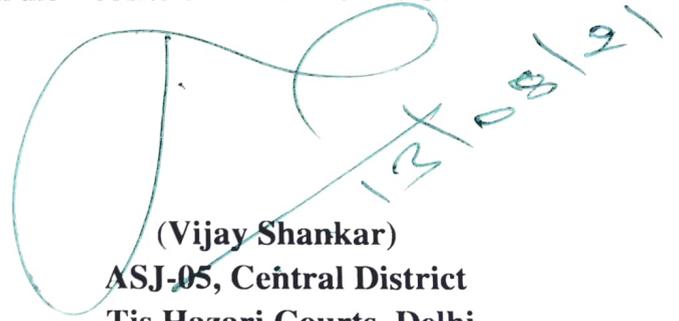
In the present case, reply/report of the present interim bail application was called from the concerned SHO/IO and Jail Superintendent and same were filed.

As per criteria no. (xii), there shall be no involvement in any other case. As per report of IO and Jail Superintendent, the accused is involved in case FIR No. 390/2017 U/s 186/353/332/120-B IPC, PS Hari Nagar. It is also mentioned in the report of Jail Superintendent that overall jail conduct of the accused is “un-satisfactory” The contentions

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of counsel for the accused that less than three cases are pending against the accused and as per minutes of HPC guidelines dated 11/05/2021, accused is entitled for interim bail, is not tenable as it is specifically mentioned in criteria no. (xii) that there shall be no involvement in any other case. In view of the same, the case of the accused does not fall in aforesaid criteria no. (xii) of minutes of HPC guidelines dated 11/05/2021. In view of the criteria/recommendations of minutes of H.P.C. recommendations dated 04/05/2021 and 11/05/2021, the present interim bail application of the accused is not maintainable. 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, nature of serious allegations levelled against the accused and jail conduct of 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 Vikrant Sagar 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
13/08/2021(A)

FIR No.355/2020
PS Chandni Mahal
U/s 307/323/341/34 IPC & 25/27 Arms Act
State Vs. Osama

13/08/2021

File taken up today on the bail application u/s 439 Cr.P.C. of accused Osama for grant of interim bail for the 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. Yatinder Kumar, Ld. Legal Aid Counsel for the accused Osama (through V.C.).

Assistant Ahlmad is on leave today.

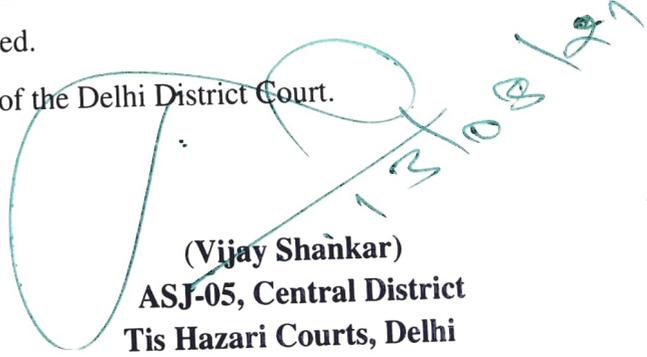
Issue notice of the present interim bail application to the State. Addl. P.P. for the State accepts the notice of the aforesaid bail application.

Issue notice to the IO to appear and SHO/ IO is directed to file reply to the aforesaid bail application of the accused including the report regarding previous involvement of the accused and list/ status of all pending cases against the accused on the next date of hearing.

Issue notice to the concerned Jail Superintendent to file the jail conduct report of the accused, period of custody of the accused, nominal roll of the accused and list/ status of all pending cases against the accused on the next date of hearing.

At the request of counsel for the accused, the aforesaid bail application of the accused be put up for consideration on 23/08/2021. Date of 23/08/2021 is given at specific request and convenience of counsel for the accused.

Order be uploaded on the website of the Delhi District Court.


(Vijay Shankar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
13/08/2021(G)

FIR No.98/2018
PS Sadar Bazar
U/s 302/307/34 IPC & 25/54/59 Arms Act
State Vs. Ajay @ Ganja

13/08/2021

File taken up today on the application of accused Ajay @ Ganja seeking most urgent intervention into the following matter and further request for protection of life of accused and to call complete report from the Superintendent, Jail No.4, Tihar, New Delhi.

(Proceedings Convened through Video Conferencing)

Present: Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State (through V.C.)
Sh. Bharat Dubey, Ld. Counsel for the accused Ajay @ Ganja (through V.C.).

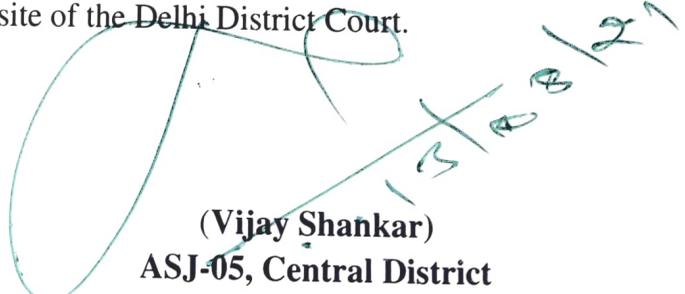
Assistant Ahlmad is on leave today.

Report received from the Superintendent, Central Jail No.4, Tihar, New Delhi.

It is submitted by counsel for the accused that copy of the aforesaid report be supplied to him. Copy be supplied.

At the request of counsel for the accused, the aforesaid application of the accused be put up for clarifications/ consideration on 23/08/2021. Date of 23/08/2021 is given at specific request and convenience of counsel for the accused.

Order be uploaded on the website of the Delhi District Court.


(Vijay Shankar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
13/08/2021(G)

SC No.01/2021
FIR No.02/2010
PS Subzi Mandi
State Vs. Gulzar & Ors.

13/08/2021

File taken up today on the application of the applicant Samruddin for issuing directions to passport authority for renewal of the passport bearing No.06205514 for the further period of 3 years.

(Proceedings Convened through Video Conferencing)

Present: Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State (through V.C.).
IO has not joined the proceedings through V.C.
Sh. Paras Punyani, Ld. Counsel for the applicant Samruddin (through V.C.).

Assistant Ahlmad is on leave today.

Issue fresh notice to the IO, for the next date of hearing.

At the request of counsel for the applicant, the aforesaid application of the applicant be put up for consideration on 17/08/2021. Date of 17/08/2021 is given at the specific request and convenience of counsel for the applicant.

(Vijay Shankar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
13/08/2021(G)

At this stage, IO/ SI Vijay Singh has joined the proceedings through V.C. He has been apprised with the orders and next date of hearing. He is bound down for the next date of hearing.

Put up on the date already fixed i.e. 17/08/2021.

Order be uploaded on the website of the Delhi District Court.

(Vijay Shankar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
13/08/2021(G)

CNR No.DLCT01-001840-2014
SC No.100/2021
FIR No.601/2014
PS Sarai Rohilla
U/s 302/34 IPC
State Vs. Veer Singh

13/08/2021

File taken up today on the bail application u/s 439 Cr.P.C. of accused Veer Singh for grant of regular bail.

(Proceedings Convened through Video Conferencing)

Present: Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State (through V.C.).
IO/ SI Nikhil Malik is present (through V.C.).
Sh. Sudhir Siwas and Sh. Nihit Dalmia, Ld. Counsel for the accused Veer Singh (through V.C.).

Assistant Ahlmad is on leave today.

It is submitted by counsel for the accused Veer Singh that accused Veer Singh is on interim bail as per the H.P.C. guidelines.

It is jointly submitted that main IO be called for the purpose of clarifications and for proper adjudication of the present bail application of the accused.

Issue notice to all the IOs, for the next date of hearing.

At the request of counsel for the accused, the aforesaid bail application of the accused be put up for consideration on **25/08/2021**. Date of 25/08/2021 is given at the specific request and convenience of counsel for the accused.

IO/ SI Nikhil Malik is bound down for the next date of hearing i.e. **25/08/2021**.

Order be uploaded on the website of the Delhi District Court.

(Vijay Shankar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
13/08/2021(G)

13/08/2021

An intimation/ letter bearing No.F.10/SCJ-10 Rohini/AS(UT)/2021/6069 dated 02/08/2021 was received from the Addl. Superintendent, Central Jail No.10, Rohini Jail, New Delhi.

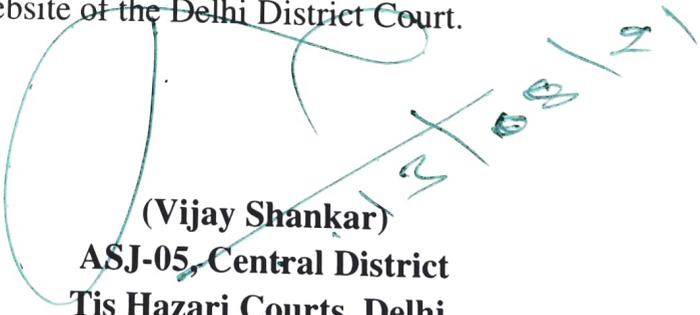
(Proceedings Convened through Video Conferencing)

Present: Sh. Gyan Prakash Ray, Ld. Addl. P.P. for the State (through V.C.)
None has joined the proceedings through V.C. on behalf of the concerned Jail Superintendent.

Assistant Ahlmad is on leave today.

Issue fresh notice to the concerned Jail Superintendent for the purpose of clarifications for **27/08/2021.**

Order be uploaded on the website of the Delhi District Court.


(Vijay Shankar)
ASJ-05, Central District
Tis Hazari Courts, Delhi
13/08/2021(G)