

**FIR No.192/21
PS Rajouri Garden
State Vs. Deepak**

16.06.2021

Proceedings through VC

Present: Ld. APP for the state.

None for the accused/ applicant.

This is an application for supply of copy of charge sheet.

It is informed by the Reader that the counsel for the accused/ applicant has telephonically informed him that he has obtained the certified copy of the charge sheet.

In view of the non-appearance of the accused/ applicant, as well as the submission of the Reader of the court, application stands dismissed for non-prosecution.

**(Medha Arya)
MM-02(West)/THC/Delhi
16.06.2021**

**FIR No. 159/21
PS Rajouri Garden
State Vs. Radhey
u/s 379/411 IPC**

16.06.2021

Proceedings through VC

Present: Ld. APP for the state.

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

This is an application for grant of bail to accused Radhey, S/o Ram Chander u/s 437 CrPC.

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

It is argued by Ld. LAC for accused/ applicant that the accused has been falsely implicated in the present case. Benefit of bail is requested and it is submitted that if the benefit of bail is granted to the accused, the accused shall be ready and willing to furnish a sound surety, and shall also be willing to abide by conditions imposed upon him by the court, if his application is allowed.

Ld. APP for the State has submitted that any order as per law may be passed.

Heard. Record perused. Considered.

This Court is mindful of the proposition that bail is a rule and jail is an exception. As held by **Hon'ble Supreme Court of India** in the judgment titled **State of Rajasthan, Jaipur vs Balchand @ Baliay 1978 SCR (1) 538**, **"The basic rule is bail, not jail, except-where there are circumstances suggestive of fleeing from justice or thwarting the course of justice or creating other troubles in the shape of repeating offences or intimidating witnesses and the like by the petitioner who seeks enlargement on bail from the Court."**

Accused is languishing in custody since 05.03.2021. The

accused was arrested w.r.t the above captioned FIR on the basis of a disclosure statement, and pursuant to the said statement, the case property i.e. the mobile phone has already been recovered. Investigation is complete and charge sheet has been already filed. Trial is likely to take a long time to conclude in view of the suspension of regular functioning of Courts on account of the pandemic. No useful purpose shall be served by detaining the accused in custody for a longer period . The previous involvement report of the accused as filed by the IO also does not merit further pre-trial detention of the accused as the accused has not been convicted in any of the cases and he has been released in 2 cases, FIR no 58/21 and 51/2021, both PS Janakpuri, out of the 4 cases shown in the report . Further, the Superior Courts have directed that steps be taken for decongestion of prisoners in view of the surge in cases on account of the pandemic. Considering the situation arising out of the pandemic as well as the overall circumstance of the case, the accused **Radhey, S/o Ram Chander** is admitted to bail on his furnishing personal bond in the sum of Rs. 10,000/- with one surety of the like amount and further subject to the condition that accused shall join the investigation as and when required, shall not commit any other offence of similar nature, shall not contact the complainant/witnesses in any manner and desist from doing anything which may hamper the due process of law. **Bail bond not furnished.** Bail application disposed of accordingly.

Let a hard copy of the application, its reply and misc documents be filed on the record within one week of the resumption of regular functioning of the Courts. Further, let a copy of the order be uploaded on the website of District Courts forthwith.

Copy of the order be sent to Jail Superintendent concerned via official email ID for intimation. Copy of the order be given *dasti* to Ld. LAC for accused/ applicant.

(Medha Arya)
MM-02(West)/THC/Delhi
16.06.2021

**FIR No.27/21
PS Rajouri Garden
State Vs. Gurdeep Singh @
Sonu
u/s 25 Arms Act**

16.06.2021

Proceedings through VC

Present: Ld. APP for the state.

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

This is an application for grant of interim bail to accused Gurdeep Singh @ Sonu, S/o Harbhajan Singh u/s 437 CrPC.

Reply has been filed by the IO with the previous involvemen report .

Ld. Counsel for the accused/ applicant has submitted that the accused may be admitted to interim bail as he is languishing in custody since 10.01.2021 and his case is squarely covered by the guidelines of the High Power Committee formed by the Hon'ble High Court of Delhi dated 04.05.2021 and 11.05.2021 for the decongestion of jails in view of the recent surge in the cases of covid-19.

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

Heard. Perused. Considered.

The accused is languishing in custody since 10.01.2021. The accused was arrested after he was found in possession of a button actuated knife. The previous involvement of the accused shows that the accused is a habitual offender and the possibility of the accused committing another offence of similar nature cannot be discounted, if released on bail. In view of the numerous previous involvement of the accused, the case of the accused cannot be

considered favourably for grant of interim bail in view of the revised guidelines of the HPC constituted by the Hon'ble High Court of Delhi dated 11.05.2021. In view of the above observations, the application of the accused **Gurdeep Singh @ Sonu, S/o Harbhajan Singh** for grant of interim bail stands dismissed at this stage, without prejudice.

(MedhaArya)
MM-02(West)/THC/Delhi
16.06.2021

**FIR No.233/21
PS Rajouri Garden
State Vs. Manpreet Kaur**

16.06.2021

Proceedings through VC

Present: Ld. APP for the state.

Sh. Bharat Bhushan, Ld. counsel for the applicant/ accused.

This is an application filed u/s 156 (3) CrPC seeking the status report.

Status report has been filed under the signatures of IO SI Vikas Fageria dated 22.03.2021. Let a copy be supplied to Ld. Counsel for the accused/ applicant.

IO is directed to file fresh status report on 09.07.2021.

**(Medha Arya)
MM-02(West)/THC/Delhi
16.06.2021**

**FIR No.488/21
PS Rajouri Garden
State Vs.Vikas
u/s 379/34 IPC**

16.06.2021

Proceedings through VC

Present: Ld. APP for the state.

Sh. Puran Kumar, Ld. counsel for the applicant/ accused.

This is an application for grant of bail to accused Vikas, S/o Raj Prakash u/s 437 CrPC.

Reply has been filed by the IO.

It is argued by Ld. Counsel for accused/ applicant that the investigation in the present case has been complete and no recovery was effected during the PC remand of the accused. Ld. Counsel has argued that the accused has been falsely implicated in the present case and has clean antecedents. Ld. Counsel has requested benefit of bail is requested and it is submitted that if the benefit of bail is granted to the accused, the accused shall be ready and willing to furnish a sound surety, and shall also be willing to abide by conditions imposed upon him by the Court.

Ld. APP for the State has submitted that any order as per law may be passed.

Heard. Record perused. Considered.

This Court is mindful of the proposition that bail is a rule and jail is an exception. As held by **Hon'ble Supreme Court of India** in the judgment titled **State of Rajasthan, Jaipur vs Balchand @ Baliay 1978 SCR (1) 538**, "**The basic rule is bail, not jail, except-where there are circumstances suggestive of fleeing from justice or thwarting the course of justice or creating other troubles in the shape of repeating offences or intimidating witnesses and**

the like by the petitioner who seeks enlargement on bail from the Court.”

This is the second bail application of the accused. The previous bail application of the accused was dismissed on 11.06.2021, considering the needs of the investigation. The reply filed by the IO to the present application reveals that the case property could not be recovered despite best efforts. Reply of the IO does not show any cogent ground meriting the pre-trial detention of the accused. Further detention of the accused cannot be justified on the basis of the previous involvement report either, as the accused has not been convicted in any of the cases reflected in the report. No useful purpose shall be served by detaining the accused in custody for a longer period. Further, the Superior Courts have directed that steps be taken for decongestion of prisoners in view of the surge in cases on account of the pandemic. Considering the situation arising out of the pandemic as well as the overall circumstance of the case, the accused **Vikas, S/o Raj Prakash** is admitted to bail on his furnishing personal bond in the sum of Rs. 10,000/- with one surety of the like amount and further subject to the condition that accused shall join the investigation as and when required, shall not commit any other offence of similar nature, shall not contact the complainant/witnesses in any manner and desist from doing anything which may hamper the due process of law. **Bail bond not furnished.** Bail application disposed of accordingly.

Let a hard copy of the application, its reply and misc documents be filed on the record within one week of the resumption of regular functioning of the Courts. Further, let a copy of the order be uploaded on the website of District Courts forthwith.

Copy of the order be sent to Jail Superintendent concerned via official email ID for intimation. Copy of the order be given *dasti* to Ld. counsel for accused.

**(Medha Arya)
MM-02(West)/THC/Delhi
16.06.2021**

**E FIR No.488/21
PS Rajouri Garden
State Vs. Shahzad @ Mulla
u/s 379/34 IPC**

16.06.2021

Proceedings through VC

Present: Ld. APP for the state.

Sh. Akhil Tarun Goel, Ld. counsel for the applicant/ accused.

This is an application for grant of bail to accused Shahzad @ Mulla, S/o Taslim u/s 437 CrPC.

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

It is argued by Ld. Counsel for accused/ applicant that the accused has been falsely implicated in the present case. Qua the previous involvement report of the accused, Ld. Counsel has argued that the accused has already been released in 09 cases reflected in the previous involvement report and therefore, the antecedents of the accused may not be considered to be a ground for rejection of his bail application. Benefit of bail is requested and it is submitted that if the benefit of bail is granted to the accused, the accused shall be ready and willing to furnish a sound surety, and shall also be willing to abide by conditions imposed upon him by the court..

Ld. APP for the state has opposed the application on the ground that the accused is a habitual offender and may commit another offence of similar nature, if released on bail.

Heard. Record perused. Considered.

This Court is mindful of the proposition that bail is a rule and jail is an exception. As held by **Hon'ble Supreme Court of India** in the judgment titled **State of Rajasthan, Jaipur vs Balchand @ Baliay 1978 SCR (1) 538**, "The basic rule is bail, not jail, except-where there are circumstances suggestive

of fleeing from justice or thwarting the course of justice or creating other troubles in the shape of repeating offences or intimidating witnesses and the like by the petitioner who seeks enlargement on bail from the Court.”

Accused was arrested on 10.05.2021 in DD No.9 u/s 41.1 (d) CrPC. As per the reply of the IO, on the basis of the disclosure made by the accused after his arrest, the accused was formally arrested w.r.t the above captioned FIR on 30.05.2021. The accused has been correctly identified by the complainant in the TIP proceedings. Further, the accused has over 45 previous involvements and has also been convicted in the case arising out of E-FIR No. 11240/15, PS Tilak Nagar, u/s 411/482 IPC, as per the previous involvement report filed by the IO. Even though the accused has been released in 09 cases out of the 45 cases reflected in the previous involvement report, in view of the other pending cases against the accused which show that the accused is a habitual offender, this court is of the considered opinion that the accused is likely to abuse the liberty granted to him, if admitted to bail. Accordingly, the application for grant of bail to accused **Shahzad @ Mulla, S/o Taslim** stands dismissed without prejudice, at this stage.

(Medha Arya)
MM-02(West)/THC/Delhi
16.06.2021

**FIR No.958/20
PS Rajouri Garden
State Vs. Pankaj
u/s 379/411 IPC**

16.06.2021

Proceedings through VC

Present: Ld. APP for the state.

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

This is an application for grant of bail to accused Pankaj, S/o Bunde Lal u/s 437 CrPC.

Reply has been filed by the IO.

It is argued by Ld. Counsel for accused/ applicant that the accused has been falsely implicated in the present case. Benefit of bail is requested and it is submitted that if the benefit of bail is granted to the accused, the accused shall be ready and willing to furnish a sound surety, and shall also be willing to abide by conditions imposed upon him by the court, if his application is allowed.

Ld. APP for the state has stated that any order as per law may be passed.

Heard. Record perused. Considered.

This Court is mindful of the proposition that bail is a rule and jail is an exception. As held by **Hon'ble Supreme Court of India** in the judgment titled **State of Rajasthan, Jaipur vs Balchand @ Baliay 1978 SCR (1) 538**, **"The basic rule is bail, not jail, except-where there are circumstances suggestive of fleeing from justice or thwarting the course of justice or creating other troubles in the shape of repeating offences or intimidating witnesses and the like by the petitioner who seeks enlargement on bail from the Court."**

Accused is languishing in custody since 15.10.2020. The accused

was arrested w.r.t the above captioned FIR on the basis of a disclosure statement wherein he admitted having stolen water taps from the premises of the complainant. Investigation is complete and charge sheet has been already filed. Trial is likely to take a long time to conclude in view of suspension of regular functioning of Courts on account of the Pandemic. No useful purpose shall be served by detaining the accused in custody for a longer period. The previous involvement report of the accused as filed by the IO also does not merit further pre-trial detention of the accused, as the accused has not been convicted in any of the cases reflected in the report. Further, the Superior Courts have directed that steps be taken for decongestion of prisoners in view of the surge in cases on account of the pandemic. Considering the situation arising out of the pandemic as well as the overall circumstance of the case, the accused **Pankaj, S/o Bunde Lal** is admitted to bail on his furnishing personal bond in the sum of Rs. 10,000/- with one surety of the like amount and further subject to the condition that accused shall join the investigation as and when required, shall not commit any other offence of similar nature, shall not contact the complainant/witnesses in any manner and desist from doing anything which may hamper the due process of law. **Bail bond not furnished.** Bail application disposed of accordingly.

Let a hard copy of the application, its reply and misc documents be filed on the record within one week of the resumption of regular functioning of the Courts. Further, let a copy of the order be uploaded on the website of District Courts forthwith.

Copy of the order be sent to Jail Superintendent concerned via official email ID for intimation.

Copy of the order be given *dasti* to Ld. LAC for accused/ applicant.

(Medha Arya)

**MM-02(West)/THC/Delhi
16.06.2021**

**FIR No.10668/21
PS Rajouri Garden**

16.06.2021

Proceedings through VC

Present: Ld. APP for the state.

Sh. Chandra Shekhar, Ld. counsel for the applicant.

This is an application for release of vehicle bearing no. DL4SDA-9384 on superdari.

Reply has been filed by IO HC Vijay Kumar. In the reply of the IO, the IO has taken no objection for the release of the vehicle to its rightful owner.

Instead of releasing the vehicle on superdari, I am of the considered view that the vehicle has to be released as per directions of Hon'ble Supreme Court in case titled as Sunder Bhai Ambalal Desai Vs. State of Gujrat, AIR 2003 SC 638. The view of the Hon'ble Supreme Court has been reiterated by Hon'ble Delhi High Court in case titled as Manjit Singh Vs. State in Crl. M.C. No. 4485/2013 dated 10.09.2014 wherein it has been held that :

"1. Vehicles involved in an offence may be released to the rightful owner after preparing detailed panchnama; taking photographs of the vehicle, valuation report, and a security bond.

2. The photographs of the vehicle should be attested countersigned by the complainant, accused as well as by the person to whom the custody is handed over.

3. The production of the vehicle should not be insisted upon during the trial. The panchnama and photographs along with the valuation report should suffice for the purposes of evidence.

4. Return of vehicles and permission for sale thereof should be the

general norm rather than the exception.

5. If the vehicle is insured, the court shall issue notice to the owner and the insurance company for disposal of the vehicle. If there is no response or the owner declines to take the vehicle or informs that it has claimed insurance/released its right in the vehicle to the insurance company and the insurance company fails to take possession of the vehicle, the vehicle may be ordered to be sold in auction.

6. If a vehicle is not claimed by the accused, owner, or the insurance company or by a third person, it may be ordered to be sold by auction.”

Considering the facts and circumstances and law laid down by higher courts, vehicle No. **DL4SDA-9384** in question be released to the rightful/registered owner on furnishing security bond as per the valuation of the vehicle. IO is also directed to obtain the photographs of the aforesaid vehicle as per the directions contained in judgment titled as Manjit Singh Vs. State (Supra).

After preparation of panchnama of the vehicle and furnishing of security bond as per directions of Hon'ble Supreme Court, the vehicle shall be released by the IO. Panchnama and valuation report shall be filed in the court alongwith the police report. Let the CDs/ the negatives of the photographs obtained by the IO be placed on record alongwith the colored photographs of the vehicle at the time of filing of the police report.

Dasti.

(Medha Arya)
MM-02(West)/THC/Delhi
16.06.2021

**FIR No.461/21
PS Rajouri Garden**

16.06.2021

Proceedings through VC

Present: Ld. APP for the state.

Sh. Satender Singh, Raghav, Ld. Counsel for applicant.

This is an application for release of mobile phone make OPPO F 15 on superdari.

Let the reply be called from IO for 17.06.2021.

**(Medha Arya)
MM-02(West)/THC/Delhi
16.06.2021**