

**B.A.No.2560/21**  
**FIR No.289/21**  
**PS Sadar Bazar**  
**State v.Shamim @ Sonu**

05.06.2021

Present: Sh. K.P. Singh, Ld Addl. PP for State through videoconferencing.

Sh. Pradeep Kumar, Counsel for accused-applicant through videoconferencing.

Hearing is conducted through videoconferencing.

This is an application u/s 439Cr.P.C. for grant of interim bail invoking HPC guidelines on behalf of accused-applicant Shamim @ Sonu in case FIR No.289/21.

Arguments heard. For orders, put up at 4 pm.



(Neelofer Abida Perveen)  
Special Judge-02, NDPS/  
ASJ,(Central), THC/Delhi  
05.06.2021

At 4 pm

ORDER

This is an application u/s 439Cr.P.C. for grant of interim bail invoking HPC guidelines on behalf of accused-applicant Shamim @ Sonu in case FIR No.289/21.

Ld. counsel for the accused-applicant submits that case of the accused-applicant is covered under the guidelines issued by High Powered Committee of Hon'ble High Court. That recovery has already been effected from the accused-applicant and investigation is complete. That at best the case of the prosecution against the accused-applicant is for commission of offence under section 411 IPC and that case of the accused-applicant is therefore covered under clause (iv) of the guidelines.

Ld. Addl. PP has submitted that accused-applicant does not have clean antecedents and has involvement in 28 other criminal cases and he is a habitual offender and is therefore not entitled to interim bail in terms of the guidelines dated 4.5.2021.

Heard.

As per the reply filed, the accused-applicant is arrested under section 411 IPC, however the accused-applicant is a previous convict and history sheeter as per the previous involvement report submitted by the IO being involved in 62 criminal cases, and hence the case of accused-applicant is hit by the following exclusion clause postulated under the minutes of meeting dated 11.5.2021:

***“If, the Under Trial Prisoner falling in one of the eleven criteria laid down by this Committee in the Minutes of***

**Meeting dated 4<sup>th</sup> of May, 2021 and/or in any of the Two criteria laid down today hereinabove, has three or more criminal cases pending against him, then his case shall not be considered for grant of interim bail”**

The application is therefore dismissed.

Copy of order be forwarded to Ld.Counsel for accused-applicant through electronic mode.



(NeeloferAbidaPerveen)  
SpecialJudge-02, NDPS/  
ASJ,(Central), THC/Delhi  
05.06.2021