

e-FIR No. 024642/20

State Vs. Unknown (applicant through Tarun Oberoi)

PS Rajender Nagar

06.10.2020

(Through Video Conferencing over Cisco Webex Meeting)

Case taken up in view of circular no. 992/30066-30235 DJ(HQ)/ Covid-19 Lockdown/Physical Courts Roster/2020 dt. 25.09.2020 issued by Ld. District & Sessions Judge (HQ).

Present: Ld. APP for the State.

None for applicant.

IO/SI Mahipal Singh in person.

The present application was filed through email. Scanned copy of reply under the signatures of IO/SI Mahipal Singh is received through email. Copy stands supplied to applicant, electronically.

Heard. Record perused.

This order shall dispose off application for release of vehicle DL 6SAP 7666, moved on behalf of applicant Tarun Oberoi.

In the reply received under the signatures of IO/SI Mahipal Singh, it has been stated that in connection with the present case FIR, vehicle bearing no. DL 6SAP 7666 was recovered by the police. It is further stated in the report that the vehicle no. DL 6SAP 7666 has been registered in the name of applicant Tarun Oberoi. IO has raised no objection qua release of vehicle in question in favour of applicant.

The applicant has sent the scanned copy of RC of vehicle alongwith present application. For the purposes of identity, applicant has also sent scanned copy of his driving license.

On perusal of the report of IO and documents appended with the application, the applicant Tarun Oberoi prima facie appears to be the person entitled for custody of vehicle in question. Further, as per the report the vehicle question is no more required for the purposes of investigation, therefore, no useful purpose shall be served in keeping in it police custody.

In these circumstances and as per directions of *Hon'ble High Court*

of Delhi in matter of "Manjit Singh Vs. State" in CrI. M.C. No.4485/2013 dated 10.09.2014, the aforesaid vehicle be released to the applicant / registered owner subject to the following conditions:-

1. Vehicle in question be released to applicant/registered owner only subject to furnishing of indemnity bonds as per the valuation of the vehicle, to the satisfaction of the concerned SHO/ IO subject to verification of documents.
2. IO shall prepare detailed panchnama mentioning the colour, Engine number, Chasis number, ownership and other necessary details of the vehicle.
3. IO shall take the colour photographs of the vehicle from different angles and also of the engine number and the chasis number of the vehicle.
4. The photographs should be attested and counter signed by the complainant/applicant and accused.
5. IO is directed to verify the RC and insurance of the vehicle in question and release the vehicle after getting it insured by the applicant if the same is not already insured.
6. IO shall also verify the identity proof of applicant and release the vehicle in question to applicant only subject to such verification. The self attested copy of the identity proof of applicant shall be retained by IO with a further direction to file be same alongwith detailed panchnama.

Scanned copy of this order be sent to applicant and to IO/SHO concerned through email.

One copy be sent to Computer Branch, THC for uploading on

Delhi District Court Website.

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(RISHABH KAPOOR)
MM-03(Central),THC,Delhi
06.10.2020

FIR No. 151/20
PS I.P. Estate
State Vs. Subash Chander

06.10.2020

(Through Video Conferencing over Cisco Webex Meeting)
Case taken up in view of circular no. 992/30066-30235 DJ(HQ)/ Covid-19 Lockdown/Physical Courts Roster/2020 dt. 25.09.2020 issued by Ld. District & Sessions Judge (HQ).

Present: Ld. APP for the State.

Sh. Amresh Kumar, Ld. counsel for applicant/accused.

The perusal of record would reveal that in pursuance of directions issued on 01.10.2020, report under the signatures of Superintendent Central Jail No.1, Tihar is already received through email. Copy stands supplied to counsel for applicant/accused through email.

Counsel for applicant/accused submits that the case of applicant falls in the criterion laid down vide meeting of Hon'ble HPC dt. 28.03.2020 as the applicant/accused is an under trial prisoner facing trial in the present case involving maximum sentence of seven years imprisonment and is in custody for a period of more than one month, therefore, he deserves to be admitted on interim bail.

The perusal of criterion laid down vide meeting of Hon'ble HPC dt. 28.03.2020, would reveal that the UTPs who are facing trial in case prescribing maximum sentence of seven years or less or UTPs having more than one cases against them are involved in case prescribing maximum sentence of seven years or less provided such UTP is on bail in all other cases except for one he is being considered and if he is in custody for one month or more is to be released on interim bail. However, in the present case, perusal previous involvement report of applicant/accused would reveal that he is having involvement in eight case FIRs including the present one and out of such FIRs, he is stated to be in JC in case FIR No. 359/17 PS I.P. Estate, FIR No. 204/13 PS Kashmere Gate, FIR No. 450/16 PS Kotla Mubarakpur, FIR No. 126/08 PS New Usmanpur.

Counsel for applicant submits that the accused has already been bailed out in all the other case FIRs.

However, in order to rule out any ambiguity, let a report be called from concerned Jail Superintendent with regard to the details of all the cases in which the

accused is undergoing custody, on 07.10.2020 by 10:00 am.

Put up for arguments on 07.10.2020 by 12:00 pm.

Scanned copy of this order be sent to concerned Jail Superintendent through all permissible modes including email, for compliance.

One copy of this order be also sent to counsel for applicant/accused, through email.

One copy of this order be uploaded on Delhi District Courts Website.

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(RISHABH KAPOOR)
MM-03(Central),THC,Delhi
06.10.2020

e-FIR No.0166/20
PS Rajender Nagar

06.10.2020

(Through Video Conferencing over Cisco Webex Meeting)

Case taken up in view of circular no. 992/30066-30235 DJ(HQ)/ Covid-19 Lockdown/Physical Courts Roster/2020 dt. 25.09.2020 issued by Ld. District & Sessions Judge (HQ).

Present: Ld. APP for the State.

Applicant Dr. Sukhvir Singh in person.

IO/ASI Bijender Kumar in person.

The present application was filed through email. Scanned copy of reply dt. 03.10.2020 under the signatures of IO/ASI Bijender Kumar is already on record. Copy of same already stands supplied to applicant, electronically.

Heard. Record perused.

This order shall dispose off application for release of ECM (Engine Control Module) Part of vehicle bearing no. DL 4CND 6979, moved on behalf of applicant Dr. Sukhvir Singh.

In reply received under the signatures of IO/ASI Bijender Singh, it has been stated that the ECM Part of vehicle bearing no. DL 4CND 6979 is lying in the custody of police at PS Rajender Nagar. It is further stated in report that the aforesaid ECM part pertains to vehicle of complainant. It is further reported that the IO has no objection, if the aforesaid ECM Part released in favour of its rightful owner.

IO further submits that the complainant has produced the RC of the vehicle and verification of same, ECM Part in question was found to be belonging to the vehicle of complainant.

Perusal of the copy of case FIR would reveal that same was registered on the basis of complaint made by applicant regarding theft of ECM Part of his vehicle bearing no. DL 4CND 6979. The perusal of record would further reveal that the aforesaid ECM Part of vehicle was in built part of the vehicle.

On perusal of the report of IO, RC of vehicle and documents appended with the application, applicant Dr. Sukhvir Singh prima facie appears to be the registered owner of the vehicle bearing DL 4CND 6979 from which the

alleged ECM Part was stolen. Therefore, the applicant prima facie appears to be entitled for custody of ECM Part in question.

In these circumstances and as per directions of *Hon'ble High Court of Delhi* in matter of "*Manjit Singh Vs. State*" in CrI. M.C. No.4485/2013 dated 10.09.2014, the aforesaid ECM Part of vehicle no. DL 4CND 6979 be released to the applicant / rightful owner subject to the following conditions:-

1. ECM Part in question be released to applicant/ rightful owner only subject to furnishing of indemnity bonds as per its valuation to the satisfaction of the concerned SHO/ IO subject to verification of documents.
2. IO shall prepare detailed panchnama mentioning the colour, Make, Serial number, Model and other necessary details of the ECM Part in question.
3. IO shall take the colour photographs of the ECM Part in question from different angles and also of the serial number and model number thereof.
4. The photographs should be attested and counter signed by the complainant/applicant and accused.
5. IO is directed to verify the identity of ECM Part in question from concerned vehicle agency by verification of its serial number, model number, make, brand etc.

Application stands disposed off.

Scanned copy of this order be sent to applicant and to IO/SHO concerned through email.

One copy be sent to Computer Branch, THC for uploading on Delhi District Court Website.

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(RISHABH KAPOOR)
MM-03(Central),THC,Delhi
06.10.2020

e-FIR No. 035684/19
PS Rajender Nagar
State Vs. Rahul

06.10.2020

(Through Video Conferencing over Cisco Webex Meeting)
Case taken up in view of circular no. 992/30066-30235 DJ(HQ)/ Covid-19 Lockdown/Physical Courts Roster/2020 dt. 25.09.2020 issued by Ld. District & Sessions Judge (HQ).

Present: Ld. APP for the State.

Sh. Vaibhav Kumar, Ld. counsel for applicant/accused.

The present application for grant of interim/regular bail u/s 437 Cr.P.C. was filed on behalf of applicant/accused through email.

Heard. Record perused.

The perusal of case record would reveal that applicant/accused Rahul @ Aryan has already been admitted on bail upon furnishing personal and surety bonds in the sum of Rs.10,000/- each to the satisfaction of Ld. Duty MM, vide order dt. 07.09.2020 passed by this Court.

In such circumstances, the present application is stands dismissed and infructuous.

Application is accordingly, disposed off.

Scanned copy of this order be sent to Ld. counsel for applicant/accused through email.

Let copy of bail order dt. 07.09.2020 be also sent to counsel for applicant/accused through email, information and compliance.

Scanned copy of this order be also sent to computer branch uploading on Delhi District Courts Website.

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(RISHABH KAPOOR)
MM-03(Central),THC,Delhi
06.10.2020

FIR No. 203/16
PS I.P. Estate
State Vs. Mangal Pandey

06.10.2020

(Through Video Conferencing over Cisco Webex Meeting)

Case taken up in view of circular no. 992/30066-30235 DJ(HQ)/ Covid-19 Lockdown/Physical Courts Roster/2020 dt. 25.09.2020 issued by Ld. District & Sessions Judge (HQ).

Present: Ld. APP for the State.

Sh. Vishnu Sharma, Ld. counsel for applicant/accused.

Applicant has filed present surrender cum bail application through email.

The perusal of order dt. 24.02.2020 passed by this Court would reveal that applicant/accused Mangal Pandey was declared a proclaimed person in the present case and the directions were also issued to SHO concerned for registration of case FIR u/s 174A IPC against accused, in accordance with law.

Since, the physical presence of the applicant/accused is required for his surrender, accordingly, the application be listed for physical hearing on 07.10.2020. The applicant through counsel is directed to remain present in person on date fixed.

Let notice be issued to concerned IO for date fixed.

Let notice be also issued to SHO concerned for filing report regarding the registration of FIR u/s 174A IPC against accused, in compliance of directions issued on 24.02.2020, for next date i.e. 07.10.2020.

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MM-03(Central),THC,Delhi
06.10.2020