

FIR No. 0008/2020
State Vs. Vijay
PS I.P. Estate

07.10.2020

(Matter has been physically heard)

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. S.C. Joshi, Ld. counsel for applicant/accused.


The present application was filed through email. Same is taken alongwith the main case file. The perusal of record would reveal that previous involvement report of accused has not been filed by the IO.

Accordingly, issue notice to IO for filing previous involvement report of accused on 08.10.2020 by 10: 00 am.

Put up for arguments on 08.10.2020 at 12:00 pm.

Copy of this order be sent to IO/SHO concerned for compliance.

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


(RISHABH KAPOOR)
MM-03(Central),THC,Delhi
07.10.2020

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

07.10.2020

(Matter has been physically heard)

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. Rahul Chauhan, Ld. proxy counsel for accused/applicant.

HC Bittu Tomar in person.

Ld. proxy counsel for accused/applicant submits that accused Mangal Pandey has surrendered before the Court of Ms. Deepali Sharma, Ld. ASJ today in connection with case FIR No. 10/17 PS I.P. Estate and he has been sent to PC remand for one day.

HC Bittu Tomar has also filed status report with same submissions.

Upon query made by the Court, HC Bittu Tomar submits that the supplementary charge-sheet for offence u/s 174A IPC shall be filed upon arrest of the accused.

As the physical presence of accused is required for his surrender and as such he is in PC remand in connection with case FIR No. 10/17 PS I.P. Estate, therefore, at request, the application be listed with main case file on 12.10.2020.

(RISHABH KAPOOR)
MM-03(Central),THC,Delhi
07.10.2020

FIR No. 00272/20

PS I.P. Estate

State Vs. Unknown (through applicant Urmila Gupta)

07.10.2020

(Matter has been physically heard)

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 Urmila Gupta in person.

The present application was filed through email. Scanned copy of reply under the signatures of IO/ASI Sushil Kumar Tyagi is also received through email. Copy already stands supplied to applicant, electronically.

This order shall dispose off the application for release of mobile phone Vivo Y-15 on Superdari, moved on behalf of applicant Urmila Gupta.

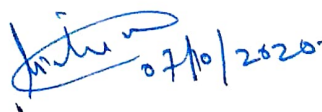
In reply received from ASI Sushil Kumar Tyagi, it is stated that the mobile phone in question has been recovered from possession of accused during proceedings in connection with the present case FIR. It is further stated that the aforesaid FIR was registered on the complaint of applicant Ms. Urmila Gupta. IO has stated that the applicant is the owner of mobile phone in question and police has no objection, if mobile phone in question is released to applicant.

For the purposes of identity applicant has sent scanned copy of bill/invoice of mobile phone and copy of her adhar ID card.

As per the report of IO/ASI Sushil Kumar Tyagi, since the investigation with respect to mobile phone in question is already complete, therefore, no useful purpose shall be served in further detaining it in the 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 the Vivo Y-15 mobile phone be released to the applicant / owner subject to the following conditions:-

1. IO shall verify the original bill/invoice of mobile phone in question from the concerned vendor from whom applicant has


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purchased the mobile phone in question.

2. If applicant is found to be rightful owner of the mobile phone in question, it be released to him only subject to furnishing of indemnity bond as per its value, to the satisfaction of the concerned SHO/ IO subject to verification of documents.

3. IO shall prepare detailed panchnama mentioning the colour, IMEI NO., ownership and other necessary details of the mobile phone.

4. IO shall take the colour photographs of the mobile phone from different angles and also of the IMEI number of the mobile phone.

5. The photographs should be attested and counter signed by the complainant/applicant and accused.

The application is accordingly disposed off.

Scanned copy of this order be sent to applicant and IO/SHO concerned, electronically for necessary compliance.

Scanned copy of the order be also sent to Computer Branch for uploading on Delhi District Court Website.


(RISHABH KAPOOR)
MM-03(Central),THC,Delhi
07.10.2020

FIR No. 000167/20
State Vs. Unknown (through applicant Maninder Singh)
PS Rajinder Nagar

07.10.2020

(Matter has been physically heard)

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 in person (joined through VC).

IO/ASI Sanjay Kumar in person.

The present application was filed through email. Scanned copy of reply under the signatures of IO/ASI Sanjay Kumar is received, through email. Copy of same 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 3CBF 8643, moved on behalf of applicant Maninder Singh.

In reply received under the signatures of IO/ASI Sanjay Kumar, it has been stated that the ECM Part of vehicle bearing no. DL 3CBF 8643 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.


On perusal of the report of IO, RC of vehicle and documents appended with the application, applicant Maninder Singh prima facie appears to be the registered owner of the vehicle bearing DL 3CBF 8643 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*


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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 3CBF 8643 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.


(RISHABH KAPOOR)
MM-03(Central),THC,Delhi
07.10.2020

FIR No. 000174/20

State Vs. Unknown (through applicant Laxmi Kant Aggarwal)
PS Rajinder Nagar

07.10.2020

(Matter has been physically heard)

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.

ASI Sanjay Kumar on behalf of IO/SI Rajbir Singh.

The present application was filed through email. Scanned copy of reply under the signatures of IO/SI Rajbir Singh is received, through email. Copy of same 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 2CAM 1057, moved on behalf of applicant Laxmi Kant Aggarwal.

In reply received under the signatures of IO/SI Rajbir Singh, it has been stated that the ECM Part of vehicle bearing no. DL 2CAM 1057 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.

ASI Sanjay Kumar submits that the vehicle in question has been registered in the name of applicant's company i.e. M/s Chairman Fashions Pvt. Ltd.

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 2CAM 1057. 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 Laxmi Kant Aggarwal prima facie appears to be the registered owner of the vehicle bearing DL 2CAM 1057 from which the alleged ECM Part was stolen. Therefore, the applicant prima facie appears to be


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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 2CAM 1057 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.


(RISHABH KAPOOR)
MM-03(Central),THC,Delhi
07.10.2020

FIR No. 000162/20
Mayank Wadhawan Vs. NCT of Delhi
PS Rajinder Nagar

07.10.2020

(Matter has been physically heard)

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

ASI Vijay Shankar on behalf of IO/SI Krishanpal. .

The present application was filed through email. Scanned copy of reply under the signatures of IO/SI Krishanpal is received, through email. Copy of same 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 1CS 2505, moved on behalf of applicant Mayank Wadhawan.

In reply received under the signatures of IO/SI Krishanpal, it has been stated that the ECM Part of vehicle bearing no. DL 1CS 2505 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.

ASI Vijay Shankar 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.

On perusal of the report of IO, RC of vehicle and documents appended with the application, applicant Mayank Wadhawan prima facie appears to be the registered owner of the vehicle bearing DL 1CS 2505 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*


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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 1CS 2505 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.



(RISHABH KAPOOR)
MM-03(Central),THC,Delhi
07.10.2020

FIR No. 199/20
PS I.P. Estate

07.10.2020

(Matter has been physically heard)

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. Rishabh Gulati, Ld. Counsel for applicant (joined through VC).

IO/ASI Noor Hassan.

The present application was filed through email. Scanned copy of reply under the signature of IO/ASI Noor Hassan is received through email. Copy stands supplied to counsel for applicant, electronically.

Heard. Record perused.

This order shall dispose off application for release of vehicle DL 1PD 2765, moved on behalf of applicant Pawan Singh Dahiya.

In reply received under the signatures of IO/ASI Noor Hassan, it has been stated that the vehicle bearing no. DL 1PD 2765 is the offending vehicle involved in the alleged accident. It is further stated that the RC, insurance, permit and other documents of the vehicle have been verified from the concerned authorities and as per the verification report, same is the registered in the name of Great Value Fuels Pvt. and applicant Kamal Singh Dahiya is the AR of the company. IO has further stated that insurance policy of vehicle has also been verified and same is valid till 29.12.2020. IO submits that the investigation qua the vehicle is complete and he has no objection, if same is released on superdari.

The applicant has sent the scanned copy of RC, insurance policy, PUC and Permit of vehicle in question alongwith authority letter issued in favour of applicant by the registered owner. For the purposes of identity, scanned copies of official ID card and Adhar card of applicant/AR are also sent alongwith the application.

On perusal of the report of IO and documents appended with the application, the applicant Pawan Singh Dahiya prima facie appears to be AR of the registered owner company i.e. Great Value Fuels Pvt. Ltd. and as such is the


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person entitled for custody of vehicle 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 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, permit, PUC of vehicle alongwith the authority letter issued in favour of applicant prior to release of the vehicle.

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

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


(RISHABH KAPOOR)
MM-03(Central),THC,Delhi
07.10.2020

FIR No. 000191/20
PS Rajinder Nagar
State Vs. Amir Singh

07.10.2020

(Matter has been physically heard)

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. Mitthan Lal, Ld. counsel for applicant/accused (joined through VC).

WSI Soni Lal on behalf of IO/SI Mahipal Singh (joined through VC).

The present application was filed through email. Scanned copy of reply under the signatures of WSI Soni Lal is received, through email. Copy stands supplied to counsel for applicant, electronically.

Heard. Record perused.

This order shall dispose off the application for grant of bail u/s 437 Cr.P.C. moved on behalf of applicant/accused Amir Singh.

It is averred on behalf of accused/applicant that he has been falsely implicated in the present case. It is further averred that the recovery of the stolen item has already been effected by the police. The applicant is the sole bread earner of his family and his having three children to look after. It is further averred that the applicant/accused is the permanent resident of Delhi and there is no chance of him absconding or tampering with the prosecution evidence. With these averments, prayer is made for grant of bail to accused.

Ld. APP for the State submits that the accused shall not be released on bail considering the seriousness of the allegations.

The allegations against the accused are serious in nature. The investigation of the case is still at its inception and charge-sheet is yet to be filed. Keeping in view the gravity of allegations and the initial stage of investigation, this court is of the firm view that no ground for grant of bail is made out to the accused/applicant at this stage. Accordingly, the present application deserves dismissal and same is hereby dismissed.

 7/10/2020

Copy of this order be sent to counsel for accused/applicant, through email.

One copy be also sent to IO/SHO concerned, for information.

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


(RISHABH KAPOOR)
MM-03(Central),THC,Delhi
07.10.2020

07.10.2020

(Matter has been physically heard)

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. N.K. Saraswat, Ld. LAC for applicant.

The present application for grant of regular bail u/s 437 Cr.PC. was filed on behalf of the applicant Ajay, through email id of this court.

Scanned copy of reply of under the signatures of ASI Brijender Kumar, is already on record. Copy of same is already supplied to Ld. LAC for applicant/accused, electronically.


Heard. Record perused.

This order shall dispose of an application for grant of bail u/s 437 of Cr.P.C., moved on behalf of applicant/ accused Ajay.

It is averred on behalf of the applicant has been falsely implicated in the present case and no recovery is left to be effected from the applicant/accused. It is further averred that applicant is undergoing judicial custody since 08.06.2020. It is further averred that case of the applicant is not covered in any of the direction given by HPC till date and applicant is seeking regular bail. It is with these averments, prayer has been made to admit the applicant on regular bail.

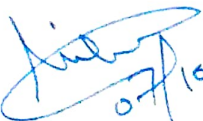
Ld. APP for State has contended that the present application is not maintainable as it is the second bail application moved on behalf of the applicant/accused, without establishing any changed circumstance after the dismissal of the earlier application. It is also contended that the applicant is a habitual offender and if he is admitted on bail, there exists a strong likelihood that he will indulge himself in the offences of similar nature. It is with these averments, the prosecution has sought dismissal of the present application.

At the very outset, it is pertinent to mention here that the present application is the *second bail application* moved on behalf of the applicant, seeking his enlargement on bail. It may be added here that vide orders dated 20.07.2020, the earlier bail application of the accused/applicant, was dismissed by this court. It has been averred on behalf of applicant that since the accused is undergoing judicial custody since long, therefore, it tantamount to a changed circumstance, entitling the applicant for grant of bail.


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However, in this regard it is pertinent to mention here that even though there is no bar in entertaining successive bail applications, by consideration before the same court. There also lies not time-limit, set for moving the court for bail, after the first or previous bail application, is rejected. But, it should be only when some new facts and circumstances have been developed, after rejection of previous bail application, then only the successive bail application should be considered on merits. In Parvinder Singh vs. State of Punjab 2003 12 SCC 528, the Hon'ble apex court held that though an accused has right to move successive bail applications for grant of bail, but the court entertaining such subsequent application, has a duty to consider the reasons and grounds on which earlier bail applications were rejected. In such cases, the court has a duty to record what are the fresh grounds which persuade it to take a view, different from one taken in earlier application. Similarly, in State of Madhya Pradesh versus Kajad AIR 2001 SC 3517, it was held that it is true that successive bail application are permissible under the changed circumstances, but without the change in circumstances, the second bail application would be deemed, seeking review of earlier judgement, which is not permissible under the criminal law.

Now, coming to the contentions advanced on behalf of the accused/applicant, qua changed circumstances justifying maintainability of present application. As per the version of the Ld. LAC for applicant, since the accused is undergoing J/C since long, hence in view of this changed circumstance, the present bail application can well be entertained by this court. In this regard, it is pertinent to add that the authorities cited above clearly suggests that the successive bail applications are maintainable before the same court only when, circumstance which led to the dismissal of earlier application, is shown to have been changed. Mere, branding a circumstance or glossing it with a term 'changed circumstance', does not, fall under the purview of circumstance, which leads to maintainability of successive bail application unless the same has direct bearing on the grounds upon which the decision on earlier application was made. If, without establishing the said changed circumstance, the court ventures itself into entertaining the successive bail applications, it virtually tantamount to review of its own order, which certainly is not contemplated under the scheme of Cr.P.C. As far as the assertions of Ld. LAC for applicant are concerned, pertinently, the perusal of order dated 20.07.2020 is suggestive of the fact that the first bail application as moved on behalf of the applicant/accused Ajay was dismissed by this court primarily on two counts which are, first, the previous bad antecedents of the applicant, justifying the apprehensions of the prosecution regarding the possibility of commission of offences of like nature by the accused/applicant and secondly, on the count that there existed a likelihood that if admitted


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on bail, the applicant will dissuade the prosecution witnesses. Pertinently, on establishing the fact by prosecution that the applicant has dented antecedents, the earlier bail application of accused/applicant was dismissed. The fact that, the applicant has previous dented criminal antecedents, remains undisputed and as such nothing Cogent has been placed on record on behalf of the accused/applicant vanishing the apprehension of the prosecution that if admitted on bail, the accused will not indulge himself in offences of similar nature or will not dissuade the material prosecution witnesses, I am of the view that the present application as moved on behalf of applicant lacks any maintainability.

In the light of my discussion made above, and also placing on reliance on the authorities cited above, since the earlier bail application of the applicant was dismissed on the ground of existence of likelihood of commission of offences of similar nature by the applicant, in case of his release and also upon appreciating possibility of his dissuading the prosecution witnesses, therefore merely on account of prolonged judicial custody of accused, the prayer of the applicant cannot be accepted. In these circumstances, the application in hand deserves dismissal and as such the present application is hereby dismissed.

The application is accordingly disposed of.

Scanned copy of this order be sent to the Ld. LAC for applicant through email. One copy be also sent to concerned Jail Superintendent through all permissible modes including email at daksection.tihar@gov.in, for necessary information and compliance.

Scanned copy of the order be also sent to Computer Branch for uploading on Delhi District Court Website.


(RISHABH KAPOOR)
MM-03(Central),THC,Delhi
07.10.2020

FIR No. 000191/20
PS Rajinder Nagar
State Vs. Heera Singh
07.10.2020

(Matter has been physically heard)

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. Mitthan Lal, Ld. counsel for applicant/accused (joined through VC).

WSI Soni Lal on behalf of IO/SI Mahipal Singh (joined through VC).

The present application was filed through email. Scanned copy of reply under the signatures of WSI Soni Lal is received, through email. Copy stands supplied to counsel for applicant, electronically.

Heard. Record perused.

This order shall dispose off the application for grant of bail u/s 437 Cr.P.C. moved on behalf of applicant/accused Heera Singh.

It is averred on behalf of accused/applicant that he has been falsely implicated in the present case. It is further averred that the recovery of the stolen item has already been effected by the police. It is further averred that the applicant/accused is the permanent resident of Delhi and there is no chance of him absconding or tampering with the prosecution evidence. With these averments, prayer is made for grant of bail to accused.

Ld. APP for the State submits that the accused shall not be released on bail as he is a habitual offender, having previous involvements. It is further submitted that the accused shall not be released on bail considering the seriousness of the allegations.

On perusal of the previous conviction/involvement report appended in the record, it emerges that the accused is having previous involvements in certain other cases, involving serious offences. More particularly, the accused has been shown to have complicity in respect of case FIR No. 1122/2000 u/s 394/395/397/411/34 IPC, FIR No. 305/2001 u/s 399/402 IPC both at PS Nangloi, FIR No. 0001/2001 u/s 392/397/34 IPC, FIR No. 52/01 u/s 394/397/34 IPC, FIR


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No. 60/01 u/s 392/397/34 IPC all at PS Bawana and FIR No. 49/01 u/s 392/395/34 IPC PS Kapashera. If that be so, the apprehension of prosecution that if enlarged on bail, he will commit the offences of like nature or will dissuade the material prosecution witnesses, appears to be well justified. Besides, the allegations against accused are serious in nature. The investigation of the case is at initial stage and charge sheet is yet to be filed.

In such circumstances, this court is of the firm view that no ground for grant of bail is made out to the accused/applicant at this stage. Accordingly, the present application deserves dismissal and same is hereby dismissed.

Copy of this order be sent to counsel for accused/applicant, through email.

One copy be also sent to IO/SHO concerned, for information.

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



(RISHABH KAPOOR)
MM-03(Central),THC,Delhi
07.10.2020

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

07.10.2020

(Matter has been physically heard)

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 accused/applicant.

Status report under the signatures of Dy. Superintendent Central Jail

No.1, Tihar is received. Copy supplied.

Report perused. As per the report, case FIR No. 151/20 PS I.P. Estate and FIR No. 147/20 PS Darya Ganj are pending against the applicant/accused. However, from perusal of report it does not clearly emerged whether the applicant/accused is also undergoing judicial custody in connection with FIR No. 147/20 PS Darya Ganj, apart from the present case FIR.


Accordingly, issue fresh notice to concerned Jail Superintendent for filing a detailed status report in terms of previous order dt. 06.10.2020, clearly specifying the details of other cases in which the accused is also undergoing judicial custody.

Let report be awaited on 09.10.2020 by 10:00 am.

Put up for remaining arguments on 09.10.2020 at 12:00 pm.

Copy of this order be sent to concerned Jail Superintendent through all permissible modes including email.

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


(RISHABH KAPOOR)
MM-03(Central),THC,Delhi
07.10.2020