

**CA no. 152/2020**  
**Bhoop Singh Aggarwal Vs. Harminder Kumar Singh**

**06.10.2020**

Today this court is holding physically hearing as per directions. One of the steno is quarantined.

Present: Mr. Pawan Kumar, learned Addl.PP for State.

Sh. R. P.S. Baghel, Ld. Counsel for Revisionist alongwith revisionist.

Arguments already heard.

It is stated by the Ld. Counsel for revisionist that he does not wants to address further arguments and as such put up for orders/clarification, if any on **21.10.2020**.

**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/06.10.2020**



**Bail Matter No.: 2787/2020**  
**FIR No: 214/2020**  
**PS: Rajinder Nagar, Central Delhi**  
**State v. Pawan Kumar Grover**  
**U/s : 376/342/323 IPC**

**06.10.2020**

**Today this court is holding physically hearing as per directions. One of the steno is quarantined.**

Present: Mr. Pawan Kumar, learned Addl.PP for State.  
Sh. Sunil Tiwari, Ld. Counsel for accused-applicant.

Reply has been filed by the IO but notice of the present application is not yet issued to the prosecutrix. Having regards the nature of allegation, notice be issued to the victim/complainant through IO for the next date of hearing i.e. 14.10.2020.

Copy of reply has not been supplied. Let the same be supplied to the Ld. Counsel for accused-applicant by way of electronic modes during the course of day.

IO is directed to make arrangement for appearance of such victim/complainant if so desired for hearing to appear through Video Conferencing.

Put up for hearing through Video Conferencing on 14.10.2020.

  
**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/06.10.2020**

**M/s Space Services India Pvt. Ltd. Vs. State**  
**Crl. Appeal No. 150/2020.**

**06.10.2020**

**Today this court is holding physically hearing as per directions. One of the steno is quarantined.**

Present: Revisionist No. 2 Sh. Krishan Lal Gulati in person who is also representing revisionist no. 1 with counsel Sh. Dinesh Priani.

Mr. Pawan Kumar, learned Addl.PP for State.

As per report on the service of respondent, it is stated that as mobile number/whatsapp was not available. Respondent /IO could not be served through electronic mode.

At this stage, new mobile number i.e. 9013853130/concerned IO is placed on record by the revisionist alongwith application.

Issue fresh notice in terms of previous order on this mobile number (9013853130) or by way of electronic mode.

In the meanwhile interim order to continue till the next date of hearing only.

At request, copy of this order be given dasti to the revisionist for record and information.

Put up for **27.10.2020.**

  
**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/06.10.2020**

**AT 12:45 PM**

At this stage, Sh. Anish Dhingra, has appeared on behalf of the complainant department/ITO in some other matter of ITO and he accepts notice of both these appeals on behalf of main counsel Sh. Manmeet Singh Arora, as such additional copy of such appeals placed on record. Copy of same be supplied to the ITO physically as and when they appear in this court in physical mode apart from supplying through electronic mode.

  
**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/06.10.2020**

**Bail Matter No.: 1391/2020**  
**FIR No: Arun KUMar**  
**PS: 253/2019**  
**State v. Prasad Nagar**  
**U/s : 406/34 IPC**

**06.10.2020**

**Today this court is holding physically hearing as per directions. One of the steno is quarantined.**

Present: Mr. Pawan Kumar, learned Addl.PP for State.  
Sh. Arvind Vats, Ld. Counsel for accused-applicant.

Ld. Counsel for accused-applicant seeks some time to clarify in terms of order dated 03.10.2020.

Submission heard. Time granted.

Put up for further clarification and appropriate orders for 07.10.2020.

**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/06.10.2020**

**Bail Matter No.: 1412/2020**  
**FIR No: 210/2020**  
**PS: Sarai Rohilla**  
**State v. Sadiqeen**

**06.10.2020**

**Today this court is holding physically hearing as per directions. One of the steno is quarantined.**

Present: Mr. Pawan Kumar, learned Addl.PP for State.  
Sh. Suraj Prakash Sharma, Ld. Counsel for accused-applicant.

Reply has already been filed.

Arguments in detail heard.

Put up for orders/clarification on **08.10.2020**.

**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/06.10.2020**



**Bail Matter No.:2786/2020**  
**FIR No:210/2020**  
**PS:Sarai Rohilla**  
**State v. Salman Khan**  
**U/s :186/353/307/147/148/149/379/174A/34 IPC**

**06.10.2020**

**Today this court is holding physically hearing as per directions. One of the steno is quarantined.**

**Fresh bail application has been filed. It be checked and registered.**

**Present: Mr. Pawan Kumar, learned Addl.PP for State.**

**Sh. Suresh Prakash Sharma, Ld. Counsel for accused-applicant.**

**Reply filed by the IO is taken on record.**

**Ld. Counsel for accused-applicant requests for withdrawal of the present bail application.**

**Submission heard. Allowed.**

**The same is dismissed as withdrawn.**

**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/06.10.2020**

**Bail Matter No.: 1372/2020**

**FIR No: 11/20**

**PS: ODRS**

**State v. Tashuvil**

**U/s : 370 IPC**

**06.10.2020**

**Today this court is holding physically hearing as per directions. One of the steno is quarantined.**

Present: Mr. Pawan Kumar, learned Addl.PP for State.

None for accused-applicant.

Put up for appearance of Ld. Counsel for accused-applicant for hearing through Video Conferencing on **14.10.2020**.

**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/06.10.2020**

**Bail Matter No.: 1360/2020**  
**FIR No: 210/2020**  
**PS: Sarai Rohilla**  
**State v. Mohd. Umar**  
**U/s 186/353/307/147/148/379/34 IPC and 25 Arms Act:**

**06.10.2020**

**Today this court is holding physically hearing as per directions. One of the steno is quarantined.**

Present: Mr. Pawan Kumar, learned Addl.PP for State.  
Sh. Junaid Alam, Ld. Counsel for accused-applicant through VC.

Part further arguments in detail heard.

Put up for further arguments including filing of copy of chargesheet through electronic mode and appropriate orders for **09.10.2020**.

**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/06.10.2020**



Bail Matter No.: 1342/2020  
FIR No: 31/2019  
PS: Rajinder Nagar  
State v. Anil Raikar  
U/s : 363 IPC

06.10.2020

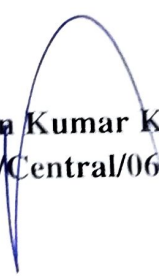
Today this court is holding physically hearing as per directions. One of the steno is quarantined.

Present: Mr. Pawan Kumar, learned Addl.PP for State.  
Sh. Rahul Bhagat, Ld. Counsel for accused-applicant through VC.

Today the physical hearing day of this court.  
Ld. Counsel for accused Sh. Rahul Bhagat is present through Video Conferencing.

At request, put up for hearing through Video Conferencing on 13.10.2020.

(Naveen Kumar Kashyap)  
ASJ-04/Central/06.10.2020



**B. A No. 517  
FIR NO. 84/2019  
PS IP Estate  
State Vs. V. K Jain**

**06.10.2020**

**Today this court is holding physically hearing as per directions. One of the steno is quarantined.**

Present: Mr. Pawan Kumar, learned Addl.PP for State.

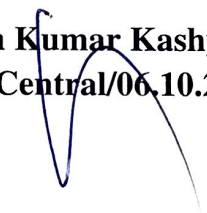
Sh. Sanjay Rathi, Id. Counsel for accused-applicant through Video Conferencing.

None for non applicant.

Reply filed on behalf of respondent no. 1/accused is taken on record.

Put up for with the connected matter for further arguments and appropriate order on **16.10.2020**.

**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/06.10.2020**



**B. A. NO. 541**  
**FIR No. 84/2019**  
**PS IP State**  
**State Vs. Ajit @ Aziz**  
**u/s 420/467/468/120 B IPC**

**06.10.2020**

**Today this court is holding physically hearing as per directions. One of the steno is quarantined.**

Present: Mr. Pawan Kumar, learned Addl.PP for State.  
Sh. Pradeep Sharma, Id. Counsel for accused-applicant.  
Sh. Sanjay Rathi, Id. Counsel for complainant through VC.

Part arguments in detail heard.

Put up for further arguments and also issue notice to IO to appear in person with case file and also issue notice to Ahlmad of the court of Ld. MM with case file alongwith chargesheet before this court on the next date of hearing **i.e. 16.10.2020.**

Interim order to continue till the next date of hearing only.

Both the parties are at liberty to appear through physically or Video Conferencing.

**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/06.10.2020**

**B. A. NO. 539**  
**FIR No. 84/2019**  
**PS IP State**  
**State Vs. Fazar Mohd.**  
**u/s 420/467/468/120 B IPC**

**06.10.2020**

**Today this court is holding physically hearing as per directions. One of the steno is quarantined.**

Present: Mr. Pawan Kumar, learned Addl.PP for State.  
Sh. Pradeep Sharma, Id. Counsel for accused-applicant.  
Sh. Sanjay Rathi, Id. Counsel for complainant through VC.

Part arguments in detail heard.

Put up for further arguments and also issue notice to IO to appear in person with case file and also issue notice to Ahlmad of the court of Ld. MM with case file alongwith chargesheet before this court on the next date of hearing **i.e. 16.10.2020.**

Interim order to continue till the next date of hearing only.

Both the parties are at liberty to appear through physically or Video Conferencing.

  
**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/06.10.2020**

**B. A. NO. 540**  
**FIR No. 84/2019**  
**PS IP State**  
**State Vs. Sukha @ Imran Khan**  
**u/s 420/467/468/120 B IPC**

**06.10.2020**

**Today this court is holding physically hearing as per directions. One of the steno is quarantined.**

Present: Mr. Pawan Kumar, learned Addl.PP for State.  
Sh. Pradeep Sharma, Id. Counsel for accused-applicant.  
Sh. Sanjay Rathi, Id. Counsel for complainant through VC.

Part arguments in detail heard.

Put up for further arguments and also issue notice to IO to appear in person with case file and also issue notice to Ahlmad of the court of Ld. MM with case file alongwith chargesheet before this court on the next date of hearing **i.e. 16.10.2020**.

Interim order to continue till the next date of hearing only.

Both the parties are at liberty to appear through physically or Video Conferencing.

  
**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/06.10.2020**

**B. A. NO. 21/06**  
**FIR No. 84/2019**  
**PS IP State**  
**State Vs. Shakir**  
**u/s 420/467/468/120 B IPF**

**06.10.2020**

**Today this court is holding physically hearing as per directions. One of the steno is quarantined.**

Present: Mr. Pawan Kumar, learned Addl.PP for State.  
Sh. N. Prabhakar, Id. Counsel for accused-applicant.  
Sh. Sanjay Rathi, Id. Counsel for complainant through VC.

Part arguments in detail heard.

Put up for further arguments and also issue notice to IO to appear in person with case file and also issue notice to Ahlmad of the court of Ld. MM with case file alongwith chargesheet before this court on the next date of hearing **i.e. 16.10.2020**.

Interim order to continue till the next date of hearing only.

Both the parties are at liberty to appear through physically or Video Conferencing.

  
**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/06.10.2020**

**Mohd Asif Vs. State**

**06.10.2020**

Today this court is holding physically hearing as per directions. One of the steno is quarantined.

An application seeking early hearing of the case has been moved on behalf of the appellant.

Present: Sh. M. K. Bansal, Ld. Counsel for Appellant.  
Mr. Pawan Kumar, learned Addl.PP for State.

Submission heard. The same is allowed.  
For the reasons stated therein, put up for arguments in terms of previous order for **16.10.2020**.

Earlier date given **i.e. 04.02.2021** stands cancelled.  
Application stands disposed off.

(Naveen Kumar Kashyap)  
ASJ-04/Central/06.10.2020

**Criminal Revisions Nos. 96/2020,  
97/2020, 98/2020, 99/2020,  
100/2020, 101/2020  
Deepak Talwar Vs ITO**

**06.10.2020**

*File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.*

In view of the above-mentioned orders/directions, file is taken up through Webex.

**This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.**

Present: Mr. Prabhav Ralli, learned counsel for revisionist.

Mr. Anil Dhingra, learned counsel for respondent / ITO.

Today again adjournment is sought on behalf of learned counsel for revisionist stating that main counsel Mr. Tanveer Ahmad Mir is busy in some other matter.

In this case, ample opportunity has already been given to argue on this condonation of delay application. Still in the interest of justice, revisionist is at liberty to argue in the morning sessions on the next date of hearing or in alternative file written arguments not exceeding more than three pages on this condonation of delay aspect.

Learned counsel for the respondent / ITO argued in detail on this condonation of delay application. Further, it is stated by the revisionist side that they have filed certain case law through e-mail. The same be taken on record. Further, learned counsel for the respondent / ITO has submitted that he be given opportunity to file case law.

Heard. Allowed. He can file case law before the next date of hearing with advance copy through electronic mode to the other side.

Put up for arguments, if any, from revisionist side / orders / clarification through VC for **11/11/2020** or otherwise as the directions may be from High Court. Learned counsel for the revisionist can argue at 12:00 Noon before lunch session, if so, desired.

**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/06.10.2020**



SC No.: 28519/2016  
FIR No.: 171/2010  
PS Pahar Ganj  
State vs Joginder @ Joga & others

**06.10.2020**

*File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.*

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular date of hearing 16/04/2020, 08/06/2020 and 06/08/2020. Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing through VC.

**This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.**

Present: Mr. Pawan Kumar, learned Addl.PP for State.

Accused No.1 Joginder @ Joga not produced from JC.

Accused No. 2,3,4,6, 7 & 8 Ashok, Kapil @ Toni, Kishan @ Jagga, Mohnish @ Jonty, Dharmender & Deepak Sonkar are present on bail.

Accused No. 5 Sikander @ Sunny is stated to have expired recently in last month only.

Ms.Akshita Ketrupal, proxy counsel for main counsel Mr. Surender Chauhan.

Issue production warrant for accused No.1 Joginder @ Joga through electronic mode or otherwise for the next date of hearing.

Issue notice to IO / SHO concerned to verify the factum of death of accused No.5 Sikandar @ Sunny and file report by the next date of hearing.

This is one of the oldest matter pending in this court. As such, earliest possible next date of hearing is given in this case. Put up for further proceedings / appropriate orders for **28/10/2020**.

(Naveen Kumar Kashyap)  
ASJ-04/Central/06.10.2020

SC No.: 287/2019  
FIR No.: 478/2018  
PS Burari

State vs Sanjay Tiwari & others

**06.10.2020**

*File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.*

In view of the above-mentioned orders/directions, file is taken up through Webex.

**This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.**

Present: Mr. Pawan Kumar, learned Addl.PP for State.

All the four accused are in person on bail.

Mr. Avdhesh Kumar, learned counsel for all the accused persons.

At request, put up for recording of statement of accused persons u/s 313 Cr.PC in the court itself for the next date of hearing.

Put up for **12/10/2020**.

  
(Naveen Kumar Kashyap)  
ASJ-04/Central/06.10.2020

SC No.: 72/2020  
FIR No.: 251/2019  
PS Sarai Rohilla  
State vs Babloo & others

06.10.2020

*File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.*

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular date of hearing 14/04/2020, 08/06/2020 and 06/08/2020. Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing through VC.

**This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.**

Present: Mr. Pawan Kumar, learned Addl.PP for State.

None for the accused.

Accused not produced from JC.

In the interest of justice, no adverse order is passed in this case. Issue production warrant for accused who are in JC in present case through electronic mode or otherwise as the situation may be for the next date of hearing.

Put up for **14/02/2021**.

(Naveen Kumar Kashyap)  
ASJ-04/Central/06.10.2020

**SC No.: 495/2017**  
**FIR No.: 196/2017**  
**PS NDRS**  
**State vs Arjun Singh Rawat & others**

**06.10.2020**

*File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.*

In view of the above-mentioned orders/directions, file is taken up through Webex.

**This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.**

Present: Mr. Pawan Kumar, learned Addl.PP for State.

Mr. Satbir Singh, learned counsel for all the accused persons except accused No.3 Deepanshu @ Chhotu.

All the six accused persons are in person on bail.

Put up for PE in terms of previous orders for **16/02/2021**. Issue notice to complainant alongwith one more public witness for the next date of hearing.

  
**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/06.10.2020**

**CR No. 222/2020**  
**Mahinder Kumar Agarwal vs Jinender Jain & Anr**

**06.10.2020**

*File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.*

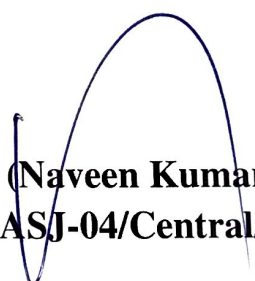
In view of the above-mentioned orders/directions, file is taken up through Webex.

**This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.**

Present: Ms. Minakshi Aggarwal, learned counsel for revisionist.

Issue notice only on this condonation of delay application to respondent no.1 as well as respondent no.2 through electronic mode as per the present revision. Steps be taken within one week.

Put up for **24/11/2020**.

  
**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/06.10.2020**

**Bail Matter No.: 14220/2020**  
**FIR No: 195/2020**  
**PS: Rajinder Nagar**  
**State v. Mohit Singh @ Tuti @ Prince**  
**U/s : 25, 54, 59 Arms Act**

**06.10.2020**

**Today this court is holding physically hearing as per directions. One of the steno is quarantined.**

Present: Mr. Pawan Kumar, learned Addl.PP for State.  
Mr. Vikas Kumar proxy counsel on behalf of main counsel Mr. Nitin Arora.

Adjournment is sought as the main counsel is not available.

Put up for arguments / appropriate order for **14/10/2020**.

  
**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/06.10.2020**

**Bail Matter No.: 1215/2020**  
**FIR No: 181/2019**  
**PS: Prasad Nagar**  
**State v. Barun Kumar Dutta**  
**U/s : 498A, 406, 34 IPC**

**06.10.2020**

**Today this court is holding physically hearing as per directions. One of the steno is quarantined.**

Present: Mr. Pawan Kumar, learned Addl.PP for State.  
Complainant in person with counsel Mr. Rajneesh Bhardwaj.  
IO SI Pooja in person.

Part arguments in detail heard including regarding the ingredients of section 406 IPC.

Put up for further arguments and appropriate order for **13/10/2020 through VC**. In the meanwhile, IO is directed to furnish further report regarding articles claimed by the complainant which are still not returned back to her viz-a-viz articles claimed by the accused side and his family which are already returned to complainant and furnish disputed list on the next date of hearing before this court.

In the meanwhile, interim order may continue till the next date in terms of previous order.

**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/06.10.2020**

Case no. 127249/2016

FIR No: 235/14

PS: DBG Road

State v. ~~Ram~~ Avtar Singh and ors.

U/s : 394/395/397/120 B/34 IPC

06.10.2020

Today this court is holding physically hearing as per directions. One of the steno is quarantined.

Present: Mr. Pawan Kumar, learned Addl.PP for State.  
Sh. Yogesh Kumar Sharma, Ld. Counsel for accused Satender Pal alongwith accused Satender Pal through VC on bail.  
Sh. Udhave Pratap, Ld. Counsel for accused Amit Kapoor.  
Sh. Sanjay Kanojia, Ld. Counsel for accused Ravinder @ Babloo alongwith accused.  
Ms. Neetu, proxy counsel for Sh. Mohan Kaushik, for accused Tarun Adhikari.  
Accused Deepak Sharma in person.

An application for exemption from personal appearance on behalf of accused Tarun Adhikari has been moved. Same is taken on record and allowed for today only.

Put up for PE in term or previous order i.e. 15.02.2021.

Further, issue production warrants against accused persons who are in JC for the next date of hearing through Video Conferencing or otherwise as the situation may be.

(Naveen Kumar Kashyap)  
ASJ-04/Central/06.10.2020



SC No. 28159/16  
FIR No: 330/15  
PS: Pahar Ganj  
State v. Umesh Kumar Patel  
U/s : 302 IPC

06.10.2020

Today this court is holding physically hearing as per directions. One of the steno is quarantined.

Present: Mr. Pawan Kumar, learned Addl.PP for State.

Sh. Sadman Ali, Ld. Counsel for accused alongwith accused Umesh Kumar Patel.

Put up for further PE in terms of previous order on 15.02.2021.

Aslo, issue summons to the public witness for the next date of hearing accordingly.

(Naveen Kumar Kashyap)  
ASJ-04/Central/06.10.2020

06.10.2020

**Today this court is holding physically hearing as per directions. One of the steno is quarantined.**

Present: Mr. Pawan Kumar, learned Addl.PP for State.

Sh. C. Parkash, Id. Counsel for both revisionist alongwith both revisionist in person.

None for respondent no. 1 Pramod Kalra.

Sh. Vivek Srivastava, Ld. Counsel for respondent no. 2,3 and 4.

None for such respondents are present in this case.

On perusal of previous ordersheet, it is revealed that respondent no. 1 is already served and was appearing in this matter and now it appears that they are no more interested in participating in this case proceedings.

Part arguments in detail heard on behalf of revisionist as well as Id. Counsel for accused no. 2,3 and 4.

Put up for further arguments, if any/ filing of case law and for appropriate orders on **27.10.2020**.

Parties are at liberty to appear in person or through Video Conferencing.

(Naveen Kumar Kashyap)

• ASJ-04/Central/06.10.2020

**Bail Matter No.: 1089/2020,1087/2020, 1086/2020,1085/2020,1084/2020,1083/2020**

**FIR No: 287/2020**

**PS: Sarai Rohilla**

**State v. Nirmal Aroa @ Rekha**

**State v. Hitesh**

**State v. Ashok Kumar**

**State v. Hemant Kumar**

**State v. Namita Kumari**

**State v. Kamal Bhandari**

**U/s : 498A/406/34 IPC**

**06.10.2020**

**Today this court is holding physically hearing as per directions. One of the steno is quarantined.**

Present: Mr. Pawan Kumar, learned Addl.PP for State.

Sh. Pankaj Mohan, Ld. Counsel for accused persons.

Submission heard.

Issue notice of the present anticipatory bail application to the original complainant through IO through Video Conferencing.

Put up for arguments and orders on **14.10.2020**.

Interim protection to continue till the next date of hearing only in terms of previous orders.

**(Nayeen Kumar Kashyap)**  
**ASJ-04/Central/06.10.2020**

**State Vs. Rahul Sharma and Ors.  
FIR NO. 339/2016  
PS Darya Ganj**

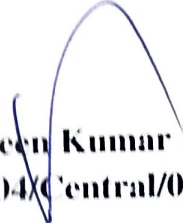
**06.10.2020**

Today this court is holding physically hearing as per directions. One of the steno is quarantined.

Present: Mr. Pawan Kumar, learned Addl.PP for State,  
Accused Raghav Jha in person.

Put up for further proceedings relating to furnishing of surety bond by him on

**12.10.2020.**

  
(Naveen Kumar Kashyap)  
ASJ-04/Central/06.10.2020

**State Vs Munna  
FIR NO. 83/2020  
PS K. Gate**

**06.10.2020**

**Today this court is holding physically hearing as per directions. One of the steno is quarantined.**

Present: Mr. Pawan Kumar, learned Addl.PP for State.

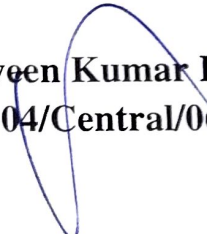
None for accused persons.

Certain case laws filed with connected matter.

Sometime sought to go through the same.

Put up for clarification, if any/order on **12.10.2020**.

**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/06.10.2020**



**State Vs. Davar @ Kancha**  
**FIR No. 38/2020**  
**PS K. Gate.**

**06.10.2020**

**Today this court is holding physically hearing as per directions. One of the steno is quarantined.**

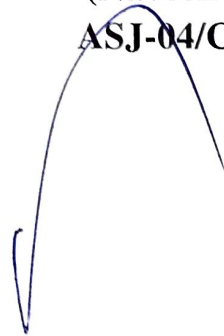
Present: Mr. Pawan Kumar, learned Addl.PP for State.  
Sh. S. N. Shukla, Ld. LAC counsel for accused.

Certain case laws filed today through e-mail by the Id. Counsel for accused on behalf of the present accused-applicant.

Sometime sought to go through the same.

Put up for clarification, if any/orders on 12.10.2020.

**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/06.10.2020**



**SC No. 687/17**  
**PS Maurice Nagar**  
**State Vs. Shanawaj @ Shanu**

**06.10.2020**

**Today this court is holding physically hearing as per directions. One of the steno is quarantined.**

Present: Mr. Pawan Kumar, learned Addl.PP for State.

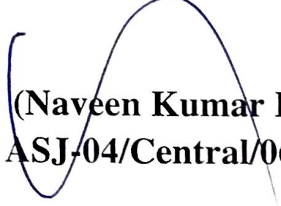
Sh. Ayub Ahmad Qureshi, Ld. Counsel accused alongwith brother of accused.

It is claimed that accused has gone to Meerut, UP with his mother and could not return back. Such explanation is not acceptable at all. Having regard to previous conduct of such accused and as per the report, said NBW could not be executed against the accused.

As such, issue fresh NBW against the said accused through DCP concerned for the next date of hearing i.e. 16.10.2020.

Further as per report on the surety Mohd. Islam has already been expired on 23.11.2018. Such facts not brought notice to the court by the accused.

Put up for appropriate orders in this regard on the next date of hearing on **16.10.2020.**

  
**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/06.10.2020**

**State Vs. Laddan Etc**  
**FIR NO. 83/2020**  
**PS K. Gate**

**06.10.2020**

**Today this court is holding physically hearing as per directions. One of the steno is quarantined.**

**Present: Mr. Pawan Kumar, learned Addl.PP for State.**

None for accused persons.

Certain case laws filed with connected matter.

Sometime sought to go through the same.

Put up for clarification, if any/order on **12.10.2020**.

  
**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/06.10.2020**



**State Vs Rohit S/o Prem Mohan**  
**FIR NO. 83/2020**  
**PS K. Gate**

**06.10.2020**

**Today this court is holding physically hearing as per directions. One of the steno is quarantined.**

Present: Mr. Pawan Kumar, learned Addl.PP for State.

None for accused persons.

Certain case laws filed with connected matter.

Sometime sought to go through the same.

Put up for clarification, if any/order on **12.10.2020.**

**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/06.10.2020**



**Bail Matter No.: 2788/2020**  
**FIR No: 11/20**  
**PS: ODRS**  
**State v. Mahesh Lal Kevat**  
**U/s : 370 IPC**

**06.10.2020**

**Today this court is holding physically hearing as per directions. One of the steno is quarantined.**

Present: Mr. Pawan Kumar, learned Addl.PP for State.  
Sh. Sandeep Gupta, Ld. Counsel for accused-applicant through VC.

Further, IO is also present through Video Conferencing.

Reply filed by the IO in the case alongwith application.

A copy of Aadhar Card of the alleged child Kundan Kumar is place on record according to which his date of birth is 26.04.2002 as such it is claimed that he was major on the date of offence and as such, no offence at all can be made out against Mahesh Lal Kevat.

On the other hand, it is stated by the IO orally that age was told 15 years at the time of apprehending. of such accused and child. Further, it is ordered by the CWC.

IO is directed to file further report including regarding Aadhar Card and labour card of the alleged child. Copy of which is placed on record at page no. 11 alongwith such bail application.

Further IO is directed to arrange hearing of the such accused or/ and his father through Video Conferencing/electronic mode on the next date of hearing.

Put up for hearing on **09.10.2020**.

  
**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/06.10.2020**

**State Vs Rohit S/o Subash**  
**FIR NO. 83/2020**  
**PS K. Gate**

**06.10.2020**

**Today this court is holding physically hearing as per directions. One of the steno is quarantined.**

Present: Mr. Pawan Kumar, learned Addl.PP for State.

None for accused persons.

Certain case laws filed with connected matter.

Sometime sought to go through the same.

Put up for clarification, if any/order on **12.10.2020**.

**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/06.10.2020**



**CA No. 4372019**  
**Nikhil Kapoor and Ors Vs Shubhi Gupta**

**06.10.2020**

*File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.*

In view of the above-mentioned orders/directions, file is taken up through Webex.

**This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.**

Present: Ms. Komal, learned counsel for appellant.

Due to arguments on sentence in robbery case in FIR No. 248/2015, no time left. It is already 4:30 PM.

Put up for further dictation / clarification and appropriate orders for **12/10/2020.**

  
**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/06.10.2020**

**INTERIM BAIL APPLICATION**

**Bail Application No.: 2731/2020**  
**State Vs Jagjot Singh s/o Amrik Singh**  
**FIR No. 167/2020**  
**PS.: Darya Ganj**  
**U/s: 419, 468, 471 IPC**

**06.10.2020**

**Present:** Mr. Pawan Kumar, Learned Addl. PP for State.  
Mr. Saurabh Srivastav, learned counsel for  
accused.

1. *Observations given by Hon'ble High Court of Delhi in W.P.(C) No. 2945/2020 dated 23.03.2020 in case titled as "Shobha Gupta and Ors. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Moto W.P.(C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020 have been issued by Ld. District & Sessions Judge (HQ) read with other directions received from time to time including on 28.03.2020, 07.04.2020, 18.04.2020, 05.05.2020, 18.05.2020 and 20.06.2020 from Hon'ble High Court as a result of various meetings of Delhi State Legal Services Authority, present application is taken up.*

2. Arguments heard.

3. It is stated by counsel that offence in question are as per the offence alleged u/s 419, 468, 471 IPC and he may be released on interim bail in terms of criteria laid down by Hon'ble High Power Committee in the facts and circumstances of the present case.

4. On the other hand, interim bail application is opposed. Further reply has been filed by the IO. It is stated that offence is heinous in nature and he is member of big syndicate.

5. Section 468 & 471 IPC is punishable upto 07 years. In view of the directions by Hon'ble High Court, dated 07/04/2020,

**State Vs Jagjot Singh s/o Amrik Singh**  
**FIR No. 167/2020**  
**PS.: Darya Ganj**  
**U/s: 419, 468, 471 IPC**

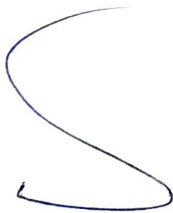
: 2 :

case of the accused is covered under such directions as maximum punishment is 7 years. Further, accused is in JC for more than fifteen days at present.

As such, in the above position, facts and circumstances of present case and the directions by Hon'ble High Court, applicant/accused is admitted to interim bail for a period of 45 days from the date of release on furnishing personal bond **in the sum of Rs. 10,000/- to the satisfaction of the Jail Superintendent concerned**. After completion of the interim bail period applicant shall surrender before concerned Jail Superintendent. Necessary intimation be sent to concerned Jail Superintendent accordingly.

**6.1. In the facts and circumstances of present case and the reply filed by the IO/SHO following conditions are also imposed on present accused for such interim bail :**

- i) applicant shall not flee from the justice;*
- ii) applicant shall not tamper with the evidence;*
- iii) applicant shall not threaten or contact in any manner to the prosecution witnesses ,*
- iv) applicant shall not leave country without permission;*
- v) applicant shall convey any change of address immediately to the IO and the court;*
- vi) applicant shall also provide his/her mobile number to the IO;*
- vii) applicant shall mark his /her attendance before concerned IO (and if IO is not available then to concerned SHO) every alternative*



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*/second day through mobile by sharing his/her location with the SHO concerned;*

**viii)** *applicant shall further make a call, preferably by audio plus video mode to concerned IO, (and if IO is not available then to concerned SHO) once a week, preferably on Monday between 10 a.m. to 5 p.m.*

**ix)** *Applicant shall keep his / her such mobile number 'Switched On' at all the time , particularly between 8 am to 8 pm everyday.*

**6.** The present application stands disposed off accordingly. Both side are at liberty to collect the order dasti or through electronic mode. ***Further a copy of this order be sent to the IO/SHO concerned by electronic mode. Further, a copy of this order be sent to concerned Jail Superintendent.***

(Naveen Kumar Kashyap)  
ASJ-04/Central/Delhi/06/10/2020

SC No.: 586/2019  
FIR No.: 135/2019  
PS Nabi Karim  
State vs Akash @Akki & others

**06.10.2020**

*File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.*

**This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.**

Present: Mr. Pawan Kumar, learned Addl.PP for State.

File taken up today as a letter dated 05/10/2020 received from Dy. Jail Superficial Jail No.3 Tihar Jail, Delhi regarding whether the accused is on bail or not in the present case.

Record perused. As per, order dated 25/11/2019, such accused was granted regular bail by my learned Predecessor on furnishing of personal bond and surety bond in the sum of Rs. 40,000/- each. But as per record, he has failed to furnish such bail bond so far. As such, he cannot be released on regular bail as condition of the same not complied so far.

But, there is subsequent order dated 13/05/2020 passed by learned bail duty Session Judge during lockdown vide which he was granted interim bail for a period of 45 days on furnishing personal bond to the satisfaction of concerned Jail Superintendent and thereafter there are certain directions by the Hon'ble High Court in writ petition bearing No. 3037 / 2020 extending certain interim bail till 31/10/2020.

It is clarified accordingly.

(Naveen Kumar Kashyap)  
ASJ-04/Central/06.10.2020



**SC No.: 57/2018**  
**FIR No.: 142/2017**  
**PS Lahori Gate**  
**State Vs Shakil & others**

**06.10.2020**

*File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.*

In view of the above-mentioned orders/directions, file is taken up through Webex.

**This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.**

Present: Mr. Pawan Kumar, learned Addl.PP for State.

Certain clarification is required regarding date and reason given for the bail of co-accused, if any.

Put up for arguments / appropriate order for **12/10/2020**.

  
**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/06.10.2020**

: 1 :

**IN THE COURT OF SH. NAVEEN KUMAR KASHYAP**  
**ADDITIONAL SESSIONS JUDGE-04: CENTRAL:**  
**TIS HAZARI COURTS: DELHI**

**State Vs Nakul Raju Tamanche s/o Raju Babu Lal  
Tamanche  
FIR No. 246/2020  
P. S. Sarai Rohilla  
U/s: 379, 482, 411, 420, 120B,34 IPC**

**06/10/2020**

Present: Mr. Pawan Kumar, Learned Addl. PP for State.  
None for accused.

Arguments already heard in this case. Today the case was fixed for orders.

Vide this order, bail application u/s 439 Cr.PC filed by applicant through counsel is disposed of.

It is stated in the application as also argued by learned counsel for the applicant that accused is in JC since 25/08/2020; that there is no material on record regarding the alleged offences against the present accused; that he is no more required for the purpose of investigation and even time to seek PC is already over; whole of the case property / money is already recovered; nothing is recovered or to be recovered from the present accused; that there is no previous criminal record of the accused as per the reply filed by the prosecution itself. It is further stated that he cannot be identified in the CCTV footage. In any case, it is further

**State Vs Nakul Raju Tamanche s/o Raju Babu Lal Tamanche  
FIR No. 246/2020  
P. S. Sarai Rohilla  
U/s: 379, 482, 411, 420, 120B,34 IPC**

argued that at best as per the allegations, the offences which can be even alleged against the present accused can be u/s 379 IPC which is punishable upto three years only. As such, it is prayed that he be granted regular bail.

On the other hand, in reply dated 18/09/2020 filed by the IO, as also argued by learned Addl.PP for the State it is stated that a case of theft from Dickey of the scooter of the complainant side by unknown person was reported by one Manish Verma. That an information was received from other State regarding involvement of the present accused who is part of Diggi Baaz Gang; that co-accused Sanjay made some disclosure statement and confesses his involvement as well as involvement of other accused including the present accused; that whole of stolen amount of Rs. 25 Lacs is already recovered from co-accused Sanjay and Ajay. It is further claimed that such accused Nikul Raju can be seen in the CCTV footage and he made a confession regarding involvement in the present case. That some of co-accused are yet to be arrested.

I have heard both the sides.

The personal liberty is a priceless treasure for a human being. It is founded on the bed rock of constitutional right and accentuated further on human rights principle. The sanctity of liberty is the fulcrum of any civilized society.

Deprivation of liberty of a person has enormous impact on his mind as well as body. Further article 21 Of the Constitution mandates that no person shall be deprived of his life or personal liberty except according to procedure established by law. Further India is a signatory to the International Covenant On Civil And Political Rights, 1966 and, therefore, Article 21 of the Constitution has to be understood in the light of the International Covenant On Civil And Political Rights, 1966. *Further* Presumption of innocence is a human right. Article 21 in view of its expansive meaning not only protects life and liberty, but also envisages a fair procedure. Liberty of a person should not ordinarily be interfered with unless there exist cogent grounds therefor. The fundamental principle of our system of justice is that a person should not be deprived of his liberty except for a distinct breach of law. If there is no substantial risk of the accused fleeing the course of justice, there is no reason why he should be imprisoned during the period of his trial. The basic rule is to release him on bail unless there are circumstances suggesting the possibility of his fleeing from justice or thwarting the course of justice. When bail is refused, it is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution.

Further it has been laid down from the earliest time that the object of Bail is to secure the appearance of the

accused person at his trial by reasonable amount of Bail. The object of Bail is neither punitive nor preventive. Deprivation of liberty must be considered a punishment unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after convictions, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earlier times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial, but in such case 'necessity' is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the constitution that any persons should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty under Article 21 of the Constitution upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances. Apart from the question of prevention being the object of a refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and it would be improper for any court to refuse bail

: 5 :

as mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an unconvicted person for the purpose of giving him a taste of imprisonment as a lesson. While considering an application for bail either under Section 437 or 439 CrPC, the court should keep in view the principle that grant of bail is the rule and committal to jail an exception. Refusal of bail is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution. Seriousness of the offence not to be treated as the only consideration in refusing bail : Seriousness of the offence should not to be treated as the only ground for refusal of bail. (Judgment of **Sanjay Chandra Vs. Central Bureau of Investigation, AIR 2012 SC 830** relied).

But, 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 societal order. A society expects responsibility and accountability from the member, and it desires that the citizens should obey the law, respecting it as a cherished social norm. Therefore, when an individual behaves in a disharmonious manner ushering in disorderly thing which the society disapproves, the legal consequences are bound to follow.

Further discretionary jurisdiction of courts u/s 437 and 439 CrPC should be exercised carefully and cautiously by balancing the rights of the accused and interests of the society. Court must indicate brief reasons for granting or refusing bail. Bail order passed by the court must be reasoned one but detailed reasons touching merits of the case, detailed examination of evidence and elaborate documentation of merits of case should not be done.

At this stage , it can also be fruitful to note that requirements for bail u/s 437 & 439 are different. Section 437 Cr.P.C. severally curtails the power of the Magistrate to grant bail in context of the commission of non-bailable offences punishable with death or imprisonment for life, the two higher Courts have only the procedural requirement of giving notice of the Bail application to the Public Prosecutor, which requirement is also ignorable if circumstances so demand. The regimes regulating the powers of the Magistrate on the one hand and the two superior Courts are decidedly and intentionally not identical, but vitally and drastically dissimilar. (**Sundeep Kumar Bafna Vs. State of Maharashtra, AIR 2014 SC 1745** ).

Further at this stage it can be noted that interpreting the provisions of bail contained u/s 437 & 439 Cr.P.C., the Hon'ble Supreme Court in its various judgments



has laid down various considerations for grant or refusal of bail to an accused in a non-bailable offence like, (i) Whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) Nature of accusation and evidence therefor, (iii) Gravity of the offence and punishment which the conviction will entail, (iv) Reasonable possibility of securing presence of the accused at trial and danger of his absconding or fleeing if released on bail, (v) Character and behavior of the accused, (vi) Means, position and standing of the accused in the Society, (vii) Likelihood of the offence being repeated, (viii) Reasonable apprehension of the witnesses being tampered with, (ix) Danger, of course, of justice being thwarted by grant of bail, (x) Balance between the rights of the accused and the larger interest of the Society/State, (xi) Any other factor relevant and peculiar to the accused. (xii) While a vague allegation that the accused may tamper with the evidence or witnesses may not be a ground to refuse bail, but if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. Furthermore, in the landmark judgment of **Gurucharan Singh and others v. State** (AIR 1978 SC 179), it was held that there is no hard



and fast rule and no inflexible principle governing the exercise of such discretion by the courts. It was further held that there cannot be any inexorable formula in the matter of granting bail. It was further held that facts and circumstances of each case will govern the exercise of judicial discretion in granting or refusing bail. It was further held that such question depends upon a variety of circumstances, cumulative effect of which must enter into the judicial verdict. Such judgment itself mentioned the nature and seriousness of nature, and circumstances in which offences are committed apart from character of evidence as some of the relevant factors in deciding whether to grant bail or not.

Further it may also be noted that it is also settled law that while disposing of bail applications u/s 437/439 Cr.P.C., courts should assign reasons while allowing or refusing an application for bail. But detailed reasons touching the merit of the matter should not be given which may prejudice the accused. What is necessary is that the order should not suffer from non-application of mind. At this stage a detailed examination of evidence and elaborate documentation of the merit of the case is not required to be undertaken. Though the court can make some reference to materials but it cannot make a detailed and in-depth analysis of the materials and record findings on their acceptability or

otherwise which is essentially a matter of trial. Court is not required to undertake meticulous examination of evidence while granting or refusing bail u/s 439 of the CrPC.

In the present case, the maximum punishment of the offences alleged against the present accused is 7 years. It is a matter of record that accused is in JC since 25/08/2020. Further, as far as present accused is concerned, nothing remains to be recovered at his instance. In fact, case property / money already recovered that too from the co-accused and nothing is recovered from the present accused. In any case the period for seeking police remand is already over. As such, no purpose would be served by keeping such accused in JC. Investigation and thereafter trial is likely to take time. Further, it may be noted that there is fundamental presumption of innocence in any criminal case in India i.e. an accused is presumed innocent unless proved guilty. In present case, no previous conviction record or even involvement in criminal cases record is placed on record by the IO.

In above facts and circumstances, such accused is granted bail subject to furnishing of **personal bond in the sum of Rs. 20,000/- with two sound surety of like amount**, subject to the satisfaction of the learned Trial court and the following additional conditions:

: 10 :

- i) Applicant shall not flee from the justice;*
- ii) Applicant shall not tamper with the evidence;*
- iii) Applicant shall not threaten or contact in any manner to the prosecution witnesses ,*
- iv) Applicant shall not leave country without permission;*
- v) Applicant shall convey any change of address immediately to the IO and the court;*
- vi) Applicant shall also provide his mobile number to the IO;*
- vii) Applicant shall mark his attendance before concerned IO (and if IO is not available then to concerned SHO) every alternative /second day through mobile by sharing his/her location with the SHO concerned till the chargesheet is filed;*
- viii) Applicant shall further make a call, preferably by audio plus video mode to concerned IO, (and if IO is not available then to concerned SHO) once a week, preferably on Monday between 10 a.m. to 5 p.m. till the chargesheet is filed.*
- ix) Applicant shall keep their such mobile number 'Switched On' at all the time, particularly between 8 am to 8 pm everyday till the chargesheet is filed*
- x) That applicant will cooperate with the investigation / IO / SHO concerned and will appear before IO / Trial Court as and when called as per law.*

*xi) Applicant will not indulge in any kind of activities which are alleged against him in the present case.*

It is clarified that in case if the applicants/ accused is found to be violating any of the above conditions, the same shall be a ground for cancellation of bail and the State shall be at liberty to move an application for cancellation of bail.

I may observe that certain guidelines had been laid down by the Hon'ble Delhi High Court in the case of "**Ajay Verma Vs. Government of NCT of Delhi**" WP (C) 10689/2017 dated 08.03.2018 wherein it was observed and I quote as under:

*"..... The trial courts should not only be sensitive but extremely vigilant in cases where they are recording orders of bail to ascertain the compliance thereof.....When bail is granted, an endorsement shall be made on the custody warrant of the prisoner, indicating that bail has been granted, along with the date of the order of bail.*

- a) In case of inability of a prisoner to seek release despite an order of bail, it is the judicial duty of the trial courts to undertake a review for the reasons thereof.*
- b) Every bail order shall be marked on the file.*
- c) It shall be the responsibility of every judge issuing an order of bail to monitor its execution and enforcement.*
- d) In case a judge stands transferred before the execution, it shall be the responsibility of the successor*

*judge to ensure execution....."*

I note that in the present case the bail bonds have been directed to be furnished before the Ld. Trial Court/ Ld. MM and hence in terms of the above observations, the Ld. MM is impressed upon to inform this court about the following:

- a) *The date on which conditions imposed by this court are satisfied;*
- b) *The date of release of prisoner from jail;*
- c) *Date of ultimate release of prisoner in case the prisoner is in jail in some other case.*

The copy of this order be sent to **Ld. MM** and also to the **Superintendent Jail** who shall also inform this court about all the three aspects as contained in the para herein above. The Superintendent Jail is also directed to inform this court if the prisoner is willingly not furnishing the personal bond or in case if he is unable to furnish the surety or any other reason given by the prisoner for not filing the bonds. One copy of this order be also sent to the **SHO Concerned** to ensure compliance.

**The bail application is accordingly disposed off. Learned counsel for applicant is at liberty to obtain order through electronic mode. Further copy of this order be sent to concerned Jail Superintend, IO / SHO. Copy of order be uploaded on website.**

(NAVEEN KUMAR KASHYAP)  
ASJ-04(Central/Delhi)  
06.10.2020

**Misc, Application**

**State v Abdul Salam @ Wasim & others**

**FIR No: 02/2014**

**PS: Jama Masjid**

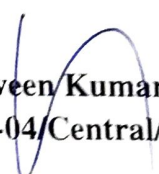
**06.10.2020**

**This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions. Further one of the steno is quarantined.**

Present: Mr. Pawan Kumar, learned Addl.PP for State.  
None.

Certain clarification is required with regard to surety as well as FDR.

Put up for **12/10/2020**.

  
(Naveen Kumar Kashyap)  
ASJ-04/Central/06.10.2020

**SC No.: 57/2018**  
**FIR No.: 142/2017**  
**PS Lahori Gate**  
**State Vs Shakil & others**

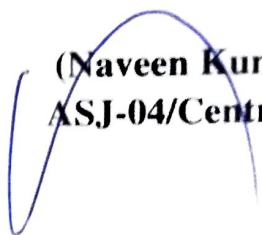
**06.10.2020**

**This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.**

Present: Mr. Pawan Kumar, learned Addl.PP for State.

Certain clarification is required regarding date and reason given for the bail of co-accused, if any.

Put up for arguments / appropriate order for **12/10/2020**.

  
**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/06.10.2020**

## **Bail Application**

**State v Sunil @ Kalu & Others**  
**(Application of Sunil @ Maya)**  
**FIR No: 303/2014**  
**PS: Subzi Mandi**  
**U/s: 302, 307, 34, 120B IPC**

**06.10.2020**

**Present: Mr. Pawan Kumar Learned Addl. PP for State.**  
**Learned counsel for the applicant / accused.**

1. Vide this order present interim bail application dated 26/09/2020 is disposed off.

2. It is stated in such application that applicant has been falsely implicated in the present case; that investigation has been completed and chargesheet already filed and the case is pending trial before this court; that his mother is not well and her treatment is going on from Government hospital and she required medical checkup and attendance; that elder brother of the accused is living separately due to matrimonial dispute; further the sister of the accused is living outside Delhi and cannot take care of such mother; As such, it is prayed that he be granted interim bail for 30 days.

3. On the other hand, it is stated by the learned Addl.PP for the state, based on reply filed by the IO that there are serious allegations against the present accused; that he assaulted the victim with iron rod; more importantly it is stated that the elder brother is living nearby who can take care of his mother. As such, present bail application is opposed.

4. The minimum punishment for the present offence is life imprisonment. Further specific allegations against the present accused. Interim bail of such accused was rejected on 26/05/2020 and again on 31/07/2020. Further, in any case the reason for present interim bail is stated that mother of the applicant is not well. As per reply brother of accused is residing nearby who can take care of such

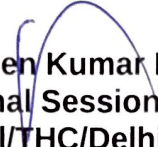
**(Application of Sunil @ Maya)**  
**FIR No: 303/2014**  
**PS: Subzi Mandi**  
**U/s: 302, 307, 34, 120B IPC**



: 2 :

mother. As such, this court is not inclined to grant the interim bail to the accused. Hence, the same is dismissed.

5. **With these observations present bail application is disposed. Learned counsel for the applicant / accused is at liberty to collect the order through electronic mode. Further a copy of this order be sent to concerned Superintendent, IO / SHO concerned. Copy of order be uploaded on the website.**

  
**(Naveen Kumar Kashyap)**  
**Additional Sessions Judge-04**  
**Central/THC/Delhi**  
**06.10.2020**

**(Application of Sunil @ Maya)**  
**FIR No: 303/2014**  
**PS: Subzi Mandi**  
**U/s: 302, 307, 34, 120B IPC**

**State Vs. Vicky Kumar**  
**FIR No. 331/2020**  
**PS Sarai Rohilla**

**06.10.2020**

**Today this court is holding physically hearing as per directions. One of the steno is quarantined.**

Present: Mr. Pawan Kumar, learned Addl.PP for State.

Sh. Samrat, Ld. Counsel for accused-applicant Vicky Kumar.

Complainant in person through VC with counsel Sh. Apoorv Lal.

Reply filed by the IO.

Part arguments in detail heard on behalf of both the parties.

Put up for further arguments on 12.10.2020.

Issue notice to IO to appear in person with case file including 164 statement made by such complainant complainant before the Ld. MM.

Parties are at liberty to join the proceedings physically or through VC under these circumstances without commenting on the merit of the present application.

IO is directed not to take any coercive action against the present applicant/accused till the next date of hearing provided he fully cooperated with the investigation.

Copy be given online to both sides.

  
**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/06.10.2020**

## **Bail Application**

**Bail Application Nos. 2791,2792, 2793 & 2794/2020**  
**State Vs Kuldeep**  
**FIR No. 05/20 06/20, 07/20 & 08/20**  
**PS.: NWL Nizamuddin (Railways)**  
**U/s: 3 of Railway Property (unlawful possession) Act, 1966**

**06.10.2020**

**Present: Mr. Pawan Kumar, Learned Addl. PP for State.**  
**Mr. Sandeep Gupta, learned counsel for the**  
**applicant.**

Vide this common order, the present four bail applications under section 439 Cr.P.C. on behalf of the same accused regarding the above mentioned four FIRs filed through counsel are disposed off.

I have heard both the sides and have gone through the record.

The personal liberty is a priceless treasure for a human being. It is founded on the bed rock of constitutional right and accentuated further on human rights principle. The sanctity of liberty is the fulcrum of any civilized society. Deprivation of liberty of a person has enormous impact on his mind as well as body. Further article 21 Of the Constitution mandates that no person shall be deprived of his life or personal liberty except according to procedure established by law. Further India is a signatory to the International Covenant On Civil And Political Rights, 1966 and, therefore, Article 21 of the Constitution has to be understood in the light of the International Covenant On Civil And Political Rights, 1966. *Further* Presumption of innocence is a human right. Article 21 in view of its expansive meaning not only protects life and liberty ,but also envisages a fair procedure. Liberty of a person should not ordinarily be interfered with unless there exist cogent grounds therefor. The fundamental principle of our system of

justice is that a person should not be deprived of his liberty except for a distinct breach of law. If there is no substantial risk of the accused fleeing the course of justice, there is no reason why he should be imprisoned during the period of his trial. The basic rule is to release him on bail unless there are circumstances suggesting the possibility of his fleeing from justice or thwarting the course of justice. When bail is refused, it is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution.

Further it has been laid down from the earliest time that the object of Bail is to secure the appearance of the accused person at his trial by reasonable amount of Bail. The object of Bail is neither punitive nor preventive. Deprivation of liberty must be considered a punishment unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after convictions, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earlier times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial ,but in such case 'necessity' is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the constitution that any persons should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty under Article 21 of the Constitution upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances. Apart from the question of prevention being the object of a refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and it would be improper for any court to refuse bail as mark of disapproval of former conduct whether the accused has been

convicted for it or not or to refuse bail to an unconvicted person for the purpose of giving him a taste of imprisonment as a lesson. While considering an application for bail either under Section 437 or 439 CrPC, the court should keep in view the principle that grant of bail is the rule and committal to jail an exception. Refusal of bail is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution. Seriousness of the offence not to be treated as the only consideration in refusing bail : Seriousness of the offence should not to be treated as the only ground for refusal of bail. (Judgment of **Sanjay Chandra Vs. Central Bureau of Investigation, AIR 2012 SC 830** relied).

But, 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 societal order. A society expects responsibility and accountability from the member, and it desires that the citizens should obey the law, respecting it as a cherished social norm. Therefore, when an individual behaves in a disharmonious manner ushering in disorderly thing which the society disapproves, the legal consequences are bound to follow.

Further discretionary jurisdiction of courts u/s 437 and 439 CrPC should be exercised carefully and cautiously by balancing the rights of the accused and interests of the society. Court must indicate brief reasons for granting or refusing bail. Bail order passed by the court must be reasoned one but detailed reasons touching merits of the case, detailed examination of evidence and elaborate documentation of merits of case should not be done.

At this stage , it can also be fruitful to note that requirements for bail u/s 437 & 439 are different. Section 437 Cr.P.C. severally curtails the power of the Magistrate to grant bail in context of the commission of non-bailable offences punishable with death or imprisonment for life, the two higher Courts have only the procedural

requirement of giving notice of the Bail application to the Public Prosecutor, which requirement is also ignorable if circumstances so demand. The regimes regulating the powers of the Magistrate on the one hand and the two superior Courts are decidedly and intentionally not identical, but vitally and drastically dissimilar. (**Sundeep Kumar Bafna Vs. State of Maharashtra, AIR 2014 SC 1745**).

Further at this stage it can be noted that interpreting the provisions of bail contained u/s 437 & 439 Cr.P.C., the Hon'ble Supreme Court in its various judgments has laid down various considerations for grant or refusal of bail to an accused in a non-bailable offence like, (i) Whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) Nature of accusation and evidence therefor, (iii) Gravity of the offence and punishment which the conviction will entail, (iv) Reasonable possibility of securing presence of the accused at trial and danger of his absconding or fleeing if released on bail, (v) Character and behavior of the accused, (vi) Means, position and standing of the accused in the Society, (vii) Likelihood of the offence being repeated, (viii) Reasonable apprehension of the witnesses being tampered with, (ix) Danger, of course, of justice being thwarted by grant of bail, (x) Balance between the rights of the accused and the larger interest of the Society/State, (xi) Any other factor relevant and peculiar to the accused. (xii) While a vague allegation that the accused may tamper with the evidence or witnesses may not be a ground to refuse bail, but if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. Furthermore, in the landmark judgment of **Gurucharan Singh and others v. State** (AIR 1978 SC 179), it was held that there is no hard and fast rule and no inflexible principle governing the exercise of such discretion by the courts. It was further held that there cannot be any inexorable formula in the matter of

granting bail. It was further held that facts and circumstances of each case will govern the exercise of judicial discretion in granting or refusing bail. It was further held that such question depends upon a variety of circumstances, cumulative effect of which must enter into the judicial verdict. Such judgment itself mentioned the nature and seriousness of nature, and circumstances in which offences are committed apart from character of evidence as some of the relevant factors in deciding whether to grant bail or not.

Further it may also be noted that it is also settled law that while disposing of bail applications u/s 437/439 Cr.P.C., courts should assign reasons while allowing or refusing an application for bail. But detailed reasons touching the merit of the matter should not be given which may prejudice the accused. What is necessary is that the order should not suffer from non-application of mind. At this stage a detailed examination of evidence and elaborate documentation of the merit of the case is not required to be undertaken. Though the court can make some reference to materials but it cannot make a detailed and in-depth analysis of the materials and record findings on their acceptability or otherwise which is essentially a matter of trial. Court is not required to undertake meticulous examination of evidence while granting or refusing bail u/s 439 of the CrPC.

In the present case, it is argued that accused is falsely implicated in the present four cases; that investigation is already complete; case property already recovered; no purpose would be served by keeping the accused in JC. It is further stated that he is permanent resident of Delhi and has roots in society. It is further claimed that he is arrested u/s 379 IPC in the present case. As such, it is prayed that he be granted regular bail.

On the other hand, in reply dated 06/10/2020 filed by SI Dharambir Singh, it is stated that offence alleged in the present case is u/s **3 of Railway Property (unlawful possession) Act, 1966** . It is further argued that maximum punishment for the same is five years or

fine or both and with a minimum punishment for one year for the first offence and for the subsequent offence, there is minimum punishment for two years. It is further argued that there are two convictions in similar cases, in the year 2016 & 2017 and another case of 2018 of similar nature is pending trial. It is stated that he is a hard core criminal and repeatedly indulging in the same kind of offence / theft, despite even conviction earlier. As such, present bail applications are strongly opposed.

I find force in the arguments of learned Addl.PP for the state. Present accused is already convicted twice for similar offences. There is a minimum punishment for one year under this relevant act. Therefore, having regard to the nature of offence, previous conviction of present accused and the nature of incriminating material against him, this court is not inclined to grant him regular bail at this stage.

**With these observations present bail application is disposed of as dismissed. Learned counsel for the applicant / accused is at liberty to collect the order dasti or through electronic mode. Further a copy of this order be sent to concerned Jail Superintendent. Further a copy of this order be sent to IO / SHO concerned. Copy of order be uploaded on the website.**

**(Naveen Kumar Kashyap)**  
**Additional Sessions Judge-04**  
**Central/THC/Delhi**  
**06/10/2020.**



**Bail Bond**  
**SC No.: 28692/2016**  
**FIR No.: 348/2015**  
**PS Nabi Karim**  
**State Vs Lokesh & others**

**06.10.2020**

**This court is also discharging Bail Roster duty. Today this court is holding physically hearing as per directions.**

Present: Mr. Pawan Kumar, learned Addl.PP for State.

At this stage, file is put up before this court by Ahlmad and it is pointed that in the bail bond furnished u/s 437(A) Cr.PC on 09/09/2020 by the surety Sandeep Parihar for convict Mohit which, it was undertaken that he will place on record his original RC in the court within one month. But the same is not placed on record so far.

Heard. Perused.

As such, because of such non compliance by the surety of the bail bond condition u/s 437(A) Cr.PC so far, **convict be not released from the Jail till such bail bond conditions are satisfied on that account only. Copy of this order be sent forthwith to the concerned Jail Superintend.**

  
**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/06.10.2020**

**B. A NO. 1331/2020**  
**FIR No. Not known**  
**DD Entry No. GD 50 dated 10.02.2020**  
**PS Darya Ganj**  
**State Vs. Roopak Jain**  
**U/s 420 IPC**

**06.10.2020**

**Today this court is holding physically hearing as per directions. One of the steno is quarantined.**

Present: Mr. Pawan Kumar, learned Addl.PP for State.  
Sh. Sachin Kumar Jain, Ld. Counsel for accused-applicant.

Status report received through e-mail. Same be taken on record.

Part arguments heard.

Put up for further arguments on **15.10.2020.**

Interim order to continue in term of previous order.

**(Naveen Kumar Kashyap)**  
**ASJ-04/Central/06.10.2020**