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

**State v. Ashu @ Atta
(applicant Amar @ Kanha)
FIR No. 210/2018
PS.: Prasad Nagar
U/s: 302, 34 IPC & 25,27,54,59 Arms Act**

04.12.2020

**Present: Mr. Pawan Kumar Learned Addl. PP for State is
through VC.
Sh. Vineet Jain, Ld. Counsel for applicant through
VC.**

Vide this order present interim bail application dated 24.11.2020 is disposed off.

It is submitted on behalf of the accused that he is in JC for last two and a half year. That trial is likely to take time. That his family consists of a wife and one minor female child. That child is suffering since birth from severe chronic disease and is on daily medication. Even the condition of the minor daughter of the accused is verified by IO from the doctor concerned and found to be correct. That even the financial resources of the family are already wiped out during lock-down. That main accused Atta is already granted interim bail by Hon'ble High Court on the ground of illness of his mother and such co-accused did not misuse the same. That present accused is falsely implicated in the present case. As such, it is prayed that he be granted interim bail for 60 days.

On the other hand, it is stated by the learned Addl.PP for the state, based on reply filed by the IO / SHO that crime is serious in nature under section 302 IPC. That he actively participated in the crime in question. Minimum punishment prescribed is life imprisonment for such offence. But the medical condition of the child is not denied. It is further stated that verification report from Raj Clinic is received and found genuine but treatment document of Kalawati Hospital and RML hospital

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are yet to be verified and time sought for the same.

The minimum punishment for the present offence is life imprisonment. Further specific allegations against the present accused. Further witnesses are not yet examined. Although the medical condition of the child is not denied but the fact remains that mother of the child is already taking care of such child. Further, when accused is a under trial prisoner for such heinous offence, it is not expected nor a ground that he be granted bail only to work and earn or otherwise arrange financial resources which can very well be secured by him by giving instructions to his wife and other persons. As such, the ground stated by the accused for interim bail are not found sufficient. Under these circumstances, having regard to the nature of allegations made and the stage of the present case, this court is not inclined to grant the relief as sought in the present application. Hence, the same is dismissed.

With these observations present bail application is disposed of as dismissed. Learned counsel for the applicant / accused is at liberty to collect the order through electronic mode. Copy of order be sent to jail Superintendent through electronic mode.

Before parting it may be noted that observations made in the present bail application are only for the purpose of deciding the present bail application and are not a comment on the merit of the case which is a matter of trial.

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**(Naveen Kumar Kashyap)
Additional Sessions Judge-04
Central/THC/Delhi
04.12.2020**

Bail Application

Bail Matters No.:2022/2020
State Vs Lalit
FIR No.:492/2020
PS: Karol Bagh
U/s:356,379,411 r/w 34 IPC

04/12/2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. Manoj Kumar, learned counsel for the applicant through VC.

Vide this order, bail application u/s 439 Cr.PC dated 26/11/2020 filed by applicant through counsel is disposed of.

It is stated in the application that he has been falsely implicated in the present case; that he is not previously convicted and has deep roots in society; he has not committed any such offence; that three unknown persons came to the truck and started fighting with each other and broken the side mirror of the truck when the truck driver was counting his money and when truck driver was trying to pacify the matter, one of them namely Chaudhary snatched his money and ran away and on his disclosure statement applicant / accused was apprehended. It is further stated that the side mirror was broken during the fight between them and there was no intention to breaking the side mirror; that he has not snatched money from the complainant; that he is in JC since 08/11/2020; that investigation is complete and applicant is not required for the purpose of further investigation; that applicant is the only earning member of his family and his family is depended upon him;

On the other hand, in reply filed by the IO, as also argued by learned Addl.PP for the State that present accused alongwith co-accused snatched purse of the complainant which contained Rs. 10,900/- and some cards and run away with the same. That during investigation at the instance and identification of the complainant, co-accused Love Chaudhary was arrested and at the instance of such co-accused Love Chaudhary and identification of the complainant, present accused was arrested later on. Part of money/case property was recovered from all of such three accused persons. As such, present bail application is strongly opposed.

Bail Matters No.:2022/2020
State Vs Lalit
FIR No.:492/2020
PS: Karol Bagh
U/s:356,379,411 r/w 34 IPC

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 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 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 3 years. It is a matter of record that accused is in JC since 08/11/2020. Further, as far as present accused is concerned, nothing remains to be recovered at his instance. In fact, the period for seeking police remand is already over. As such, no purpose would be served by keeping such accused in JC. Trial is likely to take time. Further, it may be noted that there is fundamental presumption of innocence in any criminal case of present nature. In present case, no previous conviction or even involvement in criminal cases 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 one sound surety of like amount**, subject to the satisfaction of the learned Trial court and the following additional conditions:

- i) That he will appear before IO / Trial Court as and when called as per law.*
- ii) He will not indulge in any kind of activities which are alleged against him in the present case.*
- iii) That he will not leave Delhi without prior permission of the Trial Court concerned.*
- iv) He will not threaten the witness or tampering with evidence.*
- v) He shall convey any change of address immediately to the IO and the court;*
- vi) He shall also provide his mobile number to the IO and further share his location through mobile phone once in everyweek till filing of*

chargesheet and thereafter as may be directed by the learned Trial Court.

It is clarified that in case if the applicant/ 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 through electronic mode. Copy of this order be sent to concerned Jail Superintendent. Copy of this order be sent to IO / SHO concerned.

The observations made in the present bail application order are for the purpose of deciding of present application and do not affect the factual matrix of the investigation of the present case which is separate issue as per law.

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(NAVEEN KUMAR KASHYAP)
ASJ-04(Central/Delhi
04.12.2020**

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**Bail Matters No.:2022/2020
State Vs Lalit
FIR No.:492/2020
PS: Karol Bagh
U/s:356,379,411 r/w 34 IPC**

BAIL APPLICATION : 1667/2020

State v. Ravi Kumar @ Sony @ Ravi Kumar @ Soni
FIR no.: 85/2020
PS: Karol Bagh

04.12.2020

Present: Sh. Pawan Kumar, Ld. Addl. PP for the state through VC.
Sh. Sunil Kumar, Ld. Counsel for accused through VC.
Ld. Counsel for complainant through VC.

This is the anticipatory bail application u/s 438 Cr.P.C. dated 20.10.2020 filed by accused.

Arguments in detail heard. It is stated by the complainant side today that although a sum of Rs. 1 lac is now stand paid by accused side in terms of settlement arrived earlier during original complaint under NI Act, but the furniture amounting Rs. 65,000/- has become old/useless due to fault of accused/applicant and as such, sum of Rs. 65,000/- need to be paid by accused side which is not paid.

On the other hand, it is stated by Ld. Counsel for accused that as per settlement itself, the accused was supposed to return the furniture item amounting to Rs.65000/- only and he is ready to return the same. But the complainant side is not receiving the same.

The fact remains that ultimately no settlement could be arrived between the parties as far as original settlement is concerned. As such, present application is taken up further on merit.

In nutshell, it is argued by learned counsel for applicant for the accused that accused is falsely implicated in the present case. That original complaint was under section 138 NI Act which was bailable in nature but later section 174A IPC was added against the accused. It is further claimed that earlier counsel for accused/applicant told him that due to transfer of such cheque bounce matter he will receive further detail/summon during due course. But later on it is found that the process u/s 82 Cr.P.C. was issued against the accused without even service of summons upon the accused. It is further stated that thereafter complainant himself is

not taking interest in the original complaint. It is further stated that accused in the meanwhile shifted his address in December, 2018 and was not aware about such coercive process against him. As such, it is prayed that he apprehends his arrest in the present case. Therefore, it is prayed that IO/SHO be directed to release the accused on bail in the event of his arrest in FIR bearing no. 85/2020.

On the other hand, it is argued on behalf of the state that he is a proclaimed offender and as such does not deserve the relief of anticipatory bail. It is further stated by counsel for complainant that no ground is made out for anticipatory bail. It is further stated that his presence may not be secured if he is granted anticipatory bail.

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

The fact remains so far it is not placed on record by the applicant/accused that he even challenged the process/order passed declaring him proclaimed offender. That instead of challenging such proceedings/order, if accused has any grievance against the same, accused has preferred present anticipatory bail application. Further, there is a consistent view of the Hon'ble Higher courts that in case of accused declared proclaimed offender then he does not deserve the relief of anticipatory bail except in exceptional circumstances. In the considered view of this court, the case of the present accused does not fall under such exception. As such, no ground is made out to grant him anticipatory bail. **With these observations, present anticipatory bail application is disposed of.**

Copy of this order be provided to both the sides through electronic mode. Further, a copy of this order be sent to IO/SHO concerned through electronic mode.

Before parting it may be noted that observations made in the present bail application are only for the purpose of deciding the present bail application and are not a comment on the merit of the case which is a matter of trial.

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(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
04.12.2020

BAIL APPLICATION : 1534/2020

State v. Gurdev Singh @ Vikky
FIR no.: 244/2020
PS: Kamla Market

04.12.2020

Present: Sh. Pawan Kumar, Ld. Addl. PP for the state through VC.
Sh. Ashwani Jha, Ld. Counsel for accused through VC.
SI present on behalf of IO Insp. Lekh Raj Singh through VC.

This is the first anticipatory bail application u/s 438 Cr.P.C. dated 12.10.2020 filed by accused Gurdev Singh @ Vikky.

Arguments in detail heard.

In nutshell, it is argued by learned counsel for applicant for the accused that accused is falsely implicated in the present case. That at the time of alleged attack at 5 pm on 07.10.2020, the present accused was not even physically present at or near the place of offence at Minto Road. In fact, he was at his home at Geeta Colony. Further, his presence at Geeta Colony can be seen in CCTV footage in the area at 4.47 pm. That he has roots in the society. That he is the sole bread earner of the family. As such, it is prayed that IO/SHO be directed to release the accused on bail in the event of his arrest.

A reply dated 06.11.2020, 18.11.2020 and 03.12.2020 filed by the IO Lekh Raj Singh. Ultimately based on such reply, it appears that it is the case of the IO/SHO concerned itself that as per the investigation so far including the statement of eye witness and the CCTV footage, present accused was not present at the spot of incident. As such, it is submitted on behalf of IO that IO do not intend to arrest the present accused based on the investigation in the present case. Further, it is stated that such applicant Gurdev Singh joined the investigation including on 22.11.2020.

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

In view of the investigation carried out and the stand of the IO that they do not want to arrest the applicant in view of the investigation that he was not present

on the spot of alleged incident, as otherwise claimed by the victim side, there is no apprehension of his arrest in the present case. In view of the same, no ground/occasion arose to grant the relief sought in the present bail application. **With these observations, present anticipatory bail application is disposed of.**

Copy of this order be provided to both the sides through electronic mode. Further, a copy of this order be sent to IO/SHO concerned through electronic mode.

Before parting it may be noted that observations made in the present bail application are only for the purpose of deciding the present bail application and are not a comment on the merit of the case which is a matter of trial.

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Additional Sessions Judge-04/Central
04.12.2020

BAIL APPLICATION : 1957/2020

**State v. Rahul @ Dadu
FIR no.: 425/2019
PS: Karol Bagh**

04.12.2020

Present: Sh. Pawan Kumar, Ld. Addl. PP for the state through VC.
Sh. Fahim Alam, Ld. Counsel for accused through VC.

Further arguments heard in detail.

It is stated that bail application of co-accused Golu is still pending before Hon'ble High Court for 21.12.2020.

IO is directed to join through VC on next date of hearing with case file.

Put up for arguments and clarifications regarding order, if any passed by Hon'ble High Court on application of Golu and order on 22.12.2020.

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**(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
04.12.2020**

BAIL APPLICATION : 2042/2020

State v. Karan Arora
FIR no.: 353/2020
PS: Lahori Gate
U/S: 420,406 IPC

04.12.2020

Present: Sh. Pawan Kumar, Ld. Addl. PP for the state through VC.
Sh. Abhay Kumar, Ld. Counsel for accused through VC.

Reply filed by IO.

Part arguments in detail heard.

Inter alia it is claimed that complainant Nitin Chawla was known to the applicant and some sham transaction was entered relating to alleged sale of shop no. 3 and 5 by such accused Karan Arora and his two brothers to the complainant. Not only that it is further categorically stated that loan from PNB bank was availed by Nitin Chawla only.

Put up for further arguments and appropriate order on 08.12.2020.

Issue notice to IO to appear with case file.

Further, issue notice to complainant Nitin Chawla to appear through VC. Such notice be issued through IO. In the meanwhile, accused is directed to join investigation having regard to the rules relating to quarantine period, as and when so directed by the IO. Further, no coercive action be taken against accused till next date of hearing by IO/SHO concerned .

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Additional Sessions Judge-04/Central
04.12.2020

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BAIL APPLICATION : 2056/2020

State v. Dr. Vishwajeet Kumar
FIR no.: 239/2020
PS: I.P. Estate

04.12.2020

Present: Sh. Pawan Kumar, Ld. Addl. PP for the state through VC.
Sh. Manish Sharma and Ms. Ekta Ld. Counsels for applicant through
VC.

Reply not filed by IO.

Issue notice to IO to file reply.

Put up for reply, arguments and orders on 09.12.2020.

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(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
04.12.2020

BAIL APPLICATION : 1593/2020

**State v. Naveen Giri
FIR no.: 271/2020
PS: Prasad Nagar**

04.12.2020

Present: Sh. Pawan Kumar, Ld. Addl. PP for the state through VC.
Ld. Counsel for accused through VC.
Sh. Roshan Lal. Ld. Counsel for complainant through VC.
Complainant in person through VC alongwith PSI Asmita.

Further part arguments heard.

It is stated that search is yet to be conducted after availing search warrant. Although there is provision of Section 165 Cr.P.C. which is not used by IO for the reasons best known to IO. Still put up for further arguments and orders on this application on 08.12.2020.

Interim protection, if any to continue till next date of hearing.

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Additional Sessions Judge-04/Central
04.12.2020**

BAIL APPLICATION : 1624/2020

**State v. Vishal @ Rahul
FIR no.: 22/2020**

04.12.2020

Present: Sh. Pawan Kumar, Ld. Addl. PP for the state through VC.

None for accused.

IO ASI Gyan Prakash through VC.

Additional reply also filed.

**Put up for further arguments, appearance of learned counsel for
accused and appropriate orders for 19.12.2020.**

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Additional Sessions Judge-04/Central
04.12.2020**

BAIL APPLICATION : 1637/2020

**State v. Raju
FIR no.: 100/2020
PS: Hauz Qazi**

04.12.2020

This is an application for reduction of surety bond.

Present: Sh. Pawan Kumar, Ld. Addl. PP for the state through VC.
None for applicant.

**Put up for appearance of counsel for applicant and appropriate
order for 19.12.2020.**

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**(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
04.12.2020**

BAIL APPLICATION : 1820/2020

**State v. Rajesh Gurjar
FIR no.: 264/2020
PS: Prasad Nagar**

04.12.2020

Present: Sh. Pawan Kumar, Ld. Addl. PP for the state through VC.
Sh. Anil Kumar Sharma, Ld. Counsel for applicant through VC.
Sh. Kumar Piyush Pushkar, Ld. counsel for complainant.

Documents relied by complainant side supplied to accused side through Whatsapp yesterday and through e-mail today.

**Put up for arguments on this anticipatory bail application on
05.12.2020 at 12.30 pm.**

**Interim protection to continue in terms of previous order till
tomorrow.**

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**(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
04.12.2020**

M.Crl.: 191/2020

**State v. Sonu
FIR no.: 444/2020
PS: Sarai Rohilla**

04.12.2020

Present: Sh. Pawan Kumar, Ld. Addl. PP for the state through VC.
None for applicant.

Put up for appearance and appropriate orders on 19.12.2020.

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**(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
04.12.2020**

M.Crl.: 193/2020

**State v. Danish
FIR no.: 444/2020
PS: Sarai Rohilla**

04.12.2020

Present: Sh. Pawan Kumar, Ld. Addl. PP for the state through VC.
None for applicant.

Put up for appearance and appropriate orders on 19.12.2020.

**NAVEEN KUMAR
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**(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
04.12.2020**

Bail Matters No.:1879/2020
State Vs Shailender Prasad
FIR No.: 235/2020
PS: Kamla Market

04/12/2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.

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

Vide this order the regular bail application dated 10/11/2020 moved by the accused Shailender Prasad is disposed off

In nutshell, it is argued that as per the final MLC the injury was simple in nature. That he was arrested later on from his house and not from spot. that recovery of knife is a common household vegetable knife; that there is discrepancy in the date of arrest; that investigation is complete; that he is a government employee and has roots in society; that his earlier bail application was moved on 26/10/2020; that he is in JC since 27/09/2020; no purpose would be served by keeping him in JC.

On the other hand, in reply filed by the IO as also argued by learned Addl.PP for the State, it is stated that his earlier application is already rejected by this Court on 26/10/2020; there is no material change in circumstances since dismissal of such bail application; that he injured the victim in stomach with knife. As such, present bail application is strongly opposed.

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

All the grounds which are taken in the present application are already taken in the earlier application. As such, this Court finds force in the arguments of learned Addl.PP for the State; that there is no material change in circumstances and the injury caused was on vital part. Such, having regard to the nature of offence and the manner in which accused caused such injury, this Court is not inclined to grant the bail. Hence, the same is dismissed.

The bail application is accordingly disposed off. Learned counsel for applicant is at liberty to obtain through electronic mode. Copy of this order be sent to concerned Jail Superintendent. Copy of this order be sent to IO / SHO concerned.

The observations made in the present bail application order are for the purpose of deciding of present application and do not affect the factual matrix of the investigation of the present case which is separate issue as per law.

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**(Naveen Kumar Kashyap)
ASJ-04/Central/04.12.2020**

Bail Matters No.: 692/2020 & 1537/2020
State Vs Sonu @ Amrit Kundra
FIR No.:251/2019
PS: Prashad Nagar

04/12/2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. Prabhat Kumar, learned counsel for applicant / accused through VC.
Mr. Anil Sharma, learned counsel for complainant through VC.

Further arguments in detail heard on the regular bail application and the application for cancellation of bail.

Issue notice to IO to appear with case file on the next date of hearing.

Learned counsel for accused is at liberty to place on record the FSL result and supplementary chargesheet.

Put up for further arguments and appropriate orders for **16/12/2020**.

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(Naveen Kumar Kashyap)
ASJ-04/Central/04.12.2020

BAIL APPLICATION

**State Vs. Vipin Sharma
(applicant Shail)
FIR No. :213/2018
PS: Lahori Gate**

04.12.2020.

Undersigned is also discharging bail roster duty.

Present: Mr. Pawan Kumar ,Ld. Addl. PP for the State through VC.
Sh. Virender ,Ld. Counsel for accused Shail.

Initially it is stated that present application is moved for regular bail as well as for interim bail and it is stated that Ld. Counsel wants to press for interim bail.

Part arguments on the same heard.

At this stage, Ld. Counsel states that he wants to press for regular bail.

Put up for further arguments and appropriate proceedings on 17.12.2020.

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(Naveen Kumar Kashyap)

ASJ-04/Central/04.12.2020

BAIL APPLICATION

**_ State v. Tehsiin @ Kevda
(applicant Anis @ Dupattewal)
FIR No. :20/2015
PS: Kamla Market**

04.12.2020.

Undersigned is also discharging bail roster duty.

Present: Mr. Pawan Kumar ,Ld. Addl. PP for the State through VC.
IO Shyoram Yadav is present through VC.
None for applicant.

Put up for appearance, arguments and appropriate proceedings on

17.12.2020.

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ASJ-04/Central/04.12.2020

At this stage,

**Sh. Waiz Islam appears through VC. At his request, date of 17.12.2020 is
changed to 14.12.2020.**

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(Naveen Kumar Kashyap)

ASJ-04/Central/04.12.2020

BAIL APPLICATION

**_ State v. Sunil
(applicant Sunil Rathor)
FIR No. :415/2015
PS: Kotwali**

04.12.2020.

Undersigned is also discharging bail roster duty.

Present: Mr. Pawan Kumar ,Ld. Addl. PP for the State through VC.
Sh. Ravinder Aggarwal, Ld. Counsel for applicant.

Case file required for purpose of order on this bail application.

**As such, put up on physical hearing day i.e. on 08.12.2020 for
orders/clarifications.**

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(Naveen Kumar Kashyap)

ASJ-04/Central/04.12.2020

**State Vs Karan Bhardwaj & others
(Application for Karan Bhardwaj)
FIR No. 112/2019
P. S. Wazirabad**

04.12.2020

This Court is also discharging bail roster duty.

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

Mr.Piyush Pahuja, learned counsel for the applicant through VC.

Accused is on interim bail.

Put up for further appropriate orders and for consideration having regard to the directions by the Hon'ble High Court for 16/01/2021.

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**(Naveen Kumar Kashyap)
ASJ-04/Central/04.12.2020**

**State Vs Devender Kumar @ Sanjay
(Application for Vinay @ Monty)
FIR No. 799/2014
P. S. Darya Ganj**

04.12.2020

This Court is also discharging bail roster duty.

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

None for the applicant.

Put up for further appropriate orders and for consideration having regard to the directions by the Hon'ble High Court for 16/01/2021.

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**(Naveen Kumar Kashyap)
ASJ-04/Central/04.12.2020**

State Vs Ajay Sharma & others
(Application for extension of IB of Deepak @ Bunty)
FIR No. 506/2015
P. S. Nabi Karim

04.12.2020

This Court is also discharging bail roster duty.

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

None for the applicant / accused.

Put up for appearance of counsel for the applicant / accused and for appropriate orders for
09/12/2020.

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(Naveen Kumar Kashyap)
ASJ-04/Central/04.12.2020

SC: 408/2020
State v. Noman & anr.
FIR NO: 288/2020
PS: Chandni Mahal

04.12.2020

Fresh case received after committal. It be checked and registered.

Present: Sh. Pawan Kumar Ld. Addl. PP for the state through VC.
Both accused are stated to be on regular bail through VC with counsel Sh. A.A. Qureshi.

Put up for arguments/ appropriate proceedings/orders for 06.02.2021.

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(Naveen Kumar Kashyap)
ASJ-04/Central/04.12.2020

SC No: 28317/2016
FIR No: 48/2015
PS: Nabi Karim
State Vs Ajay @ Nathu & others

04.12.2020

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.

Undersigned is also discharging work of Bail Roster duty.

Present: Mr. Pawan Kumar, Learned Addl.PP for the State through VC.
Mr. Deepak Sharma, learned counsel for accused Ajay Nathu, Krishan, Dharmender @ Monti and Beena through VC.
Accused Ajay Nathu is on interim bail present through VC and remaining accused are stated to be on regular bail.
Mr. J.S. Mishra, learned LAC for accused Sunil @ Vikas through VC.
Further, witness inspector Anil Kumar is present through VC.

Put up for PE in terms of previous order for **08/04/2021**. Also issue notice to two of the material witnesses for the next date of hearing.

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(Naveen Kumar Kashyap)
ASJ-04/Central/04.12.2020

SC No: 28096/2016
FIR No: 224/2015
PS: Timar Pur
State Vs Gurcharan Singh & Anr

04.12.2020

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.

Undersigned is also discharging work of Bail Roster duty.

Present: Mr. Pawan Kumar, Learned Addl.PP for the State through VC.
Proxy counsel Mr. Vikas Garg, learned counsel for accused No.1
Gurcharan through VC who is stated to be in JC.
Accused Gurcharan produced from Jail No.3 through VC.

Put up for PE in terms of previous order for 08/04/2021. Issue production warrant for the accused, who are in JC for the next date of hearing. Also issue notice to two of the material witnesses for the next date of hearing.

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(Naveen Kumar Kashyap)
ASJ-04/Central/04.12.2020

SC No: 28873/2016
FIR No: 106/2016
PS: Maurice Nagar
State Vs Naveen Uppal @ Sunny

04.12.2020

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.

Undersigned is also discharging work of Bail Roster duty.

Present: Mr. Pawan Kumar, Learned Addl.PP for the State through VC.

Accused on interim bail through VC.

Mr. Chetan Pangasa, learned counsel for accused also present.

Further complainant Sanjay Kumar in person through VC.

IO Sanjay is also present through VC.

MHC(M) from PS Maurice Nagar is also present through VC.

Witness Anni Aggarwal also present through VC.

Put up for PE in terms of previous order for 08/04/2021. Also issue notice to two of the material witnesses for the next date of hearing.

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(Naveen Kumar Kashyap)
ASJ-04/Central/04.12.2020

SC No: 28831/2016
FIR No:192/2016
PS: Subzi Mandi
State Vs Naresh

04.12.2020

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.

Undersigned is also discharging work of Bail Roster duty.

Present: Mr. Pawan Kumar, Learned Addl.PP for the State through VC.

Accused Naresh and Manish produced from Jail No.8 Tihar Jail through VC.

Mr. Yatinder Kumar, learned Amicus Curiae for accused is also present through VC.

Accused Raj Kumar also produced from Jail No.4 through VC.

Put up for PE in terms of previous order for 09/04/2021. Issue production warrant for the accused who are in JC for the next date of hearing. Also issue notice to two of the material witnesses for the next date of hearing.

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(Naveen Kumar Kashyap)
ASJ-04/Central/04.12.2020

SC No: 27806/2016
FIR No:173/2013
PS: Burari
State Vs Shanu

04.12.2020

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.

Undersigned is also discharging work of Bail Roster duty.

Present: Mr. Pawan Kumar, Learned Addl.PP for the State through VC.
Mr. J.S. Mishra, learned LAC for accused.

At request, put up for final arguments / conclusion of final arguments for 14/12/2020. Issue production warrant for the accused, if any, in JC for the next date of hearing.

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(Naveen Kumar Kashyap)
ASJ-04/Central/04.12.2020

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SC No: 27481/2016
FIR No: 386/2014
PS: Pahar Ganj
State Vs Pawan Sharma

04.12.2020

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.

Undersigned is also discharging work of Bail Roster duty.

Present: Mr. Pawan Kumar, Learned Addl.PP for the State through VC.

None.

Put up for final arguments / conclusion of final arguments for 14/12/2020. Issue production warrant for the accused, if any, in JC for the next date of hearing.

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(Naveen Kumar Kashyap)
ASJ-04/Central/04.12.2020

SC No: 28517/2016
FIR No: 214/2015
PS: Civil Lines
State Vs Subhash Rai & Anr

04.12.2020

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.

Undersigned is also discharging work of Bail Roster duty.

Present: Mr. Pawan Kumar, Learned Addl.PP for the State through VC.
Mr. Yatinder Kumar, learned LAC for both accused.

At request, put up for compliance of furnishing of bail bond u/s 437A Cr.PC of both the accused as they are stated to be on bail during trial, and further for arguments and appropriate orders for 14/12/2020.

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(Naveen Kumar Kashyap)
ASJ-04/Central/04.12.2020

SC No: 387/2018
FIR No:79/2018
PS: Kotwali
State Vs Bhola Etc.

04.12.2020

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.

Undersigned is also discharging work of Bail Roster duty.

Present: Mr. Pawan Kumar, Learned Addl.PP for the State through VC.
Mr. Vinay Kumar, learned counsel for both the accused.

It is stated by the accused No.2 Mujjafar Alam has already expired. In fact report filed by HC Arjun which is forwarded by SHO Kotwali regarding verification of such accused No.2. As per such reply, factum of death was tried to be verified and it is stated by the family members and the neighbourers that such accused died on 11/09/2020. But no death certificate is received so far. As such, such death verification could not be completed.

As such, issue fresh notice to SHO PS Kotwali / IO to further verify the factum of death co-accused Mujjafar Alam including death certificate.

Put up for PE for 09/04/2021.

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(Naveen Kumar Kashyap)
ASJ-04/Central/04.12.2020

CA No. 77/2019
Rajender Kumar Vs M/s Ajay Industrial Corporation Pvt. Ltd.

04.12.2020

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.
Undersigned is also discharging work of Bail Roster duty.

Present: Appellant Rajender Kumar is present through VC.

Put up for his appearance in the Court / execution of bail bond u/s 437(A) Cr.PC / pronouncement of judgment and further appropriate orders / clarification, if any, for **10/12/2020.**

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(Naveen Kumar Kashyap)
ASJ-04/Central/04.12.2020

CA No. 84/2020
Mohan Kumar Vs State

04.12.2020

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.
Undersigned is also discharging work of Bail Roster duty.

Present: Mr. Manoj Sharma, learned counsel for the appellant through VC.
Mr. Pawan Kumar, Learned Addl.PP for the State through VC.

Put up for appearance of appellant and arguments for **08/12/2020**.

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(Naveen Kumar Kashyap)
ASJ-04/Central/04.12.2020

CA No. 85/2020
Pratap Singh Vs State

04.12.2020

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.
Undersigned is also discharging work of Bail Roster duty.

Present: Mr. Manoj Sharma, learned counsel for the appellant through VC.
Mr. Pawan Kumar, Learned Addl.PP for the State through VC.

Put up for appearance of appellant and arguments for **08/12/2020**.

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(Naveen Kumar Kashyap)
ASJ-04/Central/04.12.2020

CR No.: 258/2020
Dr. Sanjay Aggarwal Vs State and others

04.12.2020

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.
Undersigned is also discharging work of Bail Roster duty.

Present: Ms. Minakshi Aggarwal, learned counsel for the revisionist through VC.
Mr. Pawan Kumar, Learned Addl.PP for the State through VC.

Put up for consideration / appropriate orders on this revision petition for **18/12/2020**.

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(Naveen Kumar Kashyap)
ASJ-04/Central/04.12.2020

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CR No.: 229/2020
Sufi Arman Hussain Siddiqui Vs Inder Singh & Ors.

04.12.2020


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.
Undersigned is also discharging work of Bail Roster duty.

Present: None.

Put up for appearance of revisionist and for appropriate orders for 08/04/2021.

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ASJ-04/Central/04.12.2020