

**FIR No.99/2016**

**PS Civil Lines**

**State v.Surje Tamang @ Surje Yojan Tamang**

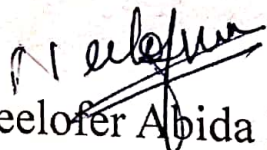
23.07.2020

Present: None.

File is taken up today as the undersigned has been nominated to attend the Orientation Programme on Law, Technology and Development on 24.07.2020 and 25.07.2020 through video conferencing conducted by the Delhi Judicial Academy. Therefore, matter is postponed and shall be taken up for order on sentence on 27.07.2020. **Date of 25.07.2020 is canceled.**

Copy of order be forwarded to the Jail Superintendent with direction for production of accused persons through video conferencing on 25.07.2020 and also for intimation to ld. counsel for accused.

For order on sentence, put up on **27.07.2020.**

  
(Neelofer Abida Perveen)  
ASJ (Central)THC/Delhi  
**23.07.2020**

**FIR No. 76/2017**  
**PS: Gulabi Bagh**  
**State Vs. Suraj**  
**U/s 307/452/506/34 IPC**

23.07.2020

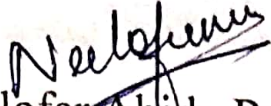
Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)  
Sh. Satish Kumar, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of bail on behalf of accused Suraj in case FIR No. 76/2017.

Arguments heard.

For orders, put up on **28.07.2020**.

  
(Neelofer Abida Perveen)  
ASJ (Central)THC/Delhi  
23.07.2020

**FIR No. 699/2015**

**PS: NDRS**

**State Vs. Arun Kumr @ Mental**

**U/s 302/392/397/34 IPC**

23.07.2020

Fresh application received. Be registered.

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)

None for accused-applicant.

Hearing conducted through Video Conferencing.

This is an application for grant of parole of 45 days on behalf of accused Arun Mental in case FIR No. 699/2015 is received from jail.

It is submitted in the application that accused-applicant is suffering from Hepatitis B and further that mother of the accused-applicant has suffered paralysis and there is no one to look after her. That brother of the accused-applicant is not look after his mother as there is dispute with regarding to the property.

Ld. Addl.PP on the other hand submitted that it ahs been verified and the report in on the record that mother of the accused-applicant is peacefully residing with her another son Sudhir Kumar who is a private teacher and there is no such property dispute between mother and son, that another younger brother of the accused is also living with them Accused-applicant does not have clean antecedents and is involved in several other criminal cases. Moreover, conduct of the accused-applicant in Court is also not good on the dates of hearing and is very vocal threatening




and intimidating. That previous applications on the same grounds have also been dismissed.

It emerges that earlier also accused has moved application raising similar ground which has already been dismissed while observing that elder brother of the accused is there to look after the mother of the accused-applicant. The mother of the accused is living with her two other sons in the same house who are capable of looking after her. That accused-applicant does not have clean antecedents and is involved several other criminal cases. The ground of illness of mother in such circumstances as the other two brothers of the accused are capable of taking care of his mother does not warrant for an exercise of the concession in favour of the accused considering his previous criminal antecedents and conduct in custody.

The accused applicant has stated that he is suffering from Hepatitis B. let report be filed by the Jail Superintendent concerned in respect of the medical health status of the accused applicant and the treatment being provided to him.

For report and consideration put up on 29.7.2020.

  
(Neelofer Abida Perveen)  
ASJ (Central)THC/Delhi  
23.07.2020

**FIR No. 03/2020**  
**PS: NDRS**  
**State Vs. Usman**  
**U/s 20 NDPS Act**

23.07.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)

Sh. Tarun Satija, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of bail on behalf of accused Usman in case FIR No. 03/2020.

Ld. counsel for accused-applicant submits that he is not aware whether the chargesheet has been filed in the present case or not and the prayer has been made for grant of statutory bail as no copy of chargesheet has been served upon the accused within 90 days of the arrest.

Reply of IO is received. Ld. Addl. PP submits that chargesheet was presented before the Duty Magistrate on 08.04.2020, well within 90 days, however as per provisions of NDPS Act, chargesheet could have been filed in 180 days as case pertains to the recovery of commercial quantity of contraband.

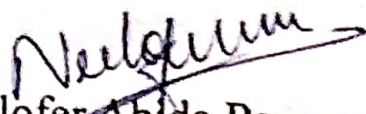
Ld. Counsel for the accused-applicant submits that he is not aware as to what recovery has been alleged against the accused-applicant as no copy of chargesheet has been supplied to the accused-applicant.

It has been verified that chargesheet was filed before the Ld.



Duty Magistrate on 08.04.2020 as the regular working of the Court stood suspended since 23.03.2020 vide notification issued by the Hon'ble High Court of Delhi in pursuance of national lockdown announced in wake of the out break of covid-19 pandemic. The chargesheet was thereafter received in the Court of Ld. CMM and it has also been verified that the same has been forwarded to the appropriate Court under NDPS Act on 30.07.2020 i.e. Court of Sh. Deepak Dabas, Ld. Special Judge-01, NDPS Act, Delhi.

Since the chargesheet is now pending before the Court of Sh. Deepak Dabas, Ld. Special Judge-01, NDPS Act, Delhi, the present application for grant of statutory bail / regular bail is dismissed on the ground that chargesheet has already been filed in the Court of Sh. Deepak Dabas, Ld. Special Judge-01, NDPS Act, Delhi.

  
(Neelofer Abida Perveen)  
ASJ (Central) THC/Delhi  
23.07.2020

**FIR No. 243/2017**

**PS: Burari**

**State Vs. Deepak**

**U/s 302/380/411/201/120B/34 IPC & 25 Arms Act**

23.07.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)

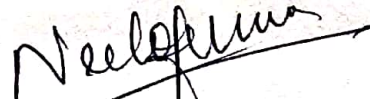
Sh.Arvind Vats, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of bail on behalf of accused Deepak in case FIR No. 243/2017 invoking guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020.

Arguments heard.

For orders, put up on **27.07.2020**.



(Neelofer Abida Perveen)

ASJ (Central)THC/Delhi

23.07.2020

**FIR No. 243/2017**

**PS: Burari**

**State Vs. Jaswant Singh @ Raja**

**U/s 363/365/302/120B/34 IPC and 25 Arms Act**

**23.07.2020**

**Present:** Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)

Sh. Piyush Pahuja, Counsel for accused-applicant (through video conferencing)

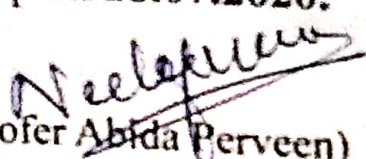
Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of interim bail of 45 days on behalf of accused-applicant Jaswant Singh @ Raja in case FIR No. 243/2017 invoking the guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020.

Arguments heard.

Ld. counsel for accused-applicant seeks some time to place on record orders where accused in similar circumstances have been granted interim bail.

For further consideration, put up on **28.07.2020**.

  
(Neelofer Abida Perveen)  
ASJ (Central)THC/Delhi

**23.07.2020**



**FIR No. 91/2018**

**PS: Kotwali**

**State Vs. Kasim**

**U/s 342/397/395/411/120B/34 IPC and 25/27 Arms Act**

23.07.2020

Fresh application received. Be registered.

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)

Sh.Alok Vajpayee, Counsel from DLSA for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of interim bail for 30 days on behalf of the accused-applicant namely Kasim in case FIR No.91/2018.

Reply on merits filed.

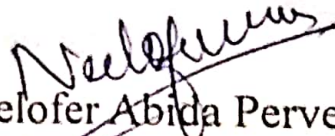
When it is put to the Ld. counsel for accused as to what is the ground setup for grant of interim bail, ld. counsel submits that ground is setup in para 4 of the application and that the old aged mother and minor children of the accused-applicant are facing acute financial hardship as accused-applicant is the only bread winner for the family.

Acute financial hardship alone cannot be a ground for release of accused-applicant on interim bail. However, it emerges that accused-applicant has clean antecedents and has undergone, as per date of registration of the FIR, over two years in custody and is charged for commission of offence under Section 395/392/397 IPC.



In such facts and circumstances, as previous involvement report is received, let custody certificate with conduct report be called from the Jail Superintendent concerned, in order to assess if the accused-applicant fulfills all the criteria laid down under the guidelines issued by High Powered Committee of High Court of Delhi dated 18.05.2020 for release of the UTPs in order to decongest the prisons in Delhi due to out break of covid-19 pandemic

For report and consideration, put up on **29.07.2020**.

  
(Neelofer Abida Perveen)  
ASJ (Central)THC/Delhi  
**23.07.2020**

**FIR No. 224/2018**  
**PS: Crime Branch**  
**State Vs. Sri Chand**  
**U/s 22/29/61/85 NDPS Act**

23.07.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)  
Sh. J. K. Tripathi, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of regular bail on behalf of the accused-applicant namely Sri Chand in case FIR No.224/2018.

Reply is filed.

Ld. counsel for the accused-applicant submits that accused-applicant has been falsely implicated in the present case. That accused-applicant is working as courier boy with the courier agency. That accused-applicant has no connection with the present offence. That accused-applicant is in JC since 03.09.2018. That accused-applicant has minor children and wife who are on the verge of starvation. That earlier also accused-applicant was granted interim bail and he has not misused the concession of interim bail and has surrendered in time. That accused-applicant has clean antecedents.

Ld. Addl. PP, on the other hand, submitted that accused-applicant has played an active role in commission of offence with the co-

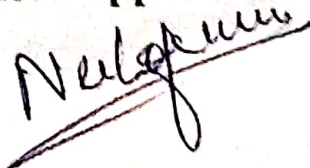
*Neelofar*

accused persons and that the case pertains to the illegal trafficking of Tramadol tablets in huge quantity. It is not controverted that the accused applicant has clean antecedents and also that the accused applicant was working as a courier boy and was delivering the parcel to the co accused employee of the consignee who is a licensed dealer in respect of the consignment of medicines the subject matter of the present prosecution.

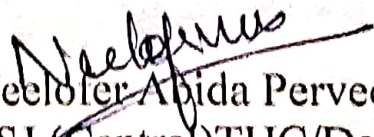
Heard.

It is the case of the prosecution that acting on a secret information on 3.9.2018 a raiding party upon compliance of all procedural safeguards had recovered 50 boxes of TORI-SR from the possession of co accused Rakesh Mishra containing 25 strips of 10 tablets each, and from the possession of co accused Babloo Kumar 100 boxes of the same drug which had been handed over by accused applicant Srichand. From the spot as such there is no recovery alleged against the accused-applicant. As per report of the IO, accused is not involved in any other criminal case. It is also not disputed that accused-applicant is a courier boy and the consignment as such was legitimate consignment belonging to license holder. It is a matter of trial if the accused applicant was acting in connivance a part of a criminal conspiracy. It has also to be taken into consideration and that trial of the case which is at the very initial stages is likely to taken some time to conclude due to the suspension of the regular working of the court in the wake of the outbreak of Covid-19 Pandemic.

In such facts and circumstances and upon such consideration, application is allowed and accused-applicant Sri Chand S/o Matapher



is granted regular bail in case FIR No. 224/2018 on furnishing personal bond in the sum of Rs.50,000/- with two sureties in the like amount and subject to the condition that accused-applicant shall not in any manner threaten/ influence the witnesses in this case or tamper with the evidence or interfere with the course of justice in any manner whatsoever, shall appear scrupulously on every date of hearing in the court and shall not in any manner delay the trial, and shall furnish his mobile phone number to the IO and shall ensure that the mobile phone number remains throughout on switched on mode with location activated and shared with the IO. That on weekly basis accused-applicant shall confirm his location to the IO telephonically. That accused-applicant on the 1st of each calendar month shall mark his presence with the SHO of PS Crime Branch. That the accused-applicant shall not leave the territorial limits of NCR Region without prior intimation to the IO concerned nor shall he change his address or mobile phone number without intimation to the IO concerned. The sureties shall also intimate to the IO any change in address or their mobile phone numbers which shall be mentioned in the Bond.

  
(Neelofar Abida Perveen)  
ASJ (Central) THC/Delhi  
23.07.2020

**FIR No. 310/2016**  
**PS: Sarai Rohilla**  
**State Vs. Asif etc.**  
**U/s 394/397/34 IPC**

22.07.2020

Fresh application received. Be registered.

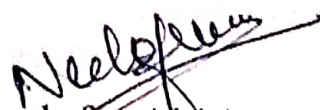
Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)

Sh. Piyush Pahuja, Counsel from for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application seeking directions to the Jail Superintendent for allowing relatives of the accused to hand over him clothes in jail.

After arguing for some time, ld counsel for the accused-applicant submits that he does not want to press upon the present application and that the same may be dismissed as withdrawn. It is ordered accordingly. **Application of the accused-applicant seeking directions to the Jail Superintendent to allow relatives of the accused-applicant for handing over clothes to him in jail is therefore dismissed as withdrawn.**

  
(Neelofer Abida Perveen)  
ASJ (Central)THC/Delhi  
23.07.2020

**FIR No. 310/2016**  
**PS: Sarai Rohilla**  
**State Vs. Asif etc.**  
**U/s 394/397/34 IPC**

23.07.2020

Fresh application received. Be registered.

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)

Sh.Piyush Pahuja, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application for modification of order dated 02.07.2020 granting bail to the accused-applicant in case FIR No. 310/2016.

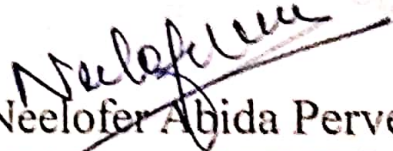
Ld. Counsel for the accused-applicant submits that accused was granted bail vide order dated 02.07.2020, however, accused-applicant belongs to the weaker section of the society and family of the accused-applicant is not in a position to arrange two sureties of Rs.50,000/- and it has been prayed that surety amount may be reduced.

Heard.

Accused-applicant has been granted regular bail on 02.07.2020 but still is in custody as he is not in a position to furnish surety of the amount as mentioned in the bail order. In such circumstances, order dated 02.07.2020 granting bail to the accused-applicant is modified only to the extent that amount of bond is reduced to Rs.30,000/-, however with



further stipulation that out of the two sureties, one surety should be local surety and further condition that accused-applicant on 15<sup>th</sup> of every calendar month shall get his presence marked at the local police station. IO shall forward copy of the order to the SHO of the local police station concerned and the SHO concerned shall ensure that if the accused fails to get his presence marked on 15<sup>th</sup> of any calendar month, he shall immediately inform the IO about violation of the conditions. That accused-applicant shall confirm his location to the IO on weekly basis telephonically.

  
(Neelofer Abida Perveen)  
ASJ (Central) THC/Delhi  
23.07.2020



**FIR No. 43/2018**  
**PS: Sadar Bazar**  
**State Vs. Shakir**  
**U/s 302/34 IPC**

23.07.2020

Fresh bail received. Be registered.

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)

Sh. Vikrant Chaudhary, Counsel for accused-applicant (through video conferencing)

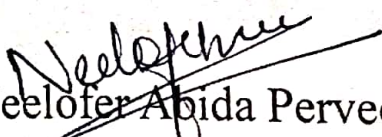
Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of interim bail of 45 days on behalf of accused Shakir in case FIR No. 43/2018 invoking guidelines issued by High Powered Committee of High Court of Delhi dated 18.05.2020 for release of the UTPs in order to decongest the prisons in Delhi due to out break of covid-19 pandemic.

Report of IO received that accused-applicant has no previous involvement.

Let custody certificate with conduct report of the accused-applicant be called from Superintendent Jail.

For report and consideration, put up on **28.07.2020**.

  
(Neelofer Abida Perveen)  
ASJ (Central) THC/Delhi  
23.07.2020

**FIR No. 142/2017**  
**PS: Sarai Rohilla**  
**State Vs. Amit Kumar**  
**U/s 304B/498A/34 IPC**

23.07.2020

Present: Fresh application received. Be registered.  
Sh. K.P.Singh, Ld. Addl. PP for State (through video

conferencing)

Sh.Niraj Chaudhary, counsel for accused-applicant (through  
video conferencing)

Hearing conducted through Video Conferencing.

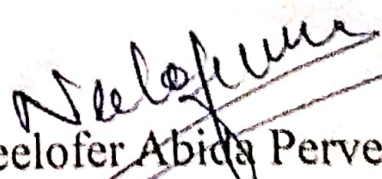
This is an application under Section 439 CrPC for extension  
of interim bail of 45 days on behalf of accused Amit Kumar in case FIR  
No. 142/2017.

Ld. Counsel for the accused-applicant submits that accused-  
applicant granted interim bail of 45 days vide order dated 11.06.2020  
passed by the Court of Sh. Anuj Aggarwal, Ld. ASJ, Delhi and interim bail  
period is going to expire on 26.07.2020.

It emerges that the High Powered Committee in its meeting  
dated 20.06.2020 had recommended for extension of interim bails further  
by 45 days of the undertrial prisoners who had been granted interim bail in  
the first place on the basis of guidelines issued by the High Powered  
Committee which recommendations came to be accepted by the H'ble Hc  
of Delhi and directions for extension of bails passed on 22.6.2020 in  
WP(C) 3080/20.

*Niraj Chaudhary*

The prayer for extension, is hence, rendered infructuous in the wake of the directions issued by the Hon'ble the High Court of Delhi in WP (C) No. 3080/2020 titled as Court on its own motion v. Govt. of NCT Delhi & Anr. Dated 22.06.2020 vide which accepting the recommendation of High Powered Committee dated 20.06.2020, the interim bail for a period of 45 days granted to 2961 UTPs as per High Powered Committee criteria has been ordered to have been extended by another period of 45 days from the date of the respective expiry on the same terms and conditions. Case of the accused-applicant is covered under the blanket order of Hon'ble High Court dated 22.06.2020 for extension of interim bails. There arises no necessity by this Court to pass individual extension orders separately in every such case covered under the blanket order extending interim bails granted as per Covid-19 criteria by further period of 45 days. Application is disposed of as infructuous in terms of order dated 22.06.2020 passed by the Hon'ble the High Court of Delhi in WP (C) No. 3080/2020 titled as Court on its own motion v. Govt. of NCT Delhi & Anr.

  
(Neelofer Abida Perveen)  
ASJ (Central) THC/Delhi  
23.07.2020