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

Bail Application No.:1790/2020

State v. Salman
FIR No. :195/2019
PS: Kamla Market
U/s:365,392,397,411 IPC

07.12.2020

This court is also discharging bail roster duty.

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

Arguments already heard in this case.

Today case was fixed for orders.

Vide this order, regular bail application u/s 439 Cr.PC dated 26.10.2020 filed through counsel is disposed of.

It is stated in such application that he has been falsely implicated in the present case; that he is in JC since 10.01.2020. That he is no more required for further investigation. That nothing is recovered from him except the planted recovery. That there is a spread of corona virus including inside the jail. That bail is a rule and jail is exception. There is no previous conviction of the accused. At best the allegations against the present accused are u/s 411 IPC only. As such, it is prayed that he be granted regular bail.

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 at gun point looted a Scorpio vehicle in question and even abducted the passenger of such vehicle on gun point. That stolen vehicle was later recovered from him with forged number plate. Further, a country made pistol was also recovered from him. That other criminal cases against the present accused. That his family do not have control over him. That he

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refused TIP but later identified by complainant during investigation. As such, present bail application is strongly opposed.

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 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 a matter of record that accused is in JC since 11.01.2020. In fact, the period for seeking police remand is

already over. Further, he is not arrested on the spot but later on with the vehicle in question. Further, it is claimed that complainant has identified such accused during the course of investigation. 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, as per reply by the IO, such accused is not found to be convicted but has only criminal involvement.

In above facts and circumstances, such accused is granted bail subject to furnishing of **personal bond in the sum of Rs. 25,000/- with two sound sureties of like amount**, subject to the satisfaction of the learned Trial court and the following additional conditions:

- 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*

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'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

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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. Copy of this order be also sent to Jail Superintendent concerned through electronic mode.

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KASHYAP

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(NAVEEN KUMAR KASHYAP)
ASJ-04(Central/Delhi)
07.12.2020

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

Bail Application : 1894/2020

**State Vs. Rajbir Singh Chauhan
FIR No. 45/2020
PS.: Prasad Nagar
U/s: 457, 380, 411, 34 IPC**

07.12.2020

**Present: Mr. Pawan Kumar, Learned Addl. PP for State
through VC.
Sh. Asgar Khan, Ld counsel for the applicant /
accused through VC.**

Vide this order, the bail application under section 439 Cr.P.C. on behalf of accused dated 16.11.2020 filed through counsel is disposed of.

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

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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

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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

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not identical, but vitally and drastically dissimilar. (**Sundeeep 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

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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 state that accused is in JC since 07.07.2020. It is further stated that he has been falsely implicated in the present case; no purpose would be served by keeping him in JC; that he will be fully cooperated with the investigation. That he is the sole bread earner of the family. That he has roots in the society. It is further stated that his bail application was earlier rejected vide order dated 21.09.2020.

On the other hand, it is stated by the IO, as also argued by the learned Addl.PP for the state that he purchased a vehicle out of looted money and made part payment for the same for such money. I-card of the complainant is recovered from the present applicant. It is further stated that he is habitual criminal having other criminal case pending against him. That his family has no control over him. That he is living in a rented accommodation at NOIDA. His presence may not be secured for trial if he may be released on bail. That he is likely to commit similar offence. His earlier regular bail application are rejected twice by sessions court.

I find force in the arguments of learned Addl.PP for the state. There is hardly any material change in the circumstances

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except filing of chargesheet. Further, presence of accused may not be secured if he is released on bail. Further, his is likely to commit similar offence if he is released on bail. As such, , 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 this order be sent to Jail Superintendent concerned through electronic mode.

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**(Naveen Kumar Kashyap)
Additional Sessions Judge-04
Central/THC/Delhi
07.12.2020**

Anticipatory Bail

Bail Matters No.: 1623/2020
State Vs Nikita Singhal, Ajay Kumar Singhal, Mala Singhal, Nimisha Singhal and
Shishyam Baghel
FIR No. :26/2020
PS: Rajinder Nagar
U/S:406, 34 IPC

07/12/2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. Amish Aggarwal, learned counsel for the applicants through VC.
Complainant present through VC with her son.
Mr. Shramvir Vats, learned counsel for complainant also through VC.

1. Vide this order, this joint anticipatory bail application filed by accused Nikita Singhal, Ajay Kumar Singhal, Mala Singhal, Nimisha Singhal and Shishyam Baghel dated 26/10/2020 under section 438 Cr.P.C. on behalf of accused filed through counsel is disposed off.

2. At this stage it may be noted that in the case of **Bhadresh Bipinbhai Sheth Vs. State Of Gujarat & Another**(Criminal Appeal Nos. 1134-1135 Of 2015, Arising Out Of Special Leave Petition (Crl.) Nos. 6028-6029 Of 2014), Hon'ble SC discussed and reviews the law relating to section 438 Cr.P.C.

3. A judgment which needs to be pointed out is a Constitution Bench Judgment of this Court in the case Gurbaksh Singh Sibbia and Other vs. State of Punjab(1980 AIR 1632 ; 1980 SCR(3) 383), The Constitution Bench in this case emphasized that provision of anticipatory bail enshrined in [Section 438](#) of the Code is conceptualised under [Article 21](#) of the Constitution which relates to personal liberty. Therefore, such a provision calls for liberal

State Vs Nikita Singhal, Ajay Kumar Singhal, Mala Singhal, Nimisha Singhal and Shishyam Baghel
FIR No. :26/2020
PS: Rajinder Nagar
U/S:406, 34 IPC

interpretation of [Section 438](#) of the Code in light of [Article 21](#) of the Constitution. The Code explains that an anticipatory bail is a pre- arrest legal process which directs that if the person in whose favour it is issued is thereafter arrested on the accusation in respect of which the direction is issued, he shall be released on bail. The distinction between an ordinary order of bail and an order of anticipatory bail is that whereas the former is granted after arrest and therefore means release from the custody of the police, the latter is granted in anticipation of arrest and is therefore, effective at the very moment of arrest. A direction under [Section 438](#) is therefore intended to confer conditional immunity from the 'touch' or confinement contemplated by [Section 46](#) of the Code. The essence of this provision is brought out in the following manner:

“26. We find a great deal of substance in Mr Tarkunde’s submission that since denial of bail amounts to deprivation of personal liberty, the court should lean against the imposition of unnecessary restrictions on the scope of [Section 438](#), especially when no such restrictions have been imposed by the legislature in the terms of that section. [Section 438](#) is a procedural provision which is concerned with the personal liberty of the individual, who is entitled to the benefit of the presumption of innocence since he is not, on the date of his application for anticipatory bail, convicted of the offence in respect of which he seeks bail. An over-generous infusion of constraints and conditions which are not to be found in [Section 438](#) can make its provisions constitutionally vulnerable since the right to personal freedom cannot be made to depend on compliance with unreasonable restrictions. The beneficent provision contained in [Section 438](#) must be saved, not jettisoned. No doubt can linger after the decision in [Maneka Gandhi v. Union of India](#), (1978) 1 SCC 248, that in order to meet the challenge of [Article 21](#) of the Constitution, the procedure established by law for depriving a person of his liberty must be fair, just and reasonable. [Section 438](#), in the form in which it is conceived by the legislature, is open to no exception on the ground that it prescribes a procedure which is unjust or unfair. We ought, at all costs, to avoid

throwing it open to a Constitutional challenge by reading words in it which are not to be found therein.”

4. Though the Court observed that the principles which govern the grant of ordinary bail may not furnish an exact parallel to the right to anticipatory bail, still such principles have to be kept in mind, namely, the object of bail which is to secure the attendance of the accused at the trial, and the proper test to be applied in the solution of the question whether bail should be granted or refused is whether it is probable that the party will appear to take his trial. Otherwise, bail is not to be withheld as a punishment. The Court has also to consider whether there is any possibility of the accused tampering with evidence or influencing witnesses etc. Once these tests are satisfied, bail should be granted to an undertrial which is also important as viewed from another angle, namely, an accused person who enjoys freedom is in a much better position to look after his case and to properly defend himself than if he were in custody. Thus, grant or non-grant of bail depends upon a variety of circumstances and the cumulative effect thereof enters into judicial verdict. The Court stresses that any single circumstance cannot be treated as of universal validity or as necessarily justifying the grant or refusal of bail. After clarifying this position, the Court discussed the inferences of anticipatory bail in the following manner:

“31. In regard to anticipatory bail, if the proposed accusation appears to stem not from motives of furthering the ends of justice but from some ulterior motive, the object being to injure and humiliate the applicant by having him arrested, a direction for the release of the applicant on bail in the event of his arrest would generally be made. On the other hand, if it appears likely, considering the antecedents of the applicant, that taking advantage of the order of anticipatory bail he will flee from justice, such an order would not be made. But the converse of these propositions is not necessarily true. That is to say, it cannot be laid down as an inexorable rule that anticipatory bail cannot be granted unless the proposed accusation appears to be actuated by mala fides; and, equally, that anticipatory

bail must be granted if there is no fear that the applicant will abscond. There are several other considerations, too numerous to enumerate, the combined effect of which must weigh with the court while granting or rejecting anticipatory bail. The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the State" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail. The relevance of these considerations was pointed out in [The State v. Captain Jagjit Singh](#), AIR 1962 SC 253 : (1962) 3 SCR 622 : (1962) 1 Cri LJ 216, which, though, was a case under the old [Section 498](#) which corresponds to the present [Section 439](#) of the Code. It is of paramount consideration to remember that the freedom of the individual is as necessary for the survival of the society as it is for the egoistic purposes of the individual. A person seeking anticipatory bail is still a free man entitled to the presumption of innocence. He is willing to submit to restraints on his freedom, by the acceptance of conditions which the court may think fit to impose, in consideration of the assurance that if arrested, he shall be enlarged on bail."

5. It is pertinent to note that while interpreting the expression "may, if it thinks fit" occurring in [Section 438\(1\)](#) of the Code, the Court pointed out that it gives discretion to the Court to exercise the power in a particular case or not, and once such a discretion is there merely because the accused is charged with a serious offence may not by itself be the reason to refuse the grant of anticipatory bail if the circumstances are otherwise justified. At the same time, it is also the obligation of the applicant to make out a case for grant of anticipatory bail. But that would not mean that he has to make out a "special case". The Court also remarked that a wise exercise of judicial power inevitably takes care of the evil

consequences which are likely to flow out of its intemperate use.

6. Another case to which can be referred to is the judgment of a Division Bench of this Court in the case of [Siddharam Satlingappa Mhetre v. State of Maharashtra and Others](#)(SLP(CRL.) 7615/2009 DATED 02-12-2021).This case lays down an exhaustive commentary of [Section 438](#) of the Code covering, in an erudite fashion, almost all the aspects and in the process relies upon the aforesaid Constitution Bench judgment in Gurbaksh Singh's case. In the very first para, the Court highlighted the conflicting interests which are to be balanced while taking a decision as to whether bail is to be granted or not, as is clear from the following observations:

“1.This appeal involves issues of great public importance pertaining to the importance of individual's personal liberty and the society's interest. Society has a vital interest in grant or refusal of bail because every criminal offence is the offence against the State. The order granting or refusing bail must reflect perfect balance between the conflicting interests, namely, sanctity of individual liberty and the interest of the society. The law of bails dovetails two conflicting interests, namely, on the one hand, the requirements of shielding society from the hazards of those committing crimes and potentiality of repeating the same crime while on bail and on the other hand, absolute adherence to the fundamental principle of criminal jurisprudence regarding presumption of innocence of an accused until he is found guilty and the sanctity of individual liberty.....”

7. The principles which can be culled out can be stated as under:

(i) The complaint filed against the accused needs to be thoroughly examined, including the aspect whether the complainant has filed a false or frivolous complaint on earlier occasion. If the connivance between the complainant and

the investigating officer is established then action be taken against the investigating officer in accordance with law.

(ii) The gravity of charge and the exact role of the accused must be properly comprehended. Before arrest, the arresting officer must record the valid reasons which have led to the arrest of the accused in the case diary. In exceptional cases, the reasons could be recorded immediately after the arrest, so that while dealing with the bail application, the remarks and observations of the arresting officer can also be properly evaluated by the court.

(iii) It is imperative for the courts to carefully and with meticulous precision evaluate the facts of the case. The discretion to grant bail must be exercised on the basis of the available material and the facts of the particular case. In cases where the court is of the considered view that the accused has joined the investigation and he is fully cooperating with the investigating agency and is not likely to abscond, in that event, custodial interrogation should be avoided. A great ignominy, humiliation and disgrace is attached to arrest. Arrest leads to many serious consequences not only for the accused but for the entire family and at times for the entire community. Most people do not make any distinction between arrest at a pre-conviction stage or post-conviction stage.

(iv) There is no justification for reading into [Section 438](#) CrPC the limitations mentioned in [Section 437](#) CrPC. The plentitude of [Section 438](#) must be given its full play. There is no requirement that the accused must make out a “special case” for the exercise of the power to grant anticipatory bail. This virtually, reduces the salutary power conferred by [Section 438](#) CrPC to a dead letter. A person seeking anticipatory bail is still a free man entitled to the presumption of innocence. He is willing to submit to restraints and conditions on his freedom, by the acceptance of conditions which the court may deem fit to impose, in

consideration of the assurance that if arrested, he shall be enlarged on bail.

(v) The proper course of action on an application for anticipatory bail ought to be that after evaluating the averments and accusations available on the record if the court is inclined to grant anticipatory bail then an interim bail be granted and notice be issued to the Public Prosecutor. After hearing the Public Prosecutor the court may either reject the anticipatory bail application or confirm the initial order of granting bail. The court would certainly be entitled to impose conditions for the grant of anticipatory bail. The Public Prosecutor or the complainant would be at liberty to move the same court for cancellation or modifying the conditions of anticipatory bail at any time if liberty granted by the court is misused. The anticipatory bail granted by the court should ordinarily be continued till the trial of the case.

(vi) It is a settled legal position that the court which grants the bail also has the power to cancel it. The discretion of grant or cancellation of bail can be exercised either at the instance of the accused, the Public Prosecutor or the complainant, on finding new material or circumstances at any point of time.

(vii) In pursuance of the order of the Court of Session or the High Court, once the accused is released on anticipatory bail by the trial court, then it would be unreasonable to compel the accused to surrender before the trial court and again apply for regular bail.

(viii) Discretion vested in the court in all matters should be exercised with care and circumspection depending upon the facts and circumstances justifying its exercise. Similarly, the discretion vested with the court under [Section 438 CrPC](#) should also be exercised with caution and prudence. It is unnecessary to travel beyond it and subject the wide power and discretion conferred by the legislature

to a rigorous code of self-imposed limitations.

(ix) No inflexible guidelines or straitjacket formula can be provided for grant or refusal of anticipatory bail because all circumstances and situations of future cannot be clearly visualised for the grant or refusal of anticipatory bail. In consonance with legislative intention, the grant or refusal of anticipatory bail should necessarily depend on the facts and circumstances of each case.

(x) The following factors and parameters that need to be taken into consideration while dealing with anticipatory bail:

(a) The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made;

(b) The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a court in respect of any cognizable offence;

(c) The possibility of the applicant to flee from justice;

(d) The possibility of the accused's likelihood to repeat similar or other offences;

(e) Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her;

(f) Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people;

(g) The courts must evaluate the entire available material against the accused very carefully. The court must also clearly comprehend the exact role of

the accused in the case. The cases in which the accused is implicated with the help of [Sections 34](#) and [149](#) of the Penal Code, 1860 the court should consider with even greater care and caution, because overimplication in the cases is a matter of common knowledge and concern;

(h) While considering the prayer for grant of anticipatory bail, a balance has to be struck between two factors, namely, no prejudice should be caused to free, fair and full investigation, and there should be prevention of harassment, humiliation and unjustified detention of the accused;

(i) The Court should consider reasonable apprehension of tampering of the witness or apprehension of threat to the complainant;

(j) Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused is entitled to an order of bail.

8. In the present case, in nutshell, it is argued on behalf of applicants that there is no offence u/s 406 IPC made out. At best, it is a civil dispute. It is further argued that in any case a complaint u/s 138 NI Act already filed by complainant side against the accused side. It is further stated that there is business dealing between the parties. Mr. Nitin Jain, son of complainant approached Nikita Singhal / one of the applicant in 2017 regarding Apparels business but complainant side failed to give the discount promised by them. There is some dispute regarding the same. It is further argued that a sum of Rs. 72 lacs is already paid by

State Vs Nikita Singhal, Ajay Kumar Singhal, Mala Singhal, Nimisha Singhal and Shishyam Baghel
FIR No. :26/2020
PS: Rajinder Nagar
U/S:406, 34 IPC

accused side to the complainant side. That they fraudulently obtained blank signed cheque and already filed case based on them. Further, learned counsel relied on a number of case law also in support of his arguments. As such, it is prayed that to release the petitioners on bail in the event of their arrest or grant them seven days notice.

9. On the other hand, it is argued by the counsel for the complainant that that all the five applicants / accused dealt with the present complainant and in connivance with each other all the five accused committed the offence in question and cheated the complainant. It is further argued that filing of civil case is a separate matter. That there are specific allegations against each of five accused.

10. Further, in reply filed by the IO SI Krishan Pal as also argued by learned Addl.PP for the State it is stated that now the accused side is not paying back the outstanding amount of Rs. 20 lacs and not cooperating in the investigation. That for recovery of goods their custodial interrogation is required. As such, present anticipatory bail is strongly opposed.

11. In the present case, it is admitted case of parties, there was business dealing between two sides. It is further matter of record that cheque dishonor case already filed by the complainant side against the accused side for the same disputed amount in question. Further, the offence alleged even as per reply by the IO is 406 r/w 34 IPC, which carries a maximum punishment for 07 years. Further it appears that applicants No.2 to 5 Ajay Kumar Singhal, Mala Singhal, Nimisha Singhal and Shishyam Baghel are other family members / associates of the applicant No.1 Nikita Singhal ,and applicant No-1 mainly had dealing with the complainant side regarding such business. In fact, applicant no.1 also have some grievance regarding breach of promise against complainant's side. In this background, the

case law discussed above, the maximum punishment prescribed for such offence, and the allegations made against applicants nos.2 to 5 namely Ajay Kumar Singhal, Mala Singhal, Nimisha Singhal and Shishyam Baghel ,they be released on bail in the event of their / his / her arrest on furnishing of personal bond and surety bond in the sum of Rs. 25,000/- each, subject further following conditions.

- i) That he / she will appear before Trial Court as and when called as per law.*
- ii) He will not indulge in any kind of activities which are alleged against him / her in the present case.*
- iii) That he / she will not leave India without permission of the Court.*
- iv) He / she will not contact or threaten the witness or tampering with evidence.*

It is clarified that in case if such applicants / accused are 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.

12. But as far as accused No.1 Nikita Singhal is concerned, there are specific allegations against her. Further, she dealt with the complainant side. Therefore, she is supposed to account for the articles in question. Further, as far as IO, custodial interrogation is required. As such, as far as applicant no.1 Nikita Singhal is concerned, the prayer sought qua her in present application is dismissed.

13. But having noted so, it may also be noted that as the maximum punishment is 07 years as per the allegations made at present, therefore, the IO is duty bound to follow directions, inter-alia, given by Hon'ble Supreme Court in the case of Arnesh Kumar.

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

15. The observations made in the present anticipatory 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 Distt.)/Delhi/07/12/2020**

Bail Matters No.: 2030/2020
State Vs Gaurav Yadav
FIR No.: 167/2020
PS: Rajinder Nagar

07/12/2020

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

Mr. Atul Chaturvedi, learned counsel for applicant through VC.

At request, put up for arguments with connected matters for tomorrow i.e. **08/12/2020**.

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(Naveen Kumar Kashyap)
ASJ-04/Central/07.12.2020

Bail Matters No.: 2080/2020
State Vs Vishal Marwah
FIR No.: 238/2006
PS: Rajinder Nagar

07/12/2020

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

None for the applicant.

Put up for arguments, if any, and for appropriate orders for **18/12/2020**.

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(Naveen Kumar Kashyap)
ASJ-04/Central/07.12.2020

Bail Matters No.: 2082/2020
State Vs Arif
FIR No.: 244/2020
PS: Kamla Market

07/12/2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. Rashid Hashmi, learned counsel for the applicant through VC.
SI Giriraj in person through VC.

Reply filed by the IO.

Arguments in detail heard on this fresh interim bail application.

Put up for orders / clarification, if any, for **09/12/2020**.

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(Naveen Kumar Kashyap)
ASJ-04/Central/07.12.2020

BAIL APPLICATION.: 1636/2020


**State v. Amit @ Akash
FIR no.: 193/2019
PS: Prasad Nagar**

07.12.2020

Present: Sh. Pawan Kumar, Ld. Addl. PP for the state through VC.
Sh. Kunal Madaan, Ld. Counsel for complainant through VC.
Sh. Mohit Chadha, Ld. Counsel for applicant/accused through VC.

In view of petition pending before Hon'ble Supreme Court, put up for further appropriate proceedings for 11.12.2020.

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**(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
07.12.2020**

BAIL APPLICATION.: 1767/2020

**State v. Arpit Goel
FIR no.: NA
PS: Kamla Market**

07.12.2020

Present: Sh. Pawan Kumar, Ld. Addl. PP for the state through VC.
Sh. Surender Kr Sharma, Ld. Counsel for accused through VC.
IO with complainant through VC.
Sh. Manish Badhera, Ld. Counsel for complainant through VC.

It is stated that matter is still pending before Mediation for 16.12.2020.

As such, put up for further arguments and appropriate orders for

19.12.2020.

Interim protection, if any to continue in terms of previous order.

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**(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
07.12.2020**

BAIL APPLICATION.: 1958/2020

**State v. Nitin Kansal
FIR no.: 263/2020
PS: Prasad Nagar**

07.12.2020

Present: Sh. Pawan Kumar, Ld. Addl. PP for the state through VC.
Sh. Ramesh Gupta, Ld. Senior Counsel for complainant through VC.
IO SI Bhawani is also present through VC.

On instructions, it is stated that outside itself, he wants to withdraw present bail application with liberty to file afresh at appropriate stage later on.

Heard. Allowed.

Present bail application is dismissed as withdrawn without any finding on merit.

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(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
07.12.2020

BAIL APPLICATION.: 2081/2020

**State v. Amit Kansal
FIR no.: 263/2020
PS: Prasad Nagar**

07.12.2020

Present: Sh. Pawan Kumar, Ld. Addl. PP for the state through VC.
Sh. Ramesh Gupta, Ld. Senior Counsel for complainant through VC.
IO SI Bhawani is also present through VC.

This is fresh anticipatory bail application.

Reply filed by IO. Copy supplied.

Arguments in detail heard.

Put up for orders/clarifications, if any on 08.12.2020.

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**(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
07.12.2020**

BAIL APPLICATION.:

State v. Zeeshan Ahmed
FIR no.: 182/2018
PS: Hauz Qazi

07.12.2020

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

Even on the last date of hearing, none was present for applicant.

As such, present application is dismissed in default.

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(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
07.12.2020

BAIL APPLICATION No.: 1522/2020

**_ State v. Ramu
FIR No. : 217/2020
PS: Rajinder Nagar**

07.12.2020.

Present: Mr. Pawan Kumar ,Ld. Addl. PP for the State through VC.
Sh. V.B. Arya, Ld. Counsel for applicant through VC.
New IO no present today.

Issue show cause notice to IO through SHO why he not appeared through VC
with case file. Such notice be issued within two days.

Put up on 21.12.2020.

in the meanwhile, interim protection, if any to continue till next date.

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(Naveen Kumar Kashyap)

ASJ-04/Central/07.12.2020

BAIL APPLICATION. 1557/2020

**State v. Monish Alam
FIR no.: 266/2020
PS: Prasad Nagar**

07.12.2020

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

Today case was fixed for orders/clarifications. Certain clarifications required from IO.

Issue notice to IO SI Sanjay regarding the reply filed by him.

Put up for further arguments/clarifications and orders on

19.12.2020.

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**(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
07.12.2020**

BAIL APPLICATION

**_ State v. Sunil @ Kalu
(applicant Ravi Dhika)
FIR No. : 303/2014
PS: Subzi Mandi
U/S: 302,307,120B IPC**

07.12.2020.

Undersigned is also discharging bail roster duty.

Present: Mr. Pawan Kumar ,Ld. Addl. PP for the State through VC.
None for applicant.

Nobody was present even on the last date of hearing. As such, present bail

application is dismissed in default.

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(Naveen Kumar Kashyap)

ASJ-04/Central/07.12.2020

BAIL APPLICATION

**_ State v. Bablu Mathur
(applicant Ankit Aggarwal)
FIR No. : 221/2015
PS: Karol Bagh
U/S: 302,392,394,397,342,411,120B, 34 IPC**

07.12.2020.

Undersigned is also discharging bail roster duty.

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

Heard.

Put up for further appropriate orders/proceedings for 17.01.2021.

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(Naveen Kumar Kashyap)
ASJ-04/Central/07.12.2020

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BAIL APPLICATION

**_State v. Naeem @ Chuha
FIR No. : 215/2016
PS: Chandni Mahal**

07.12.2020.

Undersigned is also discharging bail roster duty.

Present: Mr. Pawan Kumar ,Ld. Addl. PP for the State through VC.
Sh. Sunil Tiwari, Ld. Counsel for applicant with applicant through VC.

Heard.

Put up for further appropriate orders/proceedings for 17.01.2021.

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(Naveen Kumar Kashyap)

ASJ-04/Central/07.12.2020

BAIL APPLICATION

**_ State v. Vinod @ Dada
(applicant Ashish)
FIR No. : 39/2019
PS: Lahori Gate
U/S: 394,397,307,341,120B, 34 IPC**

07.12.2020.

Undersigned is also discharging bail roster duty.

Present: Mr. Pawan Kumar ,Ld. Addl. PP for the State through VC.
Sh. Harsh Hardy, Ld. Counsel for applicant Ashish through VC.

Arguments heard.

**Put up for further arguments and appropriate orders with case file on
14.12.2020.**

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(Naveen Kumar Kashyap)

ASJ-04/Central/07.12.2020

BAIL APPLICATION

**_ State v. Sunil @ Ajay
FIR No. : 107/2020
PS: Nabi Karim**

07.12.2020.

Undersigned is also discharging bail roster duty.

Present: Mr. Pawan Kumar ,Ld. Addl. PP for the State through VC.
Sh. P.K. Garg, Ld. Counsel for applicant through VC.

This is fresh application for regular bail dated 04.12.2020.

Put up for reply, arguments and appropriate orders for 16.12.2020.

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(Naveen Kumar Kashyap)

ASJ-04/Central/07.12.2020

SC No: 27225/2016
FIR No: 20/2015
PS: Kamla Market
State Vs Tehsin @ Kevda & others

07.12.2020

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.

Ms. Arti Gupta, learned counsel for Adil @ Shahzada through VC.

Accused Adil @ Shahzada stated to be in JC.

Accused Nadeem produced from JC Jail No.8 through VC.

Accused Mohd. Anis, Ahtesham @ Rehan and Arshad produced from Jail No.4 through VC.

Put up for PE in terms of previous order for **13/04/2021**. 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/07.12.2020

CR No.: 681/2019
Seed Inspector (North) Vs Gangotri Quality Seed Pvt.Ltd & Ors

07.12.2020

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 the purpose already fixed / arguments in terms of previous order for **13/04/2021**.

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(Naveen Kumar Kashyap)
ASJ-04/Central/07.12.2020

CA No. 462/2019
Neeraj Kumar Goel Vs The State & Ors.

07.12.2020


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. Vishwajeet Mangla, learned counsel for the appellant alongwith
appellant through VC.
Mr. Pawan Kumar, Learned Addl.PP for the State through VC.
None for other respondents.

Put up for further appropriate proceedings regarding limitation application filed by the present
appellant for **13/01/2021**.

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(Naveen Kumar Kashyap)
ASJ-04/Central/07.12.2020

CA No. 59/2020
Rohit @ Machhi Vs State of NCT of Delhi

07.12.2020

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. S.N. Shukla, learned LAC for appellants through VC.
Mr. Pawan Kumar, Learned Addl.PP for the State through VC.

Further clarification given.

Put up for judgment / clarification, if any, for **08/12/2020**.

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(Naveen Kumar Kashyap)
ASJ-04/Central/07.12.2020

CA No. 132/2020
Samay Chand Vs Govt. of NCT of Delhi

07.12.2020

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.

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

Put up for arguments in terms of previous order / purpose fixed for **13/04/2021**.

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(Naveen Kumar Kashyap)
ASJ-04/Central/07.12.2020

SC No: 836/2017
FIR No: 182/2017
PS: Kamla Market
State Vs Arshlan Ali & others

07.12.2020

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. Amjad Khan, learned counsel for accused Arslan and Govind through VC, both accused are stated to be on interim bail.


Ms. Shubh Laxmi Dubey, learned counsel for accused Bilal through VC.

Accused Bilal is present physically in Court.

Mr. Asif Khan, learned counsel for the complainant through VC.

Put up for PE in terms of previous order for 13/04/2021. 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/07.12.2020

SC No: 28232/2016
FIR No: 315/2014
PS: Nabi Karim
State Vs Ilyass Mohd. @ Tahir Mohd. @ Iklass

07.12.2020

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. Rajnder Prasad, learned Amicus for accused through VC.

Put up for arguments in terms of previous order for **13/04/2021**.

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(Naveen Kumar Kashyap)
ASJ-04/Central/07.12.2020

CA No. 112/2018
R @ G s/o Prahlad Singh Vs State

07.12.2020

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. Ishan Bhardwaj, learned counsel for the appellant.
Mr. Pawan Kumar, Learned Addl.PP for the State through VC.

Put up for arguments in terms of previous order for **13/04/2021**.

NAVEEN
KUMAR
KASHYAP

Digitally signed by
NAVEEN KUMAR
KASHYAP
Date: 2020.12.07
17:25:43 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/07.12.2020

CA No.: 54/2019
State Vs Jagdish Sharma

07.12.2020

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 for respondent.

Put up for appearance of respondent and for arguments in terms of previous order for

13/04/2021.

**NAVEEN
KUMAR
KASHYAP**

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Date: 2020.12.07
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ASJ-04/Central/07.12.2020

CA No.: 106/2019
Kulbir Singh Kharb Vs Onkar Sharma

07.12.2020

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 parties and for arguments in terms of previous order for **13/04/2021**.

NAVEEN KUMAR KASHYAP
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(Naveen Kumar Kashyap)
ASJ-04/Central/07.12.2020

SC: 28098/2016
State v Shiv Prasad @ Amit etc.
FIR NO: 298/2012
PS: Sarai Rohilla

07.12.2020

File taken up today as 06.12.2020 was holiday being Sunday.

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

**Put up for appearance of parties and arguments in terms of previous order
for 14.04.2021.**

NAVEEN
KUMAR
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KASHYAP
Date: 2020.12.07
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(Naveen Kumar Kashyap)
ASJ-04/Central/07.12.2020

SC: 27799/2016
State v Kailash Kumar etc.
FIR NO: 69/2012
PS: Sarai Rohilla

07.12.2020

File taken up today as 06.12.2020 was holiday being Sunday.

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

**Put up for appearance of parties and arguments in terms of previous order
for 14.04.2021.**

**NAVEEN
KUMAR
KASHYAP**

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NAVEEN KUMAR
KASHYAP
Date: 2020.12.07
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ASJ-04/Central/07.12.2020