

BAIL APPLICATION**FIR No. : 264/2015****PS: Subzi Mandi****State v Ajay****U/S: 393, 397, 302 IPC****20.06.2020**

Present: Mr. Pawan Kumar, Addl. PP for the State through
Electronic mode.

Mr. Jabbar Hussain, learned counsel for accused
through electronic mode.

It appears that there is some confusion in the order dated 16/06/2020 as it is not the case for extension of interim bail but granting interim bail.

Reply filed by the IO dated 16/06/2020. As per such, reply, inter-alia there is no previous involvement of this case.

Heard.

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

2. As per minutes of meeting dated 18.05.2020 of Hon'ble High Court, interim bail application as per the criteria given by Hon'ble HC in above mentioned minutes, such application is to be moved by Ld. Legal Aid Counsel *alongwith* copy of custody

warrant.

3. In view of direction by Hon'ble HC, **Jail Superintendent concerned** to file:

- (i) Copy of **custody warrant** of present accused;
- (ii) A **certificate regarding good conduct**, if any, of the accused during his custody period so far.

4. As such, issue notice of present application to Jail Superintendent concerned.

5. **Counsel for accused is advised to collect the order online through electronic mode or otherwise dasti as requested.**

6. Put up for report, arguments and further appropriate orders on 24.06.2020, preferably through V.C.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
Central District
20.06.2020

BAIL APPLICATION

C-581/1526

FIR No. :17/18

PS: EOW

STATE v. Dinesh Kumar

U/S: 420/467/468/471/477A/120B IPC

20.06.2020.

Present: Sh. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. Maninder Jeet Singh, learned counsel for the applicant in person.
Mr. Yogendra Singh, learned counsel for complainant through VC.

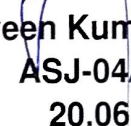
Reply to the second bail application filed by the IO SI Radhey Shyam.

At this stage, it is stated by the counsel for accused that he is pressing only interim bail relief at this stage, that too on the ground of illness of the wife of the accused.

Certain medical documents relating to illness of wife of accused are annexed herewith.

IO to verify the documents relating to medical condition of the wife of accused and file report on the next date of hearing.

Put up for such reply, further arguments and appropriate orders on **22/06/2020**. Learned counsel is at liberty to obtain dasti copy or through electronic mode.


(Naveen Kumar Kashyap)
ASJ-04/Central/THC
20.06.2020

: 1 :

INTERIM BAIL APPLICATION

FIR No: 329/2017
PS: Subzi Mandi
State Vs Salman @ Guru
U/s : 392, 394, 397, 34 IPC

20/06/2020

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

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

2. Reply filed by the IO.

3. Arguments heard.

4. As it is not the case of accused that he himself is unwell, thus case of the accused is not covered under directions as passed by Hon'ble High Court dated 18/04/2020.

5. But it is also the direction by Hon'ble HC that even otherwise such applications are to be considered on merit . Accordingly Heard on merit.

6. It is argued by the accused side that he is in JC since 13/02/2018; that he has deep roots in society, that he has been falsely implicated in the present case; that he is covered under the relaxed interim bail criteria dated 18/05/2020 of Hon'ble High Court of Delhi; that the complainant already

FIR No: 329/2017; PS: Subzi Mandi; State Vs Salman @ Guru; U/s : 392, 394, 397, 34 IPC

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expired on 13/05/2018; that there is no witness remaining who can be threatened now; that he is no more required for investigation; that seriousness of the offence is not the sole criteria for refusal of bail.

But it may be noted that although the present application is for regular bail dated 12/06/2020, but during arguments learned counsel pressed only for interim bail for 45 days. As such, this application is disposed off accordingly.

7. Reply filed by the State in which it is stated that there is other involvements of the present accused. That there is cctv footage regarding incident in which present accused beating the complainant and running with pistol. It is further argued that offence is serious in nature.

8. I find force in the arguments of the learned Addl.PP. It may further be noted that in whole application no specific ground for interim bail is mentioned except that case of accused falls in the relaxed criteria for interim bail as per order dated 18/05/2020 of Hon'ble High Court. But, in any case the minutes of meeting of the Hon'ble High Court dated 18/05/2020 do not even deal with the offences of the present nature. Infact, the same is dealt by minutes dated 18/04/2020 as already noted above. On merit, therefore, there is no case made out for interim bail, further having regard to the nature of offence and the role of the accused and that prosecution evidence is not yet over, this court is not inclined to grant the interim bail. With these observations the present application is disposed off as dismissed. Copy of order be given dasti.

9. The present application stands disposed off accordingly. Both side are at liberty to collect the order dasti or through electronic mode.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
Central District/20.06.2020

INTERIM BAIL APPLICATION

State Vs. Deepesh @ Deepu
FIR No. :303/2014
PS: Subzi Mandi
U/S: 302/307 IPC

Dated:20.06.2020.

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. Vikrant Chowdhary, learned counsel for Accused through VC.

1. *Observations given by Hon'ble High Court of Delhi in W.P. (C) No. 2945/2020 dated 23.03.2020 in case titled as "Shobha Gupta and Ors. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Moto W.P.(C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020 have been issued by Ld. District & Sessions Judge (HQ) read with other directions received from time to time including on 28.03.2020, 07.04.2020, 18.04.2020, 05.05.2020 and 18.05.2020 from Hon'ble High Court as a result of various meetings of Delhi State Legal Services Authority, present application is taken up.*
2. Reply filed by the IO.
3. Arguments heard.
4. It is submitted in the present interim bail application itself, in para 4 that there is two other involvement of present accused namely FIR No.1191/14 PS Subhas Place and FIR No.182/10 PS Bharat Nagar. **But as per report of SI Dhan Singh dated 15/06/2020 PS Subzi Mandi which if forwarded by SHO Subzi Mandi, it is stated that there is no previous involvement of this accused found.**

Thus, in this case although the accused himself is fairly saying that he is involved in two other matters in the present application through counsel. The IO is reporting to the contrary stating that there is no other involvement.

As such, a copy of this order be sent to ACP concerned for his information and necessary action if any.

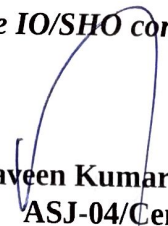
5. Coming back on the present application as admittedly there
State Vs. Deepesh @ Deepu; FIR No. :303/2014; PS: Subzi Mandi U/S: 302/307 IPC

is previous involvement of the present accused, therefore, he does not fall under the relaxed criteria dated 18/05/2020 of the Hon'ble High Court. As such, he cannot be given benefit of the same.

6. On merit, it is argued that his wife is suffering from acute appendix problem and is under observation at Anand Hospital and has been told surgery by the doctor. Certain medical documents are also filed alongwith such application. IO has verified the same and reported that accused's wife is getting treatment from Nand Hospital Nazafgarh Delhi. It is further reported that there is nobody to lookafter accused's wife and his children as accused is in JC. It is further argued by the accused that co-accused is on interim bail. That he is in JC since more than two years. As such, it is prayed that he may be granted atleast four days interim bail so that he can admit his wife in hospital and make other necessary arrangement for her.

7. Although, the factum of ailment of wife is not disputed by the IO as reported in his reply. But, no copy of interim bail allegedly granted to co-accused is place on record. Further, accused is charged with offence u/s 302 IPC which has a minimum punishment for life imprisonment. Further on persual of case file, it is revealed that supplementary chargesheet regarding the present accused was filed recently in January, 2020 only. Therefore, at this stage, this court is not inclined to grant the interim bail to the present accused.

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


(Naveen Kumar Kashyap)
ASJ-04/Central/THC
Central District/20.06.2020

INTERIM BAIL APPLICATION

State Vs Tarun @ Puchi
FIR No. 01/2019
PS.: Darya Ganj
U/s: 392, 397, 34 IPC

20.06.2020

Present: Mr. Pawan Kumar, Learned Addl. PP for State through V.C.
Mr. K.S. Verma, learned counsel for applicant through V.C.

1. *Observations given by Hon'ble High Court of Delhi in W.P.(C) No. 2945/2020 dated 23.03.2020 in case titled as "Shobha Gupta and Ors. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Motu W.P.(C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020 have been issued by Ld. District & Sessions Judge (HQ) read with other directions received from time to time including on 28.03.2020, 07.04.2020, 18.04.2020, 05.05.2020 and 18.05.2020 from Hon'ble High Court as a result of various meetings of Delhi State Legal Services Authority, present application is taken up.*
2. Arguments heard.
3. It is stated by counsel that offence in question is u/s 392, 397 r/w section 34 IPC and he may be released on interim bail.
4. On the other hand, interim bail application is opposed. It is further argued that under section 397 punishment is 10 years or 14 years depending upon where the offence is committed. Further reply has been filed by the IO. It is stated that offence is heinous in nature and he is involved in other cases also.
5. I have heard both the sides and gone through the record.
6. Although, it is true that section 397 IPC entail imprisonment for 10 years or 14 years depending upon the **State Vs Tarun @ Puchi; FIR No. 01/2019; PS.: Darya Ganj; U/s: 392, 397, 34 IPC**

place where the offence is committed. But for the purpose of this bail and having regard to the pandemic situation and in true spirit of the guidelines by the Hon'ble High Court for the present purpose, it is taken to be 10 years at this stage.

7. In view of the directions by Hon'ble High Court, dated 07/04/2020, case of the accused is covered under such directions as maximum punishment is 10 years. Further, accused is in JC since 08/02/2019 as per report of IO i.e. more than one year at present. Further, trial is likely to take sometime, it is further stated that he is the sole bread earner of his family and there is nobody to look after his family and children.

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

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


- i) applicant shall not flee from the justice;
- ii) applicant shall not tamper with the evidence;
- iii) applicant shall not threaten or contact in any manner to the prosecution witnesses ,
- iv) applicant shall not leave country without permission;
- v) applicant shall convey any change of address immediately to the IO and the court;
- vi) applicant shall also provide his/her mobile number to the IO;

vii) applicant shall mark his /her attendance before concerned IO (and if IO is not available then to concerned SHO) every alternative /second day through mobile by sharing his/her location with the SHO concerned;

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

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

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


(Naveen Kumar Kashyap)
ASJ-04/Central/THC
Central District
20.06.2020

INTERIM BAIL APPLICATION

State Vs. Jatan
FIR No. : 419/2016
PS: Sarai Rohilla
U/S: 302, 34 IPC

20.06.2020.

Present: Mr. Pawan Kumar, ,Ld. Addl. PP for the State through VC
Mr. Sachin Kumar Jain, , Ld. Counsel from DLSA for Accused through VC.

1. *Observations given by Hon'ble High Court of Delhi in W.P. (C) No. 2945/2020 dated 23.03.2020 in case titled as "Shobha Gupta and Ors. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Moto W.P.(C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020 have been issued by Ld. District & Sessions Judge (HQ) read with other directions received from time to time including on 28.03.2020, 07.04.2020, 18.04.2020, 05.05.2020 and 18.05.2020 from Hon'ble High Court as a result of various meetings of Delhi State Legal Services Authority, present application is taken up.*
2. Reply filed by the IO through electronic mode. Same is taken on record.
3. Arguments heard.
4. Present application through electronic mode is filed by DLSA through Jail Superintendent concerned. It is stated that accused is in JC since for more than **two years** (which fact is now even verified by IO in his report).

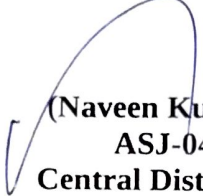
Further, a copy of certificate of conduct as well as copy of **custody warrant** is enclosed with such interim bail application.

5. Further, a report is filed by IO/SHO concerned. As per such report, **there are four other involvement of such accused in other criminal matters apart from the present case. As such, the case of the accused do not fall under the category of relaxed interim bail as stated by the Hon'ble High Court in its criteria dated 18/05/2020. Accordingly, he cannot be granted benefit of the same as there is other criminal**

involvements.

6. As such, in the above position, facts and circumstances of present case and the directions by Hon'ble High Court, applicant/accused can not be given benefit of interim bail for a period of 45 days *under directions as passed by Hon'ble High Court, as mentioned above. Accordingly the present application is dismissed.*

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


(Naveen Kumar Kashyap)
ASJ-04/Central/THC
Central District/20.06.2020

INTERIM BAIL APPLICATION

Application of Ajay Kumar Jha

State Vs. Bablu Mathur & Ors

FIR No. : 221/2015

PS: Karol Bagh

U/S: 302, 392, 394, 397, 342, 411, 120B, 34 IPC

20.06.2020.

Present: Mr.Pawan Kumar, Ld. Addl. PP for the State through
VC
Mr.J.S. Mishra, Ld. Counsel from for Accused through VC.

1. *Observations given by Hon'ble High Court of Delhi in W.P.(C) No. 2945/2020 dated 23.03.2020 in case titled as "Shobha Gupta and Ors. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Moto W.P.(C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020 have been issued by Ld. District & Sessions Judge (HQ) read with other directions received from time to time including on 28.03.2020, 07.04.2020, 18.04.2020, 05.05.2020 and 18.05.2020 from Hon'ble High Court as a result of various meetings of Delhi State Legal Services Authority, present application is taken up.*
2. Reply filed by the IO through electronic mode.
3. Arguments heard.
4. Present application is moved through counsel dated 06/06/2020. It is stated that accused is in JC since for more than **two years** (which fact is now even verified by IO in his report).
5. Further, as per report given by the Jail Superintendent, a copy of **certificate of good conduct** as well as copy of **custody warrant** is enclosed.
6. Further, a report is filed by IO/SHO concerned. As per such report, there is no previous conviction or involvement record of such accused. **Further, it is stated that offences alleged against accused are inter-alia under section 302 IPC.**
7. In view of report by jail supdt concerned , reply given by

IO and direction by Hon'ble High Court of Delhi, case of the accused is covered under directions as passed by Hon'ble High Court, as mentioned above. Further, accused is in JC since more than **two years** at present.

As such, in the above position, facts and circumstances of present case and the directions by Hon'ble High Court, applicant/accused is admitted to interim bail for a period of 45 days from the date of release on furnishing personal bond **in the sum of Rs. 15,000/- to the satisfaction of the Jail Superintendent concerned**. After completion of the interim bail period applicant shall surrender before concerned Jail Superintendent. Necessary intimation be sent to concerned Jail Superintendent accordingly.

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

- i) applicant shall not flee from the justice;
- ii) applicant shall not tamper with the evidence;
- iii) applicant shall not threaten or contact in any manner to the prosecution witnesses ,
- iv) applicant shall not leave country without permission;
- v) applicant shall convey any change of address immediately to the IO and the court;
- vi) applicant shall also provide his/her mobile number to the IO;
- vii) applicant shall mark his /her attendance before concerned IO (and if IO is not available then to concerned SHO) every alternative /second day through mobile by sharing his/her location with the SHO concerned;
- viii) applicant shall further make a call, preferably by audio plus video mode to concerned IO, (and if IO is not available then to concerned SHO) once a week, preferably on Monday between 10 a.m. to 5 p.m.

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

7. The present application stands disposed off accordingly. Both side are at liberty to collect the order dasti or through electronic mode. **Further a copy of this order be sent to the IO/SHO concerned by electronic mode through Prosecution Branch /Concerned nodal officer of Delhi Police.**

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
Central District/20.06.2020

INTERIM BAIL APPLICATION

State Vs. Vikrant Sagar
FIR No. :303/2014
PS: Subzi Mandi
U/S: 302/307/34 IPC

20.06.2020.

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. Hemant Gulati, learned counsel for Accused through 1 VC.

1. *Observations given by Hon'ble High Court of Delhi in W.P. (C) No. 2945/2020 dated 23.03.2020 in case titled as "Shobha Gupta and Ors. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Moto W.P.(C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020 have been issued by Ld. District & Sessions Judge (HQ) read with other directions received from time to time including on 28.03.2020, 07.04.2020, 18.04.2020, 05.05.2020 and 18.05.2020 from Hon'ble High Court as a result of various meetings of Delhi State Legal Services Authority, present application is taken up.*
2. Reply filed by the IO. Further a conduct report is filed by Jail Superintendent concerned.
3. Arguments heard.
4. As per the report filed by Jail Superintendent dated 19/06/2020, conduct of present accused during judicial custody in Jail is far from satisfactory. As many as, 11 punishments including recently in January and March, 2020 are reported against the present accused, including regarding use of mobile phone, ear phone, uploaded vide media from the mobile phone, misbehaving with the jail authority, recovery of hand made knife from his sleeping place etc.
5. Further, as per IO, although there is no previous involvement of accused, but it is stated that he may jump the interim bail and may not be available for trial. It is further stated that he may involve in similar offences if released on bail. It is further stated that his brother is getting treatment from de-addiction centre from Sonapat Haryana. It is

: 2 :

further stated that his mother is residing alone.

6. On merit, it is argued by learned counsel for accused that his mother requires surgery, his brother is a drug addict and as such cannot take care of mother. He is in JC since last 6 years. That co-accused was also granted interim bail. That he was also granted interim bail earlier. As such, it is prayed that he be granted interim bail.

7. Although, the factum of ailment of mother is not disputed by the IO as reported in his reply. But, no copy of interim bail allegedly granted to co-accused is place on record. Further, accused is charged with offence u/s 302 IPC which has a minimum punishment for life imprisonment. More importantly conduct of present accused is far from satisfactory even inside the jail as reported by the Jail Superintendent concerned. As such, his case is different from the co-accused. Thus, having regard to the nature of offence and conduct of the accused, at this stage, this court is not inclined to grant the interim bail to the present accused.

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

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
Central District/20.06.2020

INTERIM BAIL APPLICATION

**State Vs. Suraj
FIR No. : 106/2012
PS: Kamla Market**

U/S: 302, 307,186, 353, 332, 109, 34 IPC

20.06.2020.

Present: Mr.Pawan Kumar, Ld. Addl. PP for the State through
VC
Mr. Punit Jaiswal, Ld. Counsel from for Accused through
VC.

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

2. Reply filed by the IO.

3. Arguments heard.

4. Present application is moved through counsel dated 12/06/2020. It is stated that accused is in JC since for more than **two years** (which fact is now even verified by IO in his report). As such, it is prayed that in view of the directions of the Hon'ble High Court of Delhi, he be released on interim bail. It is further stated that infact co-accused Ashish Bahuguna is also granted interim bail vide order dated 05/06/2020 and copy of the same is enclosed alongwith the present application.

5. Further, as per report given by the Jail Superintendent, a copy of **certificate of good conduct** as well as copy of **custody warrant** is enclosed.

6. Further, a report is filed by IO/SHO concerned. As per such report, there is no previous conviction or involvement record of such accused. **Further, it is stated that offences alleged against accused are**

inter-alia under section 302 IPC.

7. In view of report by jail supdt concerned , reply given by IO and direction by Hon'ble High Court of Delhi, case of the accused is covered under directions as passed by Hon'ble High Court, as mentioned above. Further, accused is in JC since more than **two years** at present.

As such, in the above position, facts and circumstances of present case and the directions by Hon'ble High Court, applicant/accused is admitted to interim bail for a period of 45 days from the date of release on furnishing personal bond **in the sum of Rs. 15,000/- to the satisfaction of the Jail Superintendent concerned.** After completion of the interim bail period applicant shall surrender before concerned Jail Superintendent. Necessary intimation be sent to concerned Jail Superintendent accordingly.

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


- i) applicant shall not flee from the justice;
- ii) applicant shall not tamper with the evidence;
- iii) applicant shall not threaten or contact in any manner to the prosecution witnesses ,
- iv) applicant shall not leave country without permission;
- v) applicant shall convey any change of address immediately to the IO and the court;
- vi) applicant shall also provide his/her mobile number to the IO;
- vii) applicant shall mark his /her attendance before concerned IO (and if IO is not available then to concerned SHO) every alternative /second day through mobile by sharing his/her location with the SHO concerned;
- viii) applicant shall further make a call, preferably by audio plus video mode to concerned IO, (and if IO is not available then to concerned SHO) once a week, preferably

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on Monday between 10 a.m. to 5 p.m.

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

7. The present application stands disposed off accordingly. Both side are at liberty to collect the order dasti or through electronic mode. ***Further a copy of this order be sent to the IO/SHO concerned by electronic mode through Prosecution Branch /Concerned nodal officer of Delhi Police.***


(Naveen Kumar Kashyap)
ASJ-04/Central/THC
Central District/20.06.2020

BAIL APPLICATION

FIR No. :182/2017

PS: Kamla Market

STATE v. Juber

U/S: 395, 397, 412, 34 IPC & 25/27 Arms Act

20.06.2020.

Present: Sh. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. Ajay Kumar, learned counsel for accused through V.C.

Reply filed by the IO.

This is an application for regular bail or in alternative for interim bail.

Part arguments heard.

It is inter-alia argued that three of the co-accused have been granted interim bail. Copy of such order is not placed on record.

As such, put up with file and for further arguments including at this aspect for **24/06/2020**.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
20.06.2020

INTERIM BAIL APPLICATION

FIR No: 142/2017

PS: Lahori Gate

State Vs Anil

U/s : 395, 397, 412, 34 IPC & 25 & 27 Arms Act

20/06/2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. Manish K Singh, learned counsel for through VC.

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

2. Reply filed by the IO.

3. Arguments heard.

4. As it is not the case of accused that he himself is unwell, thus case of the accused is not covered under directions as passed by Hon'ble High Court dated 18/04/2020.

5. But it is also the direction by Hon'ble HC that even otherwise such applications are to be considered on merit . Accordingly Heard on merit.

6. It is argued that he was arrested on 03/08/2017, that he has deep roots in society, that he has been falsely implicated in the present case; that he is covered under the relaxed interim bail criteria dated 18/05/2020 of Hon'ble High Court of Delhi. It is further stated that co-accused Bijender and

FIR No: 142/2017; PS: Lahori Gate; State Vs Anil; U/s : 395, 397, 412, 34 IPC & 25 & 27 Arms Act

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Jasdev are already granted interim bail for a period of 45 days recently vide order dated 02/06/2020 and 15/06/2020 by learned other sessions judges during bail duty. It is further stated that his nephew is getting married on 23/06/2020 at Meerut and his presence is necessary at such marriage. As such, it is prayed that he be granted interim bail for 45 days.

7. Reply filed by the State in which it is stated that there is another involvement of the present accused. On merit, it is argued that he actively participated in the offence in question. Further his CDR is connecting with the other co-accused and his location was found near the place of offence. His interim bail application is already dismissed vide sessions court on 08/06/2020.

8. I find force in the arguments of the learned Addl.PP. It appears that the bail to the co-accused persons were granted on merit and the facts of those applications. Further in any case the minutes of meeting of the Hon'ble High Court dated 18/05/2020 do not even deal with the offences of the present nature. Infact, the same is dealt by minutes dated 18/04/2020 as already noted above. On merit, having regard to the nature of offence and the role of the accused and that prosecution evidence is not yet over, this court is not inclined to grant the interim bail. **Further interim bail application of present accused, as per report of IO rejected on 08/06/2020 and the same is suppressed by the accused in the present application.** With these observations the present application is disposed off as dismissed. Copy of order be given dasti.

9. The present application stands disposed off accordingly. Both side are at liberty to collect the order dasti or through electronic mode.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
Central District/20.06.2020

BAIL APPLICATION

**FIR No. :106/2016
PS: Maurice Nagar
STATE v. Naveen Uppal @ Sunny
U/S: 302 IPC & 25 / 54 / 59 Arms Act**

20.06.2020.

Present: Sh. Pawan Kumar, Ld. Addl. PP for the State
through VC.
Mr. Mukesh Kalia, Learned counsel for the
applicant / accused through VC.
Complainant in person.

Part arguments

Learned counsel for complainant is not available.

As such, put up for further arguments and for
appropriate orders on **22/06/2020**.


**(Naveen Kumar Kashyap)
ASJ-04/Central/THC
20.06.2020**

BAIL APPLICATION

**FIR No. :Not Known
PS: Nabi Karim
STATE v. Mohd. Istekhar & Ors.
U/S: Not Known**

20.06.2020.

Present: Sh. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. Muntazir Mehdi, learned counsel for applicant through V.C.
Victim in person.

IO stated to be infected from corona virus.

ASI Bayant Kumar on behalf of IO.

Short reply filed in this anticipatory bail.

Submissions heard from victim 'G.K' is also present in person. Her counsel is not present.

Arguments heard from accused side as well as from victim.

Put up for appropriate order at 4:00 PM.

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

At 11:30 AM

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

Victim has again appeared and stated that her counsel is on the way and she requested that the matter be taken up again. Be awaited for the counsel for the victim.

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

Contd..../-

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FIR No. :Not Known
PS: Nabi Karim
STATE v. Mohd. Istekhar & Ors.

At 3:15 PM

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

Mr. Kalu Singh, Learned counsel for the victim has appeared and stated that copy of the present application not provided to them. As such, accused / applicant is directed to provide such application preferably by electronic mode or otherwise hard copy to the victim side.

Put up for reply by the victim, if any, for further argument and for appropriate order for **25/06/2020**.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
20.06.2020

: 1 :

INTERIM BAIL APPLICATION

State Vs. Akash @ Prakash @ Chinu

FIR No. :271/2018

PS: DBG Road

U/S: 392, 394, 397, 326, 307, 341 IPC

Dated:20.06.2020.

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. P.K.Garg, learned counsel for Accused through VC.

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

2. Reply filed by the IO.

3. Arguments heard.

4. As per the reply filed by the IO, accused is involved in number of cases, detail of which is enclosed with the reply. As such, he does not fall under the relaxed criteria dated 18/05/2020 relating to offences inter-alia involving 307 IPC.

5. But it is also the direction by Hon'ble HC that even otherwise such applications are to be considered on merit . Accordingly Heard on merit.

6. It is argued on merit by learned counsel for the accused that initial only an e-FIR was filed by the complainant regarding theft of his mobile and there was no mentioning of stabbing etc. But in supplementary statement IO falsely involved the present accused. It is further stated that it is highly

improbable that if a person stabbed on thigh, then he will not go to hospital or to police station and instead will file only e-FIR. It is further argued that accused is in JC since 2018. It is stated that father and mother of accused are suffering from various old age illnesses, high blood pressure, sugar, joint pain etc. and under Ayurvedic treatment. That there is nobody to look after the parents of accused, as such, he be granted interim bail for 45 days.

7. On the other hand, it is replied by the IO, as also argued by the learned APP for the state that there is number of involvement of present accused. That he do not fall under the relaxed interim bail criteria of hon'ble high court. It is further stated that DD no.6A was received from Jeevan Mala Hospital and injured / complainant Deepak Khanna was found undergoing treatment there and he was having pain therefore, his statement could not be recorded on that day. Later on matter was investigated further, in the meanwhile, complainant side already registered online e-FIR through his mobile phone. Further details of the present offence was also mentioned. That present accused is identified in TIP by the complainant. Injury suffered by victim was grievous in nature. As such, present bail application is opposed.

8. I find force in the arguments of the learned Addl.PP. It may further be noted that in any case the case of accused do not fall in minutes of meeting of the Hon'ble High Court dated 18/05/2020, as there is other involvements of the present accused. On merit, it is stated that father and mother of the accused are suffering from various old age ailments but no convincing documents in this regard are placed on record, further offence is heinous in nature and in fact its a nuisance in the society at large having regard to the manner in which it was committed on public road. Therefore, there is no case made out for interim bail, further having regard to the nature of offence and the role of the accused and that prosecution evidence is not yet over, this court is not inclined to grant the interim bail. With

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these observations the present application is disposed off as dismissed. Copy of order be given dasti.

9. The present application stands disposed off accordingly. Both side are at liberty to collect the order dasti or through electronic mode.

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

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
Central District/20.06.2020

BAIL APPLICATION

Rajender Kumar Vs M/s Ajay Industrial Corporation

20.06.2020.

Present: Mr. Shivam Chaudhary, learned counsel for the applicant through VC.

An application u/s 439 Cr.PC filed by convict Rajender Kuamr through advocate Mr. Shivam Chaudhary.

Issue notice of this application again through electronic mode through e-mail as well as whatsapp / SMS on the email and mobile number i.e. ajaycpvc@gmail.com Mobile 9313402323 provided by the learned counsel for the accused for **24/06/2020.**

Learned counsel for the accused is directed to provide soft copy of the application for service by the other side.

Put up for further proceedings, and argument accordingly.

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
20.06.2020

BAIL APPLICATION

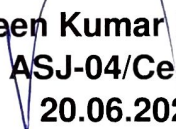
**FIR No. :110/2015
PS: Lahori Gate
STATE v. Satpal
U/S: 395, 397, 412 IPC, 25, 54, 59 Arms Act**

20.06.2020.

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

Reply not filed by the IO.

Put up for reply, arguments and further appropriate
orders for **23/06/2020**.


**(Naveen Kumar Kashyap)
ASJ-04/Central/THC
20.06.2020**

BAIL APPLICATION

**FIR No. : 34/2014
PS: Prasad Nagar
STATE v. Deepak Kumar
U/S: 302, 394, 411 IPC**

20.06.2020.

Present: Mr. Manoj Garg, Ld. Addl. PP for the State through VC
Mr. Yogesh Swaroop, Ld. Counsel for accused through VC.

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

2. Submissions heard through electronic mode.

3. **Reply filed by the IO. But,** In view of direction by Hon'ble High Court, **IO/SHO** to file :

(i) Report about Previous **conviction**, if any, of present accused/Applicant

(ii) Further, (in view of direction by Hon'ble HC), a report that present accused is **not involved**, in any other case;

iii) Date, since when accused is in JC in present case:

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iv) What are **all** the Offences under IPC or other law, which are alleged against present accused in present case .

v) Details i.e. date of order, outcome(whether interim bail allowed or dismissed) and name of such learned court, of the last interim bail application,if any, moved by the present accused.

4. As such, issue notice of present application to the IO/ SHO .

6. **Counsel for accused is advised to collect the order online through electronic mode.**

7. **Put up for report, arguments and further appropriate orders on 23.06.2020.**

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
Central District
20/06/2020

Bail Application

State Vs Dev Arjun
FIR No. 191/2019
PS.: Karol Bagh
U/s: 302, 34 IPC

20.06.2020

**Present: Mr. Pawan Kumar Learned Addl. PP for State is available through VC.
Mr. Pradeep Chaudhary, learned counsel for the applicant / accused through V.C.**

Vide this order, the first regular bail application under section 439 Cr.P.C. on behalf of accused dated 23/04/2020 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 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



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the rule and committal to jail an exception. Refusal of bail is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution. Seriousness of the offence not to be treated as the only consideration in refusing bail : Seriousness of the offence should not to be treated as the only ground for refusal of bail. (Judgment of **Sanjay Chandra Vs. Central Bureau of Investigation, AIR 2012 SC 830** relied).

But, the liberty of an individual is not absolute. The Society by its collective wisdom through process of law can withdraw the liberty that it has sanctioned to an individual when an individual becomes a danger to the societal order. A society expects responsibility and accountability from the member, and it desires that the citizens should obey the law, respecting it as a cherished social norm. Therefore, when an individual behaves in a disharmonious manner ushering in disorderly thing which the society disapproves, the legal consequences are bound to follow.

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

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

Bafna Vs. State of Maharashtra, AIR 2014 SC 1745).

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

committed apart from character of evidence as some of the relevant factors in deciding whether to grant bail or not.

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

In the present case, it is argued that first regular bail application after filing of chargesheet. That before filing of the chargesheet in September, 2019 bail application was moved and the same was rejected. It is further argued that this is a motiveless crime. That accused is a 25 years old. That father of accused has suffered severe brain hemorrhage. That name or role of the accused was never found mentioned in the statement of injured Bharat nor in the statement of other witnesses. That based on telephone link of the present applicant / accused, the other accused Akash, he is falsely involved in the present case. No evidence to connect the accused with the present crime. That prosecution is relying on the disclosure statement of the co-accused which is not legally sustainable. Further accused is not seen in cctv footage. There is no other criminal record of the present accused. He is not even directly involved in the present case. Even as per the story of the prosecution.

On the other hand, detail reply filed by the IO / SHO, it is argued that he was residing in the same street in which the victim was residing. That he was in touch with main accused through mobile



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phone and main accused / conspirator Mahesh Kumar was in touch with him from inside the jail. The offence is serious in nature and the minimum punishment is life imprisonment. That he may threaten the witness. As such, present bail application is opposed.

The minimum punishment for the present offence is life imprisonment. Further specific allegations against the present accused including electronic evidence / mobile calls. Further witnesses are not yet examined. 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 dasti or through electronic mode. Copy of order be uploaded on the website.

(Naveen Kumar Kashyap)
Additional Sessions Judge-04
Central/THC/Delhi
20.06.2020