

18.07.2020

This is an application for releasing articles i.e. **One Mobile Phone (VIVO)**.

Present : Ld. APP for the State (through CISCO Webex).

None for applicant/owner.

IO has filed his reply. Same is taken on record.

Instead of releasing the articles on superdari, this Court is of the view that the articles has to be released as per directions of *Hon'ble High Court of Delhi* in matter of "*Manjit Singh Vs. State*" in CrI. M.C. No. 4485/2013 dated 10.09.2014.

Hon'ble High Court of Delhi in above-said judgment/order while relying upon the judgments of *Hon'ble Supreme Court of India* in matter of "*Sunderbhai Ambalal Desai Vs. State of Gujarat*", AIR 2003 SUPREME COURT 638, "*General Insurance Council & Ors. Vs. State of Andhra Pradesh & Ors.*" Writ Petition (C) No.14 of 2008 decided on 19.04.2010 and "*Basavva Kom Dyamangouda Patil Vs. State of Mysore*", (1977) 4 SCC 358 has held : -

"59. The valuable articles seized by the police may be released to the person, who, in the opinion of the court, is lawfully entitled to claim such as the complainant at whose house theft, robbery or dacoity has taken place, after preparing detailed panchnama of such articles, taking photographs of such articles and a security bond.

60. The photographs of such articles should be attested or countersigned by the complainant, accused as well as by the person to whom the custody is handed over. Whenever necessary, the court may get the jewellery articles valued from a government approved valuer.

61. The actual production of the valuable articles during the trial should not be insisted upon and the photographs along with the panchnama should suffice for the purposes of evidence.

Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, article in question i.e. **One Mobile Phone (VIVO)** as per seizure memo be released to the applicant on furnishing security bond as per valuation report of article and after preparation of panchnama and taking photographs of article as per directions of *Hon'ble High of Delhi* in above cited paragraphs. IO is directed to get the valuation done of the article prior to the release the same to the applicant as per directions of *Hon'ble High Court of Delhi*. Panchnama, photographs, valuation report and security bond shall be filed along-with final report.

Dasti copy of order be given as prayed for.

(PUNEET NAGPAL)
Duty MM (West) THC, Delhi
18.07.2020

18.07.2020

Present: Ld. APP for the State (through CISCO Webex).
Ld. Counsel for accused/applicant.

This is an application under Section 437 of Cr.P.C on behalf of applicant/accused Kashish Khurana S/o Sh. Pradeep Khurana wherein it has been submitted that the accused person is in JC since 15.07.2020 and that the accused has been falsely implicated in the instant FIR.

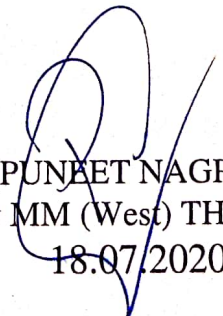
IO of this case has filed reply. Perusal of reply shows that there is allegation of under Section 188/271/34 IPC, section 3 of epidemic Act, section 33 of Delhi Excise Act, section 20/21 of Cigarette and other tobacco product Act and section 51B of Disaster Management Act against the accused.

Heard.

Considering the fact that the accused is a first time offender and is of tender age and that the offences alleged against the accused are punishable with imprisonment for a period upto three years, keeping in view the law laid down by the hon'ble Apex Court in Arnesh Kumar Vs. State of Bihar, 2014, the accused namely Kashish Khurana S/o Sh. Pradeep Khurana is admitted to bail subject to furnishing of Bail Bond and Surety Bond in the sum of Rs.50,000/- each and further subject to the following conditions :-

1. that accused person (s) shall attend the Court as per conditions of bond to be executed ;
2. that accused person (s) shall not commit similar offence and ;
3. that accused person (s) shall not directly/indirectly induced, give threat, or in any way dissuade the witnesses/persons acquainted with the facts of this case and also shall not tamper with the evidence.

Bail bond and Surety Bond would be accepted **only after verification** through IO of this case.


(PUNEET NAGPAL)
Duty MM (West) THC, Delhi
18.07/2020

FIR No.478/2020
PS Paschim Vihar

18.07.2020

Present: Ld. APP for the State (through CISCO Webex).
Ld. Counsel for accused/applicant.

This is an application under Section 437 of Cr.P.C on behalf of applicant/accused Lovish Khurana S/o Sh. Pradeep Khurana wherein it has been submitted that the accused person is in JC since 15.07.2020 and that the accused person has been falsely implicated in the instant FIR.

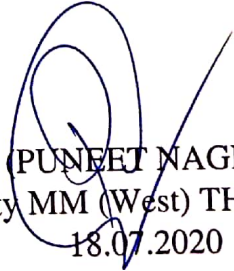
IO of this case has filed reply. Perusal of reply shows that there is allegation of under Section 188/271/34 IPC, section 3 of epidemic Act, section 33 of Delhi Excise Act, section 20/21 of Cigarette and other tobacco product Act and section 51B of Disaster Management Act against the accused.

Heard.

Considering the fact that the accused is a first time offender and is of tender age and that the offences alleged against the accused are punishable with imprisonment for a period upto three years, keeping in view the law laid down by the hon'ble Apex Court in Armesh Kumar Vs. State of Bihar, 2014, the accused namely Lovish Khurana S/o Sh. Pradeep Khurana is admitted to bail subject to furnishing of Bail Bond and Surety Bond in the sum of Rs.50,000/- each and further subject to the following conditions :-

1. that accused person (s) shall attend the Court as per conditions of bond to be executed ;
2. that accused person (s) shall not commit similar offence and ;
3. that accused person (s) shall not directly/indirectly induced, give threat, or in any way dissuade the witnesses/persons acquainted with the facts of this case and also shall not tamper with the evidence.

Bail bond and Surety Bond would be accepted **only after verification** through IO of this case.


(PUNET NAGPAL)
Duty MM (West) THC, Delhi
18.07.2020

18.07.2020

Present: Ld. APP for the State (through CISCO Webex).
Ld. LAC Sh. K.K. Singh for accused/applicant.

This is an application under Section 437 of Cr.P.C on behalf of applicant/accused Nageshwar S/o Sh. Shyam Sunder wherein it has been submitted that the accused person is in JC since 16.06.2020 and recovery has already been effected.


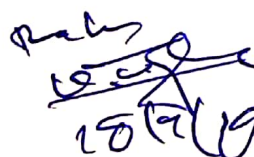
IO of this case has filed reply. Perusal of reply shows that there is allegation of under Section 379/411 IPC against the accused.

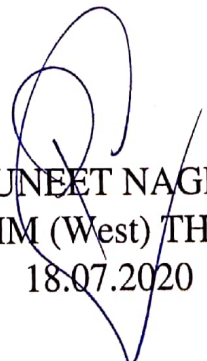
Heard.

Considering the fact that recovery has already been effected and that the accused is in custody since 16.06.2020, accused Nageshwar S/o Sh. Shyam Sunder is admitted to bail subject to furnishing of Bail Bond and Surety Bond in the sum of Rs.10,000/- each and further subject to the following conditions :-

1. that accused person (s) shall attend the Court as per conditions of bond to be executed ;
2. that accused person (s) shall not commit similar offence and ;
3. that accused person (s) shall not directly/indirectly induced, give threat, or in any way dissuade the witnesses/persons acquainted with the facts of this case and also shall not tamper with the evidence.

Bail bond and Surety Bond would be accepted **only after verification** through IO of this case.



18/07/20


(PUNEET NAGPAL)
Duty MM (West) THC, Delhi
18.07.2020

18.07.2020

This is an application for releasing articles i.e. **Mobile Phone (three in number having IMEI Nos.356029081386962, 865643041386963 & 861743046559970).**

Present: Ld. APP for the State (through CISCO Webex).
Applicant in person.

IO has filed his reply. Same is taken on record.
Instead of releasing the articles on superdari, this Court is of the view that the articles has to be released as per directions of *Hon'ble High Court of Delhi* in matter of "*Manjit Singh Vs. State*" in CrI. M.C. No. 4485/2013 dated 10.09.2014.

Hon'ble High Court of Delhi in above-said judgment/order while relying upon the judgments of *Hon'ble Supreme Court of India* in matter of "*Sunderbhai Ambalal Desai Vs. State of Gujarat*", AIR 2003 SUPREME COURT 638, "*General Insurance Council & Ors. Vs. State of Andhra Pradesh & Ors.*" Writ Petition (C) No.14 of 2008 decided on 19.04.2010 and "*Basavva Kom Dyamangouda Patil Vs. State of Mysore*", (1977) 4 SCC 358 has held :-


"59. The valuable articles seized by the police may be released to the person, who, in the opinion of the court, is lawfully entitled to claim such as the complainant at whose house theft, robbery or dacoity has taken place, after preparing detailed panchnama of such articles, taking photographs of such articles and a security bond.

60. The photographs of such articles should be attested or countersigned by the complainant, accused as well as by the person to whom the custody is handed over. Whenever necessary, the court may get the jewellery articles valued from a government approved valuer.

61. The actual production of the valuable articles during the trial should not be insisted upon and the photographs along with the panchnama should suffice for the purposes of evidence.

Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, article in question i.e. **Mobile Phone (three in number having IMEI Nos.356029081386962, 865643041386963 & 861743046559970** as per seizure memo be released to the applicant, *within a period of ten days from today after getting the TIP of the case properly conducted and* on furnishing security bond as per valuation report of article and after preparation of panchnama and taking photographs of article as per directions of *Hon'ble High of Delhi* in above cited paragraphs. IO is directed to get the valuation done of the article prior to the release the same to the applicant as per directions of *Hon'ble High Court of Delhi*. Panchnama, photographs, valuation report and security bond shall be filed along-with final report.

Dasti copy of order be given as prayed for.


(PUNEET NAGPAL)
Duty MM (West) THC, Delhi
18.07.2020



18.07.2020

This is an application for releasing articles i.e. **Vehicle bearing No.HR-38AA-6930 (Make TATA 1618 Turbo).**

Present: Ld. APP for the State (through CISCO Webex).
Applicant in person.

IO has filed his reply. Same is taken on record.

Instead of releasing the articles on superdari, this Court is of the view that the articles has to be released as per directions of *Hon'ble High Court of Delhi* in matter of "*Manjit Singh Vs. State*" in CrI. M.C. No. 4485/2013 dated 10.09.2014.

Hon'ble High Court of Delhi in above-said judgment/order while relying upon the judgments of *Hon'ble Supreme Court of India* in matter of "*Sunderbhai Ambalal Desai Vs. State of Gujarat*", AIR 2003 SUPREME COURT 638, "*General Insurance Council & Ors. Vs. State of Andhra Pradesh & Ors.*" Writ Petition (C) No.14 of 2008 decided on 19.04.2010 and "*Basavva Kom Dyamangouda Patil Vs. State of Mysore*", (1977) 4 SCC 358 has held : -

"59. The valuable articles seized by the police may be released to the person, who, in the opinion of the court, is lawfully entitled to claim such as the complainant at whose house theft, robbery or dacoity has taken place, after preparing detailed panchnama of such articles, taking photographs of such articles and a security bond.

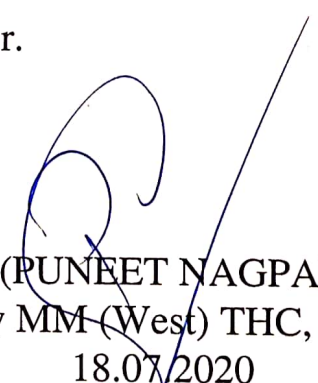
60. The photographs of such articles should be attested or countersigned by the complainant, accused as well as by the person to whom the custody is handed over. Whenever necessary, the court may get the jewellery articles valued from a government approved valuer.

61. The actual production of the valuable articles during the trial should not be insisted upon and the photographs along with the panchnama should suffice for the purposes of evidence.

Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, article in question i.e. **Vehicle bearing No.HR-38AA-6930 (Make TATA 1618 Turbo)**. as per seizure memo be released to the applicant on furnishing security bond as per valuation report of article and after preparation of panchnama and taking photographs of article as per directions of *Hon'ble High of Delhi* in above cited paragraphs. IO is directed to get the valuation done of the article prior to the release the same to the applicant as per directions of *Hon'ble High Court of Delhi*. Panchnama, photographs, valuation report and security bond shall be filed along-with final report.

Dasti copy of order be given as prayed for.

Minu
19/7/2020


(PUNEET NAGPAL)
Duty MM (West) THC, Delhi
18.07.2020

18.07.2020

This is an application for releasing articles i.e. **Vehicle bearing No.DL-4SCF-7099.**

Present: Ld. APP for the State (through CISCO Webex).
Ld. Counsel for applicant.

IO has filed his reply. Same is taken on record.

Instead of releasing the articles on superdari, this Court is of the view that the articles has to be released as per directions of *Hon'ble High Court of Delhi* in matter of "*Manjit Singh Vs. State*" in CrI. M.C. No. 4485/2013 dated 10.09.2014.

Hon'ble High Court of Delhi in above-said judgment/order while relying upon the judgments of *Hon'ble Supreme Court of India* in matter of "*Sunderbhai Ambalal Desai Vs. State of Gujarat*", AIR 2003 SUPREME COURT 638, "*General Insurance Council & Ors. Vs. State of Andhra Pradesh & Ors.*" Writ Petition (C) No.14 of 2008 decided on 19.04.2010 and "*Basavva Kom Dyamangouda Patil Vs. State of Mysore*", (1977) 4 SCC 358 has held :-

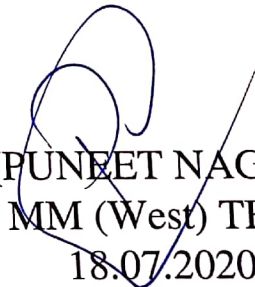
"59. The valuable articles seized by the police may be released to the person, who, in the opinion of the court, is lawfully entitled to claim such as the complainant at whose house theft, robbery or dacoity has taken place, after preparing detailed panchnama of such articles, taking photographs of such articles and a security bond.

60. The photographs of such articles should be attested or countersigned by the complainant, accused as well as by the person to whom the custody is handed over. Whenever necessary, the court may get the jewellery articles valued from a government approved valuer.

61. The actual production of the valuable articles during the trial should not be insisted upon and the photographs along with the panchnama should suffice for the purposes of evidence.

Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, article in question i.e. **Vehicle bearing No.DL-4SCF-7099** as per seizure memo be released to the applicant on furnishing security bond as per valuation report of article and after preparation of panchnama and taking photographs of article as per directions of *Hon'ble High of Delhi* in above cited paragraphs. IO is directed to get the valuation done of the article prior to the release the same to the applicant as per directions of *Hon'ble High Court of Delhi*. Panchnama, photographs, valuation report and security bond shall be filed along-with final report.

Dasti copy of order be given as prayed for.


(PUNEET NAGPAL)
Duty MM (West) THC, Delhi
18.07.2020

Received Copy
(Singh)
(dishpreet Singh)

18.07.2020

This is an application for releasing articles i.e. **One Gold Chain with Mata Sherawali Locket.**

Present: Ld. APP for the State (through CISCO Webex).
Applicant in person.

IO has filed his reply. Same is taken on record.

Instead of releasing the articles on superdari, this Court is of the view that the articles has to be released as per directions of *Hon'ble High Court of Delhi* in matter of "*Manjit Singh Vs. State*" in CrI. M.C. No. 4485/2013 dated 10.09.2014.

Hon'ble High Court of Delhi in above-said judgment/order while relying upon the judgments of *Hon'ble Supreme Court of India* in matter of "*Sunderbhai Ambalal Desai Vs. State of Gujarat*", AIR 2003 SUPREME COURT 638, "*General Insurance Council & Ors. Vs. State of Andhra Pradesh & Ors.*" Writ Pétition (C) No.14 of 2008 decided on 19.04.2010 and "*Basavva Kom Dyamangouda Patil Vs. State of Mysore*", (1977) 4 SCC 358 has held : -

"59. The valuable articles seized by the police may be released to the person, who, in the opinion of the court, is lawfully entitled to claim such as the complainant at whose house theft, robbery or dacoity has taken place, after preparing detailed panchnama of such articles, taking photographs of such articles and a security bond.

60. The photographs of such articles should be attested or countersigned by the complainant, accused as well as by the person to whom the custody is handed over. Whenever necessary, the court may get the jewellery articles valued from a government approved valuer.

61. The actual production of the valuable articles during the trial should not be insisted upon and the photographs along with the panchnama should suffice for the purposes of evidence.

Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, article in question i.e. **One Gold Chain with Mata Sherawali Locket** as per seizure memo be released to the applicant, *within a period of ten days from today after getting the TIP of the case property conducted and* on furnishing security bond as per valuation report of article and after preparation of panchnama and taking photographs of article as per directions of *Hon'ble High of Delhi* in above cited paragraphs. IO is directed to get the valuation done of the article prior to the release the same to the applicant as per directions of *Hon'ble High Court of Delhi*. Panchnama, photographs, valuation report and security bond shall be filed along-with final report.

Dasti copy of order be given as prayed for.

सि. जय सिंह

(PUNEET NAGPAL)
Duty MM (West) THC, Delhi
18.07.2020

सि. ज

18.07.2020

This is an application for releasing articles i.e. **A Mobile Phone (Make OPPO A-5, having IMEI No.869216044677856.**

Present: Ld. APP for the State (through CISCO Webex).
Wife of applicant in person with counsel.

IO has filed his reply. Same is taken on record.

Instead of releasing the articles on superdari, this Court is of the view that the articles has to be released as per directions of *Hon'ble High Court of Delhi* in matter of "*Manjit Singh Vs. State*" in CrI. M.C. No. 4485/2013 dated 10.09.2014.

Hon'ble High Court of Delhi in above-said judgment/order while relying upon the judgments of *Hon'ble Supreme Court of India* in matter of "*Sunderbhai Ambalal Desai Vs. State of Gujarat*", AIR 2003 SUPREME COURT 638, "*General Insurance Council & Ors. Vs. State of Andhra Pradesh & Ors.*" Writ Petition (C) No.14 of 2008 decided on 19.04.2010 and "*Basavva Kom Dyamangouda Patil Vs. State of Mysore*", (1977) 4 SCC 358 has held : -

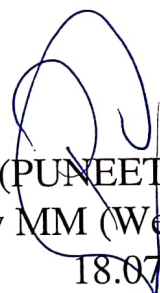
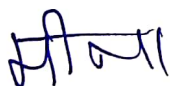
"59. The valuable articles seized by the police may be released to the person, who , in the opinion of the court, is lawfully entitled to claim such as the complainant at whose house theft, robbery or dacoity has taken place, after preparing detailed panchnama of such articles, taking photographs of such articles and a security bond.

60. The photographs of such articles should be attested or countersigned by the complainant, accused as well as by the person to whom the custody is handed over. Whenever necessary, the court may get the jewellery articles valued from a government approved valuer.

61. The actual production of the valuable articles during the trial should not be insisted upon and the photographs along with the panchnama should suffice for the purposes of evidence.

Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, article in question i.e. **A Mobile Phone (Make OPPO A-5, having IMEI No.869216044677856** as per seizure memo be released to the applicant on furnishing security bond as per valuation report of article and after preparation of panchnama and taking photographs of article as per directions of *Hon'ble High of Delhi* in above cited paragraphs. IO is directed to get the valuation done of the article prior to the release the same to the applicant as per directions of *Hon'ble High Court of Delhi*. Panchnama, photographs, valuation report and security bond shall be filed along-with final report.

Dasti copy of order be given as prayed for.



(PUNEET NAGPAL)
Duty MM (West) THC, Delhi
18.07.2020

18.07.2020

Present: Ld. APP for the State (through CISCO Webex).
Ld. Counsel for accused / applicant.

This is an application under Section 437 of Cr.P.C on behalf of applicant/accused Pawan @ Kaka S/o Sh. Tilak Raj wherein it has been submitted that the accused person is in JC since 25.06.2020 and that the accused has been falsley implicated in the instant FIR.

IO of this case has filed reply. Perusal of reply shows that there is allegation of under Section 379/411/34 IPC against the accused.

Heard.

Considering the fact that recovery has already been effected and that the accused is in custody since 25.06.2020, accused Pawan @ Kaka S/o Sh. Tilak Raj is admitted to bail subject to furnishing of Bail Bond and Surety Bond in the sum of Rs.10,000/- each and further subject to the following conditions :-

1. that accused person (s) shall attend the Court as per conditions of bond to be executed ;
2. that accused person (s) shall not commit similar offence and ;
3. that accused person (s) shall not directly/indirectly induced, give threat, or in any way dissuade the witnesses/persons acquainted with the facts of this case and also shall not tamper with the evidence.

Bail bond and Surety Bond would be accepted **only after verification** through IO of this case.

Received
Copy
C. D. Anil

(PUNEET NAGPAL)
Duty MM (West)/THC, Delhi
18.07.2020

18.07.2020

This is an application for releasing articles i.e. **One Vehicle bearing registration No.DL-4CAH-4057.**

Present: Ld. APP for the State (through CISCO Webex).
Applicant in person with counsel.

IO has filed his reply. Same is taken on record.

Instead of releasing the articles on superdari, this Court is of the view that the articles has to be released as per directions of *Hon'ble High Court of Delhi* in matter of "*Manjit Singh Vs. State*" in CrI. M.C. No. 4485/2013 dated 10.09.2014.

Hon'ble High Court of Delhi in above-said judgment/order while relying upon the judgments of *Hon'ble Supreme Court of India* in matter of "*Sunderbhai Ambalal Desai Vs. State of Gujarat*", AIR 2003 SUPREME COURT 638, "*General Insurance Council & Ors. Vs. State of Andhra Pradesh & Ors.*" Writ Petition (C) No.14 of 2008 decided on 19.04.2010 and "*Basavva Kom Dyamangouda Patil Vs. State of Mysore*", (1977) 4 SCC 358 has held :-

"59. The valuable articles seized by the police may be released to the person, who, in the opinion of the court, is lawfully entitled to claim such as the complainant at whose house theft, robbery or dacoity has taken place, after preparing detailed panchnama of such articles, taking photographs of such articles and a security bond.

60. The photographs of such articles should be attested or countersigned by the complainant, accused as well as by the person to whom the custody is handed over. Whenever necessary, the court may get the jewellery articles valued from a government approved valuer.

61. The actual production of the valuable articles during the trial should not be insisted upon and the photographs along with the panchnama should suffice for the purposes of evidence.

Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, article in question i.e. **One Vehicle bearing registration No.DL-4CAH-4057** as per seizure memo be released to the applicant, *if the same is not required for the purpose of investigation of the present case/FIR* and on furnishing security bond as per valuation report of article and after preparation of panchnama and taking photographs of article as per directions of *Hon'ble High of Delhi* in above cited paragraphs. IO is directed to get the valuation done of the article prior to the release the same to the applicant as per directions of *Hon'ble High Court of Delhi*. Panchnama, photographs, valuation report and security bond shall be filed along-with final report.

Dasti copy of order be given as prayed for.

18/07/20
APOT.

(PUNEET NAGPAL)
Duty MM (West) THC, Delhi
18.07.2020

18.07.2020

This is an application for releasing articles i.e. **A Mobile Phone (Make VIVO) having IMEI No.866245048954477.**

Present: Ld. APP for the State (through CISCO Webex).
Applicant in person with Counsel.

IO has filed his reply. Same is taken on record.

Instead of releasing the articles on superdari, this Court is of the view that the articles has to be released as per directions of *Hon'ble High Court of Delhi* in matter of "*Manjit Singh Vs. State*" in CrI. M.C. No. 4485/2013 dated 10.09.2014.

Hon'ble High Court of Delhi in above-said judgment/order while relying upon the judgments of *Hon'ble Supreme Court of India* in matter of "*Sunderbhai Ambalal Desai Vs. State of Gujarat*", AIR 2003 SUPREME COURT 638, "*General Insurance Council & Ors. Vs. State of Andhra Pradesh & Ors.*" Writ Petition (C) No.14 of 2008 decided on 19.04.2010 and "*Basavva Kom Dyamangouda Patil Vs. State of Mysore*", (1977) 4 SCC 358 has held :-

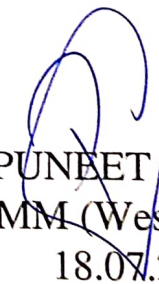
"59. The valuable articles seized by the police may be released to the person, who, in the opinion of the court, is lawfully entitled to claim such as the complainant at whose house theft, robbery or dacoity has taken place, after preparing detailed panchnama of such articles, taking photographs of such articles and a security bond.

60. The photographs of such articles should be attested or countersigned by the complainant, accused as well as by the person to whom the custody is handed over. Whenever necessary, the court may get the jewellery articles valued from a government approved valuer.

61. The actual production of the valuable articles during the trial should not be insisted upon and the photographs along with the panchnama should suffice for the purposes of evidence.

Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, article in question i.e. **A Mobile Phone (Make VIVO) having IMEI No.866245048954477** as per seizure memo be released to the applicant on furnishing security bond as per valuation report of article and after preparation of panchnama and taking photographs of article as per directions of *Hon'ble High of Delhi* in above cited paragraphs. IO is directed to get the valuation done of the article prior to the release the same to the applicant as per directions of *Hon'ble High Court of Delhi*. Panchnama, photographs, valuation report and security bond shall be filed along-with final report.

Dasti copy of order be given as prayed for.



(PUNEET NAGPAL)
Duty MM (West) THC, Delhi
18.07.2020

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e-FIR No.000481/2020
PS Nangloi

18.07.2020

This is an application for releasing articles i.e. **one mobile make OPPO A-5 bearing IMEI No.869147037174272.**

Present: Ld. APP for the State (through CISCO Webex).
Applicant in person.

IO has filed his reply. Same is taken on record.

Instead of releasing the articles on superdari, this Court is of the view that the articles has to be released as per directions of *Hon'ble High Court of Delhi* in matter of "*Manjit Singh Vs. State*" in CrI. M.C. No. 4485/2013 dated 10.09.2014.

Hon'ble High Court of Delhi in above-said judgment/order while relying upon the judgments of *Hon'ble Supreme Court of India* in matter of "*Sunderbhai Ambalal Desai Vs. State of Gujarat*", AIR 2003 SUPREME COURT 638, "*General Insurance Council & Ors. Vs. State of Andhra Pradesh & Ors.*" Writ Petition (C) No.14 of 2008 decided on 19.04.2010 and "*Basavva Kom Dyamangouda Patil Vs. State of Mysore*", (1977) 4 SCC 358 has held :-

"59. The valuable articles seized by the police may be released to the person, who, in the opinion of the court, is lawfully entitled to claim such as the complainant at whose house theft, robbery or dacoity has taken place, after preparing detailed panchnama of such articles, taking photographs of such articles and a security bond.

60. The photographs of such articles should be attested or countersigned by the complainant, accused as well as by the person to whom the custody is handed over. Whenever necessary, the court may get the jewellery articles valued from a government approved valuer.

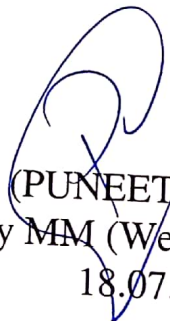
61. The actual production of the valuable articles during the trial should not be insisted upon and the photographs along with the panchnama should suffice for the purposes of evidence.

-2-

Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, article in question i.e. **one mobile make OPPO A-5 bearing IMEI No.869147037174272** as per seizure memo be released to the applicant on furnishing security bond as per valuation report of article and after preparation of panchnama and taking photographs of article as per directions of *Hon'ble High of Delhi* in above cited paragraphs. IO is directed to get the valuation done of the article prior to the release the same to the applicant as per directions of *Hon'ble High Court of Delhi*. Panchnama, photographs, valuation report and security bond shall be filed along-with final report.

Dasti copy of order be given as prayed for.

J. J. J.


(PUNEET NAGPAL)
Duty MM (West) THC, Delhi
18.07.2020

13

FIR No.0628/2020
PS Paschim Vihar

18.07.2020

Present: Ld. APP for the State (through CISCO Webex).
Ld. Counsel for accused/applicant.

Ld. Counsel for the accused.

This is an application under Section 437 of Cr.P.C on behalf of applicant/accused Mukesh S/o Sh. Raj Kapoor wherein it has been submitted that the accused person is in JC since 03.07.2020.

IO of this case has filed reply. Perusal of reply shows that there is allegation of under Section 356/379/34 IPC against the accused and investigation is still pending.

Considering the facts that the accused was apprehended from the spot by the complainant himself, when he had tried to snatch/rob the complainant, I am not inclined to grant the concession of bail, especially when the investigation is still pending.

Consequently, present application stands dismissed.

Order dasti to counsel for accused.

Received Dasti order
18/7/20

(PUNEET NAGPAL)
Duty MM (West) THC, Delhi
18.07.2020

14

FIR No.0586/2019
PS Hari Nagar

18.07.2020

Present: Ld. APP for the State (through CISCO Webex).
Ld. Counsel for accused/applicant.

Report received whereby IO submits that he has no objection if the articles which were recovered from the possession of the accused at the time of his arrest except one mobile phone make SAMSUNG (which is deposited with FSL Rohini, Delhi) are released to the applicant. Heard on the application. Let the said articles which were seized during the personal search of the accused except the above mentioned mobile phone (make SAMSUNG), mentioned above be released to him as per personal search memo after completion of necessary formalities.

Copy be given dasti as prayed.

(PUNEET NAGPAL)
Duty MM (West) THC, Delhi
18.07.2020

Decisional copy
Alur

(16)

FIR No.613/2020
PS Paschim Vihar West

18.07.2020

Present : Ld. APP for the State (through CISCO Webex).
Ld. LAC Sh. K.K. Singh for accused/applicant.

This is an application under Section 437 of Cr.P.C on behalf of applicant/accused Rahul @ Sunny S/o Sube Singh wherein it has been submitted that the accused person is in JC since 26.06.2020 and recovery has already been effected.

IO of this case has filed reply. Perusal of reply shows that there is allegation of under Section 380/411/34 IPC against the accused.

Heard.

Considering the fact that the alleged stolen bicycle has already been recovered and that the accused is in custody since 26.06.2020, accused Rahul @ Sunny S/o Sube Singh is admitted to bail subject to furnishing of Bail Bond and Surety Bond in the sum of Rs.10,000/- each and further subject to the following conditions :-

1. that accused person (s) shall attend the Court as per conditions of bond to be executed ;
2. that accused person (s) shall not commit similar offence and ;
3. that accused person (s) shall not directly/indirectly induced, give threat, or in any way dissuade the witnesses/persons acquainted with the facts of this case and also shall not tamper with the evidence.

Bail bond and Surety Bond would be accepted **only after verification** through IO of this case.

Copy Recd
18/7/20

(PUNEET NAGPAL)
Duty MM (West) THC, Delhi
18.07.2020

(17)

FIR No.788/2020
PS Nangloi

18.07.2020

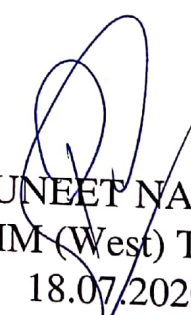
Present : Ld. APP for the State (through CISCO Webex).

None for applicant.

Report not received from IO.

Let the articles, which were recovered/seized during the personal search of the accused, mentioned above be released to him as per personal search memo after completion of necessary formalities, if the same are no longer required for the purpose of investigation.

Copy of the order be given dasti to the applicant as and when the applicant appears before the Court.


(PUNEET NAGPAL)
Duty MM (West) THC, Delhi
18.07.2020

18

FIR No.556/2020
PS Rajouri Garden

18.07.2020

Present : Ld. APP for the State (through CISCO Webex).
Ld. Counsel for accused/applicant.

This is an application under Section 437 of Cr.P.C on behalf of applicant/accused Aman Sangwan S/o Late Sh. Shamsher Singh wherein it has been submitted that the accused person is in JC since 22.06.2020 and that the co-accused persons namely Nahid Hussain, Vishal and Pintu have already been enlarged on bail. Ld. Counsel for accused/applicant has sought bail of the accused on the ground of parity.

IO of this case has filed reply. Perusal of reply shows that there is allegation of under Section 392/397/411/120B IPC & section 25/27 of Arms Act against the accused.

Heard.

Considering the fact that the complainant had himself filed an affidavit to the effect that the main accused Nahid Hussain has been falsely implicated and that the other co-accused persons have already been enlarged on bail, the accused Aman Sangwan S/o Late Sh. Shamsher Singh is admitted to bail subject to furnishing of Bail Bond and Surety Bond in the sum of Rs.25,000/- each and further subject to the following conditions :-

1. that accused person (s) shall attend the Court as per conditions of bond to be executed ;
2. that accused person (s) shall not commit similar offence and ;
3. that accused person (s) shall not directly/indirectly induced, give threat, or in any way dissuade the witnesses/persons acquainted with the facts of this case and also shall not tamper with the evidence.

Bail bond and Surety Bond would be accepted **only after verification** through IO of this case.

Received as per
enquiry dated 18/7/2020
Junk

(PUNEET NAGPAL)
Duty MM (West) THC, Delhi
18.07.2020

19

FIR No.556/2020
PS Rajouri Garden

18.07.2020

Present : Ld. APP for the State (through CISCO Webex).
Ld. Counsel for accused/applicant.

This is an application under Section 437 of Cr.P.C on behalf of applicant/accused Ajay Kumar S/o Sh. Sundheswar Mehto wherein it has been submitted that the accused person is in JC since 22.06.2020 and that the co-accused persons namely Nahid Hussain, Vishal and Pintu have already been enlarged on bail. Ld. Counsel for accused/applicant has sought bail of the accused on the ground of parity.


IO of this case has filed reply. Perusal of reply shows that there is allegation of under Section 392/397/411/120B IPC & section 25/27 of Arms Act against the accused.

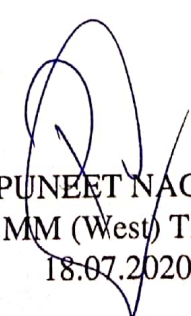
Heard.

Considering the fact that the complainant had himself filed an affidavit to the effect that the main accused Nahid Hussain has been falsely implicated and that the other co-accused persons have already been enlarged on bail, the accused Ajay Kumar S/o Sh. Sundheswar Mehto is admitted to bail subject to furnishing of Bail Bond and Surety Bond in the sum of Rs.25,000/- each and further subject to the following conditions :-

1. that accused person (s) shall attend the Court as per conditions of bond to be executed ;
2. that accused person (s) shall not commit similar offence and ;
3. that accused person (s) shall not directly/indirectly induced, give threat, or in any way dissuade the witnesses/persons acquainted with the facts of this case and also shall not tamper with the evidence.

Bail bond and Surety Bond would be accepted **only after verification** through IO of this case.

Received under copy
by dtd. 18/7/20



(PUNEET NAGPAL)
Duty MM (West) THC, Delhi
18.07.2020

18.07.2020

Present : Ld. APP for the State (through CISCO Webex).
Ld. Counsel for accused/applicant.

This is an application under Section 437 of Cr.P.C on behalf of applicant/accused Hemant S/o Sh. Kishan wherein it has been submitted that the accused person is in JC since 17.06.2020 and recovery has already been effected.

IO of this case has filed reply. Perusal of reply shows that there is allegation of under Section 379/411/34 IPC against the accused.

Heard.

Considering the fact that recovery has already been effected and that the accused is in custody since 17.06.2020, accused Hemant S/o Sh. Kishan is admitted to bail subject to furnishing of Bail Bond and Surety Bond in the sum of Rs.15,000/- each and further subject to the following conditions :-

1. that accused person (s) shall attend the Court as per conditions of bond to be executed ;
2. that accused person (s) shall not commit similar offence and ;
3. that accused person (s) shall not directly/indirectly induced, give threat, or in any way dissuade the witnesses/persons acquainted with the facts of this case and also shall not tamper with the evidence.

Bail bond and Surety Bond would be accepted **only after verification** through IO of this case.

(PUNEET NAGPAL)
Duty MM (West) THC, Delhi
18.07.2020

*For submission
order only
18/07/20*