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**State Vs. Mohsin**  
**e-FIR No. 66/20**  
**PS I.P. Estate**

**04.08.2020 (Through Video Conferencing over Cisco Webex Meeting)**  
**Case taken up in view of directions issued by Hon'ble High**  
**Court of Delhi vide office order No. 26/DHC/2020 dt. 30.07.2020.**

**Present:** Ld. APP for the State.  
Ms. Ekta, Ld. Counsel for applicant.  
HC Bittoo Tomar, on behalf of IO/HC Gurdeep.

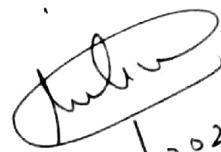
The present application was filed through email. Scanned copy of reply under the signature of HC Gurdeep is also received through email. Copy already stands supplied to counsel for applicant, electronically.

This order shall dispose off the bail application u/s 437 Cr.P.C. for grant of regular bail moved on behalf of applicant/accused Mohsin Khan.

It is averred on behalf of accused/applicant that he has been falsely implicated in the present case. It is further averred that the applicant/accused has no involvement in the present case. It is also averred that the applicant is having a medical history of amnesia due to stress, anxiety and depression, requiring continued medical attention. With these averments, prayer is made for grant of bail to accused.

Ld. APP for the State submits that the accused shall not be released on bail as he is a habitual offender, having previous involvements.

During the course of arguments, upon query made from the IO qua the previous involvements of accused, it has been conceded that the accused has been implicated in case FIR No. 178/19 and FIR No. 116/20 both at PS I.P. Estate, pursuant to his disclosure made in the present case but in both abovesaid FIRs, no recovery of case property has been effected from accused. It is also conceded that apart from the abovesaid case FIR, applicant/accused is having no other previous

  
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involvements. IO further submits that the charge-sheet has already been prepared and same is under scrutiny.

It may be mentioned here that present bail application is contested on behalf of the prosecution mainly on the ground that if admitted on bail, the accused/applicant might hamper with evidences or influence the witnesses in the present case. However, in this regard, I am reminded of observations made by Hon'ble Apex court in **Gurcharan Singh versus State (Delhi Administration) (1978) 1 SCC 118**, wherein it was observed that while a vague allegation that accused may tamper with the evidence or witnesses, may not be a ground to refuse bail, 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 temper with the evidence, then bail will be refused.

In the present case, admittedly, the accused is not having any previous involvements. Besides, as per the IO the recovery of the case property has already been effected and the charge-sheet has also been prepared. The accused is undergoing custody since 24.07.2020. Merely, on the basis of the vague allegations of the prosecution that there exist apprehension that if admitted on bail, the accused will either tamper with the evidences or influence the witnesses are not supported with any material on record. Therefore, while relying on the authority cited above, I am not in agreement with the contentions of the prosecution and as such, the same deserves to be negated.

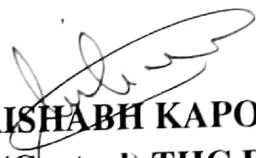
Further, in this context, it is also pertinent to cite the observations made by the Hon'ble apex court in **Sanjay Chandra versus CBI (2012) 1 SCC 40**, wherein Hon'ble Apex court observed that the courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earliest 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 un-convicted persons should be held in custody pending trial to secure their attendance at trial but in such cases, necessity is the operative test. The Hon'ble Apex court further observed that in this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person 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 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 that it would be improper for any court to refuse bail as a mark of this approval of former conduct whether the accused has been convicted for it or not or to refuse bail to an un-convicted person for purpose of giving him a taste of imprisonment as a lesson.*

In the light of the discussion made above, I am of the view that the contentions of the prosecution appears to be untenable and as such, there exists no reasonable justification, in not enlarging the accused/applicant Mohsin Khan on bail. Accordingly, his prayer is accepted and the accused/applicant Mohsin Khan is hereby ordered to be enlarged on bail, subject to furnishing personal bonds in the sum of Rs.15000/- with one surety in like amount to the satisfaction of concerned Duty MM.

Scanned copy of this order be sent to counsel for applicant and concerned Jail Superintendent, electronically.

Scanned copy of the order be also sent to Computer Branch for uploading on Delhi District Court Website.

  
**(RISHABH KAPOOR)**  
**MM-03 (Central),THC,Delhi**  
**04.08.2020**

**State Vs. Unknown (Through applicant Vijay Kumar)**  
**DD No. 02A Dt. 17.07.2020**  
**PS Rajender Nagar**

**04.08.2020** (Through Video Conferencing over Cisco Webex Meeting)  
Case taken up in view of directions issued by Hon'ble High  
Court of Delhi vide office order No. 26/DHC/2020 dt. 30.07.2020.

**Present:** Ld. APP for the State.  
Sh. Harender Kumar, Ld. Counsel for applicant.  
SI Mahipal Singh.

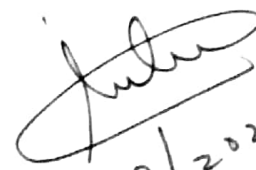
The present application was filed through email. Scanned copy of reply under the signature of HC Sunil is also received through email. Copy already stands supplied to counsel for applicant, electronically.

This order shall dispose off the application for release of mobile phone Vivo on Superdari, moved on behalf of applicant Vijay Kumar.

In reply received from HC Sunil, it is stated that the mobile phone in questioned has been recovered from possession of accused during proceedings in connection with kalandra bearing DD No. 02A dt. 17.07.2020. It is further stated in the reply that the applicant Vijay Kumar has lodged a lost report no. 324170/20 dt. 26.05.2020. It is further stated that the aforesaid kalandra has already been disposed of and the police has no objection, if mobile phone in question is released to applicant.

For the purposes of identity applicant has sent scanned copy of her Aadhar ID card. Scanned copy of bill pertaining to mobile phone is also sent to email id of court along with the application.

As per the report of HC Sunil Kumar, since the aforesaid kalandra in connection with which the mobile phone was detained, has already been disposed of, therefore, no useful purpose shall be served in further detaining it in the police custody.

  
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In these circumstances and 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, the aforesaid the Vivo mobile phone be released to the applicant / owner subject to the following conditions:-

1. IO shall verify the original bill/invoice of mobile phone in question from the concerned vendor from whom applicant has purchased the mobile phone in question.
2. If applicant is found to be rightful owner of the mobile phone in question, it be released to her only subject to furnishing of indemnity bond as per its value, to the satisfaction of the concerned SHO/ IO subject to verification of documents.
3. IO shall prepare detailed panchnama mentioning the colour, IMEI NO., ownership and other necessary details of the mobile phone.
4. IO shall take the colour photographs of the mobile phone from different angles and also of the IMEI number of the mobile phone.
5. The photographs should be attested and counter signed by the complainant/applicant.

IO/SHO is directed to comply with this order within 3 days of receiving the same.

The application is accordingly disposed off.

Scanned copy of this order be sent to counsel for applicant and SHO concerned, electronically for necessary compliance.

Scanned copy of the order be also sent to Computer Branch for uploading on Delhi District Court Website.

  
**(RISHABH KAPOOR)**  
**MM-03 (Central), THC, Delhi**  
**04.08.2020**

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**State Vs. Prem @ Bunty**  
**e-FIR No. 010599/20**  
**PS Rajender Nagar**

**04.08.2020** (Through Video Conferencing over Cisco Webex Meeting)  
Case taken up in view of directions issued by Hon'ble High  
Court of Delhi vide office order No. 26/DHC/2020 dt. 30.07.2020.

**Present:** Ld. APP for the State.  
Sh. Rahul Tandon, Ld. LAC for accused.  
IO/ASI Jaiveer Singh.

The present urgent application was filed on behalf of the applicant/accused on email id of this court. Scanned copy of reply under the signature of IO/ASI Jaiveer Singh is also received. Copy supplied to Ld. LAC, electronically.

This order shall dispose off the bail application u/s 437 Cr.P.C. for grant of regular bail (on merits) moved on behalf of applicant/accused Prem @ Bunty.

It is averred on behalf of accused/applicant that he has been falsely implicated in the present case. It is further averred that the applicant/accused has no involvement in the present case. It is further averred that the no recovery has been effected from the applicant/accused. With these averments, prayer is made for grant of bail to accused.

Ld. APP for the State submits that the accused shall not be released on bail as he is a habitual offender, having previous involvements.

On perusal of the scanned copy of previous conviction/involvement report received along with reply of IO (through email), it emerges that the accused is having previous involvements in certain other cases, involving serious offences. More particularly, the accused/applicant Prem @ Bunty has been shown to have complicity in respect of case FIR No.271/2014, u/s 379/411 IPC, FIR No. 226/14 u/s 392IPC both at PS Nabi Karim, FIR No. 251/16 u/s 308/323/506/34 IPC, PS Anand Parvat, FIR No. 513/17 u/s 379/411 IPC, FIR No. 616/17 u/s 379/411 IPC both at PS NDRS and FIR No. 66/19 u/s 379/411/34 IPC PS Karol Bagh. If that be

so, the apprehension of prosecution that if enlarged on bail, he will commit the offences of like nature or will dissuade the material prosecution witnesses, appears to be well justified.

In such circumstances, this court is of the firm view that no ground for grant of bail is made out to the accused/applicant Prem @ Bunty. Accordingly, the present application deserves dismissal and same is hereby dismissed.

Scanned copy of this order be sent to the Ld. LAC for applicant/accused and also to concerned Jail Superintendent, through email.

Scanned copy of the order be also sent to Computer Branch for uploading on Delhi District Court Website.



**(RISHABH KAPOOR)**

**MM-03 (Central), THC, Delhi**


**04.08.2020**

**Raj Rani Vs. Directorate of Vig.  
CIS No. 517960/16**

**04.08.2020** (Through Video Conferencing over Cisco Webex Meeting)  
Case taken up in view of directions issued by Hon'ble High  
Court of Delhi vide office order No. 26/DHC/2020 dt. 30.07.2020.

**Present:** Sh. Sandeep Jindal, Ld. Counsel.

Ld. Counsel submits that he is no more representing the complainant in the present case nor he is having any instructions from him. In view of above disclosure, put up for appearing of complainant, FP as per law on 07.10.2020.

  
**(RISHABH KAPOOR)**  
**MM-03 (Central), THC, Delhi**  
**04.08.2020**



**Anand Kumar Vs. Rakesh Mani Tripathi**  
**CIS No. 11759/19**

**04.08.2020** (Through Video Conferencing over Cisco Webex Meeting)  
Case taken up in view of directions issued by Hon'ble High  
Court of Delhi vide office order No. 26/DHC/2020 dt. 30.07.2020.

**Present:** Sh. Vipul Shukla, Ld. Proxy counsel for complainant.

An application moved on behalf of complainant seeking withdrawal of the present case, filed through email, is taken on record.

Counsel for complainant submits that the complainant has entered into an amicable settlement with the proposed accused persons and he wishes to withdraw the present complaint.

In view of the above submissions, complainant through proxy counsel is directed to send the scanned copy of his statement qua withdrawal of present case, bearing his signatures and accompanied with the copy of his Identity Proof, through email. The complainant is further directed to file the statement qua withdrawal in original in court, atleast three days before the next date.

Put up for further proceedings as per law, awaiting above compliance by complainant on 28.08.2020.

**(RISHABH KAPOOR)**  
**MM-03 (Central), THC, Delhi**  
**04.08.2020**

**CIS No. 525144/16**  
**Vivek Sawhney Vs. Achal Kumar**

**04.08.2020** (Through Video Conferencing over Cisco Webex Meeting)  
Case taken up in view of directions issued by Hon'ble High  
Court of Delhi vide office order No. 26/DHC/2020 dt. 30.07.2020.

**Present:** Complainant in person.

Inspector N.R. Lamba, SHO/PS I.P.Estate.

The scanned copy of report under the signature of Addl. DCP and reply under the signatures of SHO PS I.P. Estate are received through email. Copy already stands supplied to complainant, electronically.

As per the reply filed by SHO PS I.P. Estate, the investigation u/s 202 Cr.P.C. is being carried out by him and during course of such investigation, a notice u/s 91 Cr.P.C. was issued to Dy. Director (Indl), Land Sales Branch, DDA, Vikas Sadan but the requisite information has not been supplied by DDA due to shortage of staff on account of Covid-19 Pandemic. It is also stated in the reply that the information sought pertains to record which is more than 50 years old and some time is required for conclusion of the investigation.

Complainant submits that SHO PS I.P.Estate is deliberately delaying the investigation of the case.

SHO PS I.P. Estate submits that the investigation would be concluded by him within two months time period. In view of the above circumstances, SHO PS I.P. Estate is directed to conclude the remaining investigation u/s 202 Cr.P.C. by next date i.e. 07.10.2020.

In terms of the previous order, DCP concerned shall ensure that remaining investigation shall be concluded by the next date.

**(RISHABH KAPOOR)**  
**MM-03 (Central), THC, Delhi**  
**04.08.2020**


**CIS No. 512335/16**

**Chander Swaroop Vs. Ram Swaroop**

**04.08.2020** (Through Video Conferencing over Cisco Webex Meeting)  
Case taken up in view of directions issued by Hon'ble High  
Court of Delhi vide office order No. 26/DHC/2020 dt. 30.07.2020.

**Present:** None for complainant.

Put up awaiting appearance of complainant and report of  
settlement, if any on 07.10.2020.

  
**(RISHABH KAPOOR)**  
**MM-03 (Central), THC, Delhi**  
**04.08.2020**

**State Vs. Rajesh Kumar**  
**FIR No. 687/15**  
**CIS No. 2325/19**  
**PS Rajender Nagar**

**04.08.2020** (Through Video Conferencing over Cisco Webex Meeting)  
Case taken up in view of directions issued by Hon'ble High  
Court of Delhi vide office order No. 26/DHC/2020 dt. 30.07.2020.

**Present:** Ld. APP for the State.

Accused absent.

Put up for appearance of accused and arguments on charges on

07.10.2020.

(RISHABH KAPOOR)

MM-03 (Central), THC, Delhi  
04.08.2020