

FIR No. 243/2017 & 245/2017

PS Burari

State v. Julfikar @ Zulfikar

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

09.09.2020

Fresh bail application received. Be registered.

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)
Sh. Ravi Chaturvedi, counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

These are two applications under Section 439 CrPC for grant of interim bail on behalf of accused Julfikar @ Zulfikar in case FIR No. 243/2017 and 245/2017 on the ground of illness of father of accused-applicant.

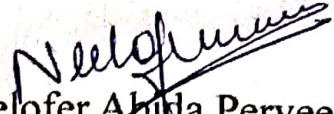
Ld. counsel for the accused-applicant submits that the father of the accused-applicant is suffering from kidney problem and that the accused-applicant is the only bread winner and there is no other male member capable of looking after the father of the accused-applicant who requires immediate medical attention for his illness.

Heard.

Ld. APP submits that reply is filed but medical documents are not verified.

Let medical documents in respect of the father of the accused-applicant and family status be got verified by the IO.

For report and consideration, put up on **18.09.2020**.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
09.09.2020

FIR No. 43/2018
PS Sadar Bazar
State v. Ravi Kohli
U/s 302/34 IPC

09.09.2020

Fresh bail application received. Be registered.

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

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

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of bail on behalf of accused Ravi Kohli in case FIR No. 43/2018 invoking guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020 in order to decongest the prisons in Delhi in the wake of outbreak of covid-19.

Ld. counsel for the accused-applicant submits that the application is filed invoking the criteria laid down by High Powered Committee of Hon'ble High Court of Delhi as accused is alleged to be involved in a case for commission of offence under Section 302 IPC and has clean antecedents and is in custody for a period of more than two years.

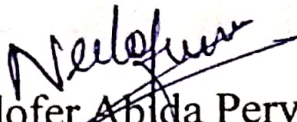
Ld. Addl. PP submits that earlier also accused-applicant had filed an application for interim bail as per guidelines of High Powered Committee, which was considered and rejected. On this, Ld. counsel for accused-applicant submits that there is another ground in the application besides the High Powered Committee guidelines that is the illness of the mother of the accused-applicant as

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she requires surgical intervention for the lump around the shoulder area and requisite documents are annexed.

Let medical documents in respect of the mother of the accused-applicant and family status be got verified by the IO.

For report and consideration, put up on **19.09.2020**.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
09.09.2020

FIR No. 227/2018
PS Crime Branch
State v. Yogesh etc.
U/s 20/25/29 NDPS Act

09.09.2020

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

Sh. Siddharth Yadav, accused-applicant (through video conferencing)

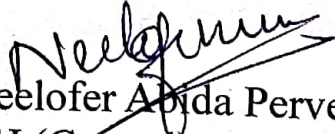
Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of interim bail of 60 days on behalf of accused Devendra in case FIR No. 227/2018 on the ground of his illness.

Heard.

Let present medical health condition report in respect of the applicant-accused be called from Superintendent Jail for the next date of hearing.

For report and consideration, put up on **18.09.2020**.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
09.09.2020

FIR No. 176/2017
PS DBG Road
State v. Kaushal
U/s 307 IPC

09.09.2020

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

Counsel for applicant (through video conferencing)

Hearing is conducted through video conferencing.

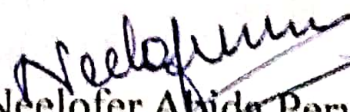
This is an application for cancellation of bail on behalf of applicant in case FIR No. 176/2017.

Ld. counsel for the applicant submits that he has forwarded the judgment relied upon by him today on the dedicated email ID of the court.

Ld. Addl. PP submits that he has not received the judgment relied upon by Ld. counsel for applicant.

Office to forward the judgment relied upon by Ld. counsel for applicant to Ld. Addl. PP for State.

For consideration, put up on **16.09.2020**.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
09.09.2020

FIR No. 91/2018

PS Kotwali

State v. Mohd. Hasim @ Haseen

U/s 302/305/397/412/120B/34 IPC and 25 of Arms Act

09.09.2020

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


None for accused-applicant

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of bail on behalf of accused Mohd. Hasim in case FIR No. 91/2018 invoking guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020 in order to decongest the prisons in Delhi in the wake of outbreak of covid-19.

Attempts were made to contact Ld. counsel for accused-applicant for Webex hearing but Ld. counsel could not be contacted.

In the interest of justice, for consideration, put up on **21.09.2020** through video conferencing.


(Neelofar Abida Perveen)
ASJ (Central) HC/Delhi
09.09.2020

FIR No. 214/2014
PS: Crime Branch
State Vs. Gulshan etc.
U/s 20/29 NDPS Act

09.09.2020

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

Sh. Atul Guleria, Counsel for accused-applicant (through video conferencing)


Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of regular bail on behalf of the accused-applicant Gulshan Kumar in case FIR No. 214/2014.

Ld. counsel for the accused-applicant submits that further report was received in respect of the treatment being provided to the accused-applicant, however, he has not been supplied copy thereof, though it has come to his knowledge that accused-applicant has been referred to Maulana Azad Medical College.

Office is directed to forward the report to the Ld. counsel for accused-applicant as well as to Ld. Addl. PP for State.

For further consideration, put up on **17.09.2020**.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
09.09.2020

FIR No. 32/2019

PS: Prasad Nagar

State Vs. Yogesh @ Babu

U/s 302/323/241/14/148/149/ IPC & 25 Arms Act

09.09.2020

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

Hearing is conducted through video conferencing.

This is an application for grant of interim bail on behalf of accused Yogesh @ Babu in case FIR No. 32/2019 on the ground of illness of his parents.

Arguments advanced by Ld. counsel for accused-applicant in part.

Ld. Addl. PP submits that latest medical record pertaining to the father of the accused in respect of the treatment availed from private medical facility has not been provided to the IO for verification.

Ld. counsel for accused-applicant submits that he shall provide latest medical record, as stated by Ld. Addl. PP, to the IO by tomorrow for verification.

For report and further consideration, put up on 15.09.2020.

(Nedloleer Abida Perveen)
ASJ (Central) HC/Delhi
09.09.2020

FIR No. 288/2019
PS: Sarai Rohilla
State Vs. Pawan @ Jaat
U/s 394/397/34 IPC

09.09.2020

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

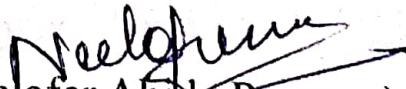
Sh. Kshitiz Tyagi, Ld. Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of interim bail moved on behalf of accused-applicant Pawan @ Jaat in case FIR No. 288/2019.

Arguments heard in part.

For further consideration, put up on **16.09.2020**.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
09.09.2020

FIR No. 329/2018

PS: Sarai Rohilla

State Vs. Rohit

U/s 392/397/302/34/411 IPC and 25 of Arms Act

09.09.2020

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


Sh. Diwanshu Sehgal, Ld. Counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of bail moved on behalf of accused Rohit in case FIR No. 329/2018 invoking guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020.

Reply and previous involvement report filed by the IO. As per the report, there is no previous involvement of the accused-applicant in any other case. However, custody certificate and conduct report is not received from jail authorities. Let the same be called for from the Superintendent Jail for the next date of hearing.

For report and consideration, put up on **14.09.2020**.


(Neelofar Akhla Perveen)
ASJ (Central)TTC/Delhi
09.09.2020

FIR No. 41/2018
PS Kashmere Gate
State v. Wasim
U/s 392/397/34 IPC

09.09.2020

ORDER

This is an application under Section 439 CrPC for grant of regular bail on behalf of accused Wasim in case FIR No. 41/2018.

Ld. LAC for the accused-applicant has contended that accused-applicant been falsely implicated in the present case, as two false FIRs were lodged within a span of 10 minutes against the accused and accused is alleged to have committed robbery on the same day at two different places at a distance of at least 3 kms within a span of 10 mns which in itself is an impossibility clearly indicating false implication. That it would further be pertinent that in the second FIR the accused -applicant already stands acquitted. That no recovery was effected from the [possession of the accused-applicant. That the accused belongs to poor family and being the sole bread earner under the family, he was looking after his old aged father and mother and due to long custody period, the family of the applicant is facing hardship, as such they have now reached at the verge of starvation. That the father of the accused is handicapped person and unable to do any work and unable to earn money which could be sufficient to meet both ends in the family. That the examination-in-chief of the complainant PW-4 Sh. Rajat Rajput had almost been

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completed on 20.03.2019, however due to non availability of case property i.e. Scooty, the same got deferred. In support of his contentions, Ld. LAC has relied upon decision in Babu Singh v State of UP, AIR 1976 SC 527.

Ld. APP on the other hand submitted that the accused applicant is apprehended from the spot and that the accused-applicant is acquitted in the other case on the facts of that case which are not relevant for the purposes of the present application. That this contention is also without substance that it is impossible for the accused to have committed the robbery as it is alleged that 10 mns prior to the incident he was at a distance of over 3 kms from the place of occurrence as the accused-applicant alongwith the co-accused was on a scooty and it was not impossible for the accused on a two wheeler to have covered the distance of 3 kms in 10 mns. That the charge against the accused-applicant is framed under section 397 IPC as he had used buttondar knife in the commission of the robbery. That the accused-applicant alongwith co-accused is identified as the robber by the victims while deposing in the court.

Heard.

As per case of the prosecution, on 05.02.2018 when the complainant alongwith his two friends was on his way to ISBT from Old Delhi Railway Station on foot to board a bus to Rohtak and had reached at Lothian Road, in front of Punjab and Sind Bank, two boys on a scooty, having no number plate, came to them and stopped them on the pretext of asking way. That in the meanwhile, boy on pillion seat took out a buttondar knife and aimed

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at the complainant and took out Rs.1000/- cash and his Samsung mobile phone having sim of Airtel and also robbed the two friends of their valuables i.e. Rs.15000/- and one black colour bag from Mayur and Rs.2000/- cash and LYF mobile phone from Mohit but when both the boys on scooty tried to flee away, complainant and his friend caught hold of the pillion rider (accused-applicant) though the scooty rider managed to escape and was subsequently apprehended as per the disclosure made by the accused-applicant and the stolen articles were also recovered. Two of the victims including the complainant stand examined and have duly identified the accused-applicant as well as the co-accused as the two offenders. Though the accused-applicant stands acquitted in the another case of robbery registered on the same date, however the same would have no bearing on the present application as the accused-applicant in the present case stands identified as one of the robbers in the court by two of the victims.

Taking into consideration that the accused-applicant is charged for commission of offence under section 397 IPC and has been duly identified as one of the robbers by two of the victims examined in the course of prosecution evidence, this is not a fit case for grant of regular bail under such circumstances. Bail is granted by the H'ble Supreme Court in the judgment relied upon by the Ld. LAC in the facts of that case, at the appellate stage. Ld. Counsel has impressed upon the Court that the accused is handicapped in raising his defence due to his continued incarceration. The defence that the accused seeks to develop is founded on the record of

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the case FIR No.42/18 in which he stands acquitted, therefore the ground in itself is not sufficient in the facts of this case to grant bail to the accused charged for offence under section 397 IPC where minimum punishment of 10 years is prescribed and the accused has been identified by two of the victims in court. However taking into consideration the length of custody in order to expedite the trial it ordered that the main case stands preponed for proper orders to 11.9.2020. The present application for grant of regular however stands dismissed for the aforestated reasons.

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(NAELOFER A. PERVEEN)
ASJ, CENTRAL, TIS HAZARI
DELHI - 9.9.2020.

FIR No. 125/2018
PS: Chandni Mahal
State Vs. Sadiq
U/s 498A/306/304B/34 IPC
09.09.2020

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

Sh. Anil Thomas, Ld. Counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application for extension of interim bail moved on behalf of accused Sadiq in case FIR No. 125/2018.

Ld. counsel for the accused-applicant submits that accused-applicant was granted interim bail of 45 days in the present case vide order dated 28.07.2020. That interim bail of the accused-applicant is going to expire on 10.09.2020. It is submitted that Hon'ble High Court vide order dated 24.08.2020 in case titled as "Court on its own Motion v. State & Ors W. P. (C) No. 3037/2020 has extended all the interim orders passed by the Lower Courts till 31.10.2020.

Heard. Perused.

It emerges that the Hon'ble the High Court in W. P. (C) N.3080/2020 titled as **Court on Its Own Motion v. Govt of NCT of Delhi & Ors.** vide order dated 04.08.2020 has directed in respect of further extension of interim orders in following words:-

"The HPC constituted by High Court of Delhi in its meeting dated 31.07.2020 further noted that the said



period of 45 days in respect of some UTPs is going to expire on 07.08.2020 onwards but situation of the pandemic is still the same and it may not be possible to predict definite date for resumption of normal functioning of Court system, so HPC was of the opinion that the interim bail so granted to 2901 UTPs till 31.07.2020 by respective CMMs/MMs needs to be extended for a further period of 45 days. It was also noted by the Committee that in the present scenario, it may not be possible to move individual applications before concerned CMMS/MMs by Legal Aid Counsel, so the matter was placed before this Court for considering the extension of interim bails of 2901 UTPs on judicial side.

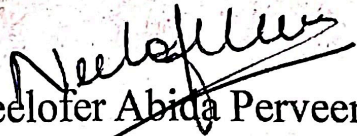
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Accordingly, it is ordered that the interim bails for a period of 45 days granted to 2901 UTPs, in view of the recommendations of HPC dated 28.03.2020, 07.04.2020, 18.04.2020, 05.05.2020, 18.05.2020, 20.06.2020 and 31.07.2020 and on the basis of orders in W.P (C) No.2945/2020 titled as "Shobha Gupta & Ors. vs. Union of India & Ors." are hereby extended by another period of 45 days from the date of their respective expiry of interim bails on the same terms and conditions."

In view of the directions passed by Hon'ble High Court vide order dated 04.08.2020 in W. P. (C) No. 3080/2020, and as the accused-applicant was granted interim bail in accordance with the Guidelines laid down by the High Powered Committee of H'ble the High Court of Delhi on 28.7.2020, **interim bail of the accused-applicant Sadiq is further extended by 45 days on same terms and conditions from the date of its expiry.**


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
09.09.2020