

12.08.2020

This is an application for releasing articles i.e. **One Vehicle bearing No.DL-1SAB-4210.**

Present : Ld. APP for the State (through CISCO Webex).
None for the applicant.

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

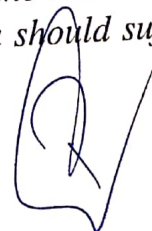
Instead of releasing the articles on superdari, this Court is of the view that the articles has to be released as per directions of *Hon'ble High Court of Delhi* in matter of "*Manjit Singh Vs. State*" in CrI. M.C. No. 4485/2013 dated 10.09.2014.

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.

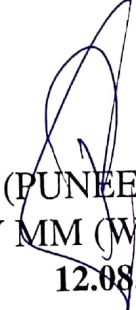
61. The actual production of the valuable articles during the trial should not be insisted upon and the photographs along with the panchnama should suffice for the purposes of evidence.



Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, article in question i.e. **One Vehicle bearing No.DL-1SAB-4210** as per seizure memo, *after verification of the all the documents of the vehicle and after the same are found valid*, 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.

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

Order Copy
Received
A. B. Sharma
12/8/2020


(PUNEET NAGPAL)
DUTY MM (West) THC, Delhi
12.08.2020

FIR No.351/2020
PS Kirti Nagar

12.08.2020

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

This is an application under Section 437 of Cr.P.C on behalf of applicant/accused Rahul @ Vimal @ Dancha S/o Sh. Raghuvir wherein it has been submitted that the accused person is in JC since 06.08.2020 and that the alleged recovery of the illicit weapon has been planted.

IO of this case has filed reply. Perusal of reply shows that there is allegation of under Section 25/54/59 of Arms Act against the accused.

Heard.

Considering the fact that the alleged recovery of the illicit weapon i.e. a *buttondar knife* has already been effected and that the accused is in custody since 06.08.2020, accused Rahul @ Vimal @ Dancha S/o Sh. Raghuvir is admitted to bail subject to furnishing of Bail Bond and *two Surety Bonds* in the sum of Rs.20,000/- 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
12.08.2020

FIR No.669/2020
PS Punjabi Bagh

12.08.2020

Present: Ld. APP for the State (through CISCO Webex).
None for accused/applicant.

An application has been received from DLSA (Jail Section, Tihar Complex, Delhi), duly forwarded by Deputy Superintendent, Jail No.5, Tihar, Delhi on behalf of the accused namely Sourav Kumar S/o Sh. Ajay for grant of interim bail.

IO has filed the reply. Taken on record.


Perusal of same reveals that the accused is a habitual offender and that the accused is not having any permanent residence in Delhi and that he is a vagabond.

In view of the recommendation passed by the "*Hon'ble High Powered Committee headed by Ms. Justice Ms. Hima Kohli*", the accused is directed to be enlarged on interim bail of 45 days on furnishing personal bond in the sum of Rs.10,000/- to be furnished before Jail Superintendent, Tihar, Delhi.

Jail Superintendent is directed to get the address of the accused verified after he furnishes personal bond and thereafter, release the accused on bail after the verification of the address of the accused is done.

It is clarified that in case, the address of the accused is not verified or it turns out that the accused is a vagabond, the accused shall not be released from custody on interim bail.

Copy of the order be sent to concerned jail superintendent for compliance.


(PUNEET NAGPAL)
DUTY MM (West) THC,
Delhi/12.08.2020

12.08.2020

This is an application for releasing articles i.e. **62 cartons of articles which were stolen from one TATA 709 Truck bearing No.DL-1LR-4482.**

Present : Ld. APP for the State (through CISCO Webex).
None for applicant.

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

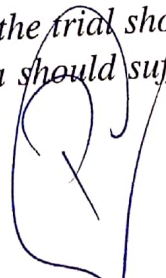
Instead of releasing the articles on superdari, this Court is of the view that the articles has to be released as per directions of *Hon'ble High Court of Delhi* in matter of "*Manjit Singh Vs. State*" in CrI. M.C. No. 4485/2013 dated 10.09.2014.

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.

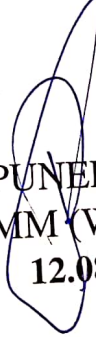
60. The photographs of such articles should be attested or countersigned by the complainant, accused as well as by the person to whom the custody is handed over. Whenever necessary, the court may get the jewellery articles valued from a government approved valuer.

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. **62 cartons of articles which were stolen from one TATA 709 Truck bearing No.DL-1LR-4482** 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.

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


(PUNEET NAGPAL)
DUTY MM (West) THC, Delhi
12.08.2020

12.08.2020

This is an application for releasing articles i.e. **A mobile phone make LAVA having IMEI No.358252100551683.**

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

None for applicant.

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 LAVA having IMEI No.358252100551683** as per seizure memo, *if the same is not required for the purpose of investigation of the instant FIR*, 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.

Cop of the order be given dasti to the applicant as and when he appears.


(PUNEET NAGPAL)
DUTY MM (West) THC, Delhi
12.08.2020