

FIR No. 51/2019
PS: Wazirbad
State Vs Babu @ Ritik
U/s 392/397/411/34 IPC

16.07.2020

Fresh application received. Be registered.

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

Sh. Vijay Kumar, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is third application for grant of regular bail on behalf of accused Babu @ Ritik in case FIR No.51/19.

Ld. Counsel for the accused-applicant submits that accused-applicant is in custody since 24.10.2019. That accused-applicant was arrested in connection with case FIR No. 445/2018 U/s 307 IPC PS Mahender Park and on false disclosure statement has been falsely implicated in the present case and formally arrested in the present case on 24.10.2019. That accused-applicant has been granted bail in case FIR No. 445/2018. That investigation is completed and chargesheet is filed and matter is at the stage of framing of charge but charge could not be framed due to suspension of the regular working of the Court which is likely to continue for some time. That no purpose would be served by the accused-applicant in custody any longer. ^{keeping}

Ld. Addl. PP, on the other hand, submits that the robbed mobile phone of the complainant was recovered at the instance of the accused-applicant. That TIP was conducted and the complainant has correctly identified by the


N. K. Singh

accused-applicant as the offender. That the accused-applicant had used knife in the commission of the robbery. That accused-applicant does not have clean antecedents and is likely to indulge in criminal activities and abscond if enlarged on bail.

Heard.

Accused-applicant is alleged to have robbed the complainant of his mobile phone with the use of dangerous weapon i.e. knife. Accused-applicant has been identified by the complainant as the robber in the course of TIP proceedings. Even robbed mobile phone has been recovered at the instance of the accused-applicant. The matter is at the stage of framing of charge and complainant is yet to be examined. Accused-applicant does not have clean antecedents and has been involved in a criminal case that pertains to commission of offence under Section 307 IPC and infact it is his arrest in that case that lead to the recovery in this case.

In the totality of the facts and circumstances as the accused-applicant does not have clean antecedents and as knife was used in the commission of the offence and as accused-applicant was identified in the course of TIP proceedings to be the offender who robbed the complainant and as the complainant is yet to be examined, at this stage, no ground is made out to grant bail to the accused-applicant Babu @ Ritik. **The third application for grant of regular bail on behalf of accused Babu @ Ritik in case FIR No.51/19 is therefore dismissed.**


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
16.07.2020

FIR No. 32/2019
PS: Crime Branch
State Vs. Dhir Singh
Us 300/379/402/411/34 IPC and 18 Arms Act

18.07.2020

Fresh application received. Be registered.
Present: Sh. K.P. Singh I.d. Add. PP for State (through video conferencing)
Sh. Mahesh Kumar Patil, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for extension of interim bail for further period of 45 days filed on behalf of accused Dhir Singh in case FIR No. 32/2019.

The accused-applicant is granted interim bail of 45 days on 01.06.2020 as per the guidelines issued by the High Powered Committee of Hon'ble the High Court of Delhi for release of under trial prisoners on interim bail of 45 days in order to decongest the prisons in Delhi which period is to expire on 16.7.2020.

It emerges that the High Powered Committee in its meeting dated 20.06.2020 had recommended for the extension of the interim bails by a further period of 45 days where the interim bail in the first instance were granted as per the guidelines issued from time time to time by the High Powered Committee in the wake of outbreak of Covid-19 pandemic in order to decongest the prisons in Delhi and the Hon'ble High Court of Delhi accepting the recommendations vide order dated 22.6.2020 has granted a blanket extension by a further period of 45 days in respect of

Neel Kumar

interim bail granted under the several guidelines of the High Powered Committee. The recommendations accepted and the directions passed in the WP(C) No 3080/2020 are as under:

" Interim bail period of 45 days in respect of some UTPs is going to expire on 23.06.2020 and for other it shall expire in coming days of June, 2020 and in the subsequent weeks of July, 2020 but situation of 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 2651 UPTS till 20.06.2020 by the 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 bail of 2651 UTPs on judicial side.


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Accordingly, it is ordered that the interim bails for a period of 45 days granted to 2651 UTPs, in view of the recommendations of High Powered Committee dated 28.03.2020, 07.04.2020, 18.04.2020, 05.05.2020, 18.05.2020 and 20.06.2020 and on the basis of orders in WP (C) No. 2945/2020 titled as Sobha Gupta & Ors. V. 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"

The prayer for extension, therefore, is rendered infructuous in the wake of the directions issued by the Hon'ble the High Court of Delhi in WP (C) No. 3080/2020 titled as Court on its own motion v. Govt. of NCT Delhi & Anr. Dated 22.06.2020 vide which accepting the recommendation

Nalini

of High Powered Committee dated 20.06.2020. The interim bail for a period of 45 days granted to 2651 UTPs as per High Powered Committee criteria has been ordered to have been extended by another period of 45 days from the date of the respective expiry on the same terms and conditions. Case of the accused-applicant is covered under the blanket order of Hon'ble High Court dated 22.06.2020 of extension of interim bails. There arises no necessity by this Court to pass individual extension orders separately in every such case covered under the blanket order extending interim bails granted as per Covid-19 criteria by further period of 45 days. Application is disposed of as infructuous in terms of order dated 22.06.2020 passed by the Hon'ble the High Court of Delhi in WP (C) No. 3080/2020 titled as Court on its own motion v. Govt. of NCT Delhi & Anr.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
16.07.2020

FIR No. 224/2018
PS: Crime Branch
State Vs. Sri Chand & Ors
U/s 22/29/61/85 NDPS Act

16.07.2020

Fresh application received. Be registered.

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

Hearing conducted through Video Conferencing.

This is an application for grant of regular bail on behalf of accused Sri Chand in case FIR No.224/18.

Reply is filed.

Ld. Counsel for the accused-applicant seeks adjournment on the ground that file is not readily available with him today and he was not aware that matter would be taken up for hearing on the very next date of filing for consideration.

For consideration, put up on 23.07.2020.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
16.07.2020

FIR No. 302/2018
PS: Pahar Ganj
State Vs. Dharam Singh @ Vicky
U/s 302 IPC

16.07.2020

Fresh application received. Be registered.

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

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 on behalf of accused Dharam Singh @ Vicky in case FIR No. 302/2018.

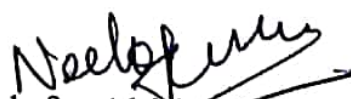
The head note begins with the disclaimer that the application is not preferred under High Powered Committee guidelines as the accused-applicant in custody has not completed two years as per criteria laid down to decongest the jails. A High Powered Committee of Hon'ble High Court constituted in pursuance to the directions of Hon'ble Supreme Court of India rendered in SUO MOTU PETITION NO.1/2020, In Re Contagion of Covid 19, has issued guidelines from time to time laying down criteria for the release of the undertrial prisoners on interim bail of 45 days. The case of the accused-applicant as per own admission, does not fulfill the criteria so laid down.

The only ground raised is the outbreak of covid-19 pandemic and the possibility of infection due to overcrowding of prisons. The Hon'ble Supreme Court of India and Hon'ble High Court of Delhi being alive to the problems and difficulties likely to be faced in prisons particularly



regarding adherence to social distancing protocol and for prevention screening and treatment of prisoners in custody in the wake of the outbreak of Covid 19 Pandemic, has been issuing directions and guidelines for release of UTP'S/Convicts in order to decongest the prisons and the jail authorities are regularly filing reports before the HPC Committee in respect of the measures taken and implementation of the Committee's directives and suggestions and the applicants case is not covered thereunder.

In para 5 of the application, it is stated that the parents of the accused-applicant are suffering from anxiety, diabetes and depression. No medical however is annexed. It is also not stated that parents are facing any acute health condition warranting hospitalization or any kind of surgery for which the presence of accused-applicant would be necessary. Interim bail can be granted in cases of extreme hardship and extraordinary exigency and where the personal presence of the accused-applicant would be absolutely necessary and indispensable. No such ground is setup in the present application. **Present application for grant of interim bail on behalf of accused Dharam Singh @ Vicky in case FIR No. 302/2018 is therefore dismissed.**


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
16.07.2020

FIR No. 463/2017
PS: Timarpur
State Vs. Saurabh
U/s 302/34 IPC

16.07.2020

This application is taken up by this Court as it is informed by the staff of the Court of Sh. Deepak Dabas, Ld. ASJ, Delhi that Ld. Presiding Officer is not holding court due to covid-19 infection as Link Court.

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

Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for extension of interim bail for further period of 45 days filed on behalf of accused Saurabh in case FIR No. 463/2017.

Ld. Counsel for accused-applicant submits that the accused-applicant is granted interim bail of 45 days on 03.06.2020 as per the guidelines issued by the High Powered Committee of Hon'ble the High Court of Delhi for release of under trial prisoners on interim bail of 45 days in order to decongest the prisons in Delhi which period is to expire on 18.7.2020.

It emerges that the High Powered Committee in its meeting dated 20.06.2020 had recommended for the extension of the interim bails by a further period of 45 days where the interim bail in the first instance were granted as per the guidelines issued from time to time by the High Powered Committee in the wake of outbreak of Covid-19 pandemic in order to decongest the prisons in Delhi and the Hon'ble High Court of Delhi accepting the recommendations vide order dated 22.6.2020 has granted a blanket extension by a further period of 45



days in respect of interim bail granted under the several guidelines of the High Powered Committee. The recommendations accepted and the directions passed in the WP(C) No 3080/2020 are as under:

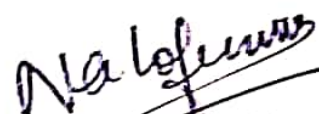
" Interim bail period of 45 days in respect of some UTPs is going to expire on 23.06.2020 and for others it shall expire in coming days of June, 2020 and in the subsequent weeks of July, 2020 but situation of pandemic is still the same and it may not be possible to predict definite date for resumption of normal functioning of Court system, so HPC was of the opinion that the interim bail so granted to 2651 UPTS till 20.06.2020 by the 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 bail of 2651 UTPs on judicial side.

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Accordingly, it is ordered that the interim bails for a period of 45 days granted to 2651 UTPs, in view of the recommendations of High Powered Committee dated 28.03.2020, 07.04.2020, 18.04.2020, 05.05.2020, 18.05.2020 and 20.06.2020 and on the basis of orders in WP (C) No. 2945/2020 titled as Sobha Gupta & Ors. V. 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*"

The prayer for extension, therefore, is rendered infructuous in the wake of the directions issued by the Hon'ble the High Court of Delhi in WP (C) No. 3080/2020 titled as Court on its own motion v. Govt. of NCT Delhi & Anr. Dated 22.06.2020 vide which accepting the recommendation of High Powered Committee dated 20.06.2020. the interim bail for a period of 45 days granted to 2651 UTPs as per High Powered Committee criteria has been ordered to have been extended by another period of 45 days from the date of the respective expiry on the same terms and conditions. Case of the accused-applicant is



covered under the blanket order of Hon'ble High Court dated 22.06.2020 of extension of interim bails. There arises no necessity by this Court to pass individual extension orders separately in every such case covered under the blanket order extending interim bails granted as per Covid-19 criteria by further period of 45 days. Application is disposed of as infructuous in terms of order dated 22.06.2020 passed by the Hon'ble the High Court of Delhi in WP (C) No. 3080/2020 titled as Court on its own motion v. Govt. of NCT Delhi & Anr.


(Neelofer Abida Perveen)
Link ASJ (Central)THC/Delhi
16.07.2020

FIR No. 243/2017

PS: Burari

State Vs. Jaswant Singh @ Raja

U/s 363/365/302/120B/34 IPC and 25 Arms Act

16.07.2020

Fresh application received. Be registered.

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

Sh. Piyush Pahuja, Counsel for accused-applicant (through video conferencing)

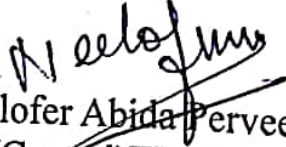
Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of interim bail of 45 days on behalf of accused-applicant Jaswant Singh @ Raja in case FIR No. 243/2017 invoking the guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 17.4.2020 and 18.05.2020.

Reply to the bail application not filed alongwith previous involvement report.

Let custody certificate and conduct report of the accused-applicant Jaswant Singh @ Raja be also called for from Jail Superintendent alongwith medical condition status report as the accused-applicant is alleged to be a patient of chronic Asthama.

For report and consideration, put up on **23.07.2020**.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
16.07.2020

FIR No. 03/2020
PS: NDRS
State Vs. Usman
U/s 20 NDPS Act

16.07.2020

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

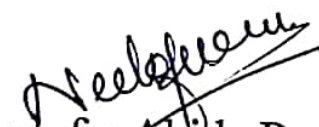
Sh. Tarun Satija, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of bail on behalf of accused Usman in case FIR No. 03/2020.

Reply of the IO is filed.

Case pertains to the recovery of 96.5 kgs of ganja from the conscious possession of the accused-applicant. As per reply of the IO, chargesheet was filed on 08.04.2020 before Ld. Duty MM, Delhi as the regular working of the Court was suspended. The office has verified that the chargesheet is filed before Ld. Duty MM on 08.04.2020 and this case is now to be taken up for further appropriate orders before the Ld. ACMM, Central, Delhi on 17.07.2020. In view thereof, for further consideration, put up on 23.07.2020.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
16.07.2020