FIR No. 374/2019

PS: Karol Bagh (EOW Crime Branch)

U/s. 408 of IPC Misc. Application

31.08.2020

This is an application under Section 451 read with Section 457 Cr.P.C received through E-mail as moved on behalf of applicant **Ankit Mishra** for defreezing/releasing the amount freezed by IO.

Present:

Sh. Rajeev Kamboj, Ld. APP for the State has been joined via

Video Conferencing through Cisco Webex.

Sh Avinash Pandey, Ld. Counsel for the applicant has been

joined via Video Conferencing through Cisco Webex.

Reply is received from the IO through E-mail.

Copy of the same has been supplied to Ld. Counsel for the

applicant.

Accordingly, the application be put up on 08.09.2020.

IO is directed to remain present on the said date.

The order be uploaded on the District Courts website forthwith.

Copy of this order be also sent to concerned IO/SHO on his official ID for report and necessary information.

FIR No. 007475/2020

PS: DBG Road U/s. 379 IPC Misc. Application

31.08.2020

This is an application received through E-mail as moved on behalf of applicant Rohit Narayan seeking release of Vehicle bearing no. **DL-6SAM-4808**, on superdari.

Present:

Sh. Rajeev Kamboj, Ld. APP for the State has been joined via

Video Conferencing through Cisco Webex.

None joined the Cisco Webex Room of this Court on behalf of

applicant Rohit Narayan.

Reply is received from the IO through E-mail. Police has no objection in release of the said Vehicle in question to the registered owner.

Concerned SHO/IO is directed to release the above-mentioned vehicle bearing no. DL-6SAM-4808 to the applicant/registered owner. IO/SHO concerned is also directed to prepare a detailed panchnama of the above stated Mobile Phone and take photographs of the same in terms of directions given in the Judgment of Hon'ble High Court of Delhi titled as "Manjeet Singh Vs. State". Panchnama proceedings shall be conducted at the concerned Police Station. The panchnama and the photographs shall be signed by the applicant, accused (if arrested), complainant and the IO and the concerned SHO shall secure the presence of the aforesaid persons.

Thereafter, the above-said vehicle be released to its rightful owner against receipt and on verification of ownership and identity. The Panchnama and photographs shall be filed in the Court with the charge-sheet as and when the same is filed.

Accordingly, application stands disposed off.

The order be uploaded on the District Courts website forthwith. Copy of this order be also sent to concerned IO/SHO on his official ID for report and necessary information.

E-FIR No. 07475/2020 PS: DBG Road State Vs. Wasim @ Vakil @ Matru, S/o Saghir U/s 379/411/34 IPC Bail application

31.08.2020

<u>Proceedings on this matter has been conducted via Video Conferencing</u> <u>through Cisco Webex.</u>

This is an application u/s 437 Cr.PC received through E-mail as moved on behalf of the applicant/accused Wasim @ Vakil @ Matru, S/o Saghir, for grant of regular bail.

Present:

Sh. Rajiv Kamboj, Ld. APP for the State has been joined via

Video Conferencing through Cisco Webex.

Sh. Kashmir Singh, Ld. Counsel for accused has been joined via

Video Conferencing through Cisco Webex.

Reply of IO has been received through email.

Vide this Order, I shall dispose off the Interim Bail application filed on behalf of the accused **Wasim @ Vakil @ Matru, S/o Saghir**.

- 1. Ld Counsel for the accused has contended that accused was arrested on 03.08.2020 and has already spent more than 15 days in judicial custody.
- 2. *Per Contra*, Ld APP for the State has opposed the bail application as per law.
- 3. Before adjudicating upon the bail application, it would be pertinent to make a reference to Suo Motu Petition (Civil) No. 1/2020 dated 23.03.2020 titled *In Re: Contagion of COVID -19*, wherein, in order to decongest prisons, the Hon'ble SC ordained the constitution of High Powered Committees in each State.
- 4. It is further apposite to mention that on 23.03.2020 itself, in case titled *Shobha Gupta &Ors. Vs. Union Of India &Ors W.P.(C) No.2945 of 2020* decided on 23.03.2020 by the Hon'ble High Court of Delhi, it was



decided that Prisoners can be released on "interim bail", The criteria adopted were:-

- a Under trial prisoner is the first time offender;
- b Under trial prisoner has been arrested or is facing trial for offence punishable upto 07 years;
- Case is triable by Magistrate and
- d Under trial prisoner is in custody for last 3 months or more;
- e Under Trial Prisoner undergoing Civil imprisonment
- 5. The High Powered Committee (HPC), in terms of the mandate of the Hon'ble SC, issued a slew of directions, contained in Minutes Of Meetings held on various dates.
- 6. Vide Minutes of Meeting dated <u>07.04.2020</u>, the HPC resolved that interimbail ought to be granted for 45 days, preferably on Personal Bond, to inmates fulfilling the following criteria:
 - Under trial prisoners (UTPs), who are senior citizens **more than 60**years of age and are in custody for six months or more, facing trial in a case which prescribes a maximum sentence of 10 years or less:
 - b Under trial prisoners (UTPs), who are **less than 60 years** of age and are in custody for **one year or more**, facing trial in a case which prescribes a maximum sentence of **10 years or less**;
 - Under trial prisoners (UTPs)/Remand Prisoners (with respect to whom, Charge sheets are yet to be filed), who are in custody for 15 days or more, facing trial in a case which prescribes a maximum sentence of 7 years or less;
 - 7. Vide the above minutes, it was also decided that the following categories of inmates, even if falling in the above criteria, should not be considered:
 - a All inmates who are undergoing trial for intermediary/ large quantity recovery under NDPS Act;
 - b Those under trial prisoners who are facing trial under Section 4 & 6 of POCSO Act;

- c Those under trial prisoners who are facing trial for offences under section 376, 376A, 376B, 376C, 376D and 376E and Acid Attack;
- d Those UTPs who are foreign nationals; and
- e Those under trial prisoners who are facing trial under Prevention of Corruption Act (PCAct) / PMLA; and
- f Cases investigated by CBI/ED/NIA/Special Cell Police and Terror related Cases, cases under Anti-National Activities and Unlawful Activities (Prevention) Act etc.
- 8. Vide Minutes of Meeting dated **18.05.2020**, the HPC resolved that interim bail ought to be granted for 45 days, preferably on Personal Bond, to inmates fulfilling the following criteria
 - Under trial prisoners (UTPs) facing trial for a case under Section
 302 IPC and are in jail for more than two years with no involvement in any other case;
 - Under trial prisoners (UTPs) facing trial for offence under Section
 304 IPC and are in jail for more than one year with no involvement in any other case;
 - Under trial prisoners (UTPs) facing trial in a case under Section 307 or 308 IPC and are in jail for more than six months with no involvement in any other case;
 - d Under trial prisoners (UTPs) facing trial/remand prisoners in **Theft**cases and are in jail for more than 15 days;
 - e **Male** Under trial prisoners (**above 65 years** of age) facing trial in a case except the ones excluded hereunder and are in jail for **more** than six months with no involvement in any other case;
 - f **Female** Under trial prisoners (**above 60 years** of age) facing trial in a case except the ones excluded hereunder and are in jail for **more than six months** with **no involvement in any other case**;
- 9. It has been submitted by Ld Counsel for the accused that the accused was

arrested on 03.08.2020, and has spent more than 15 days in custody, and is squarely covered by the criteria laid down by the High Powered Committee vide its minutes of meeting mentioned above.

- 10. Since the accused fulfils the criteria laid down above, he is hereby released on interim bail on personal bond for the sum of Rs. 5000/- to the satisfaction of the Jail Superintendent.
- 11. This order shall be treated as a Release Warrant.Ahlmad is directed to make requisite entry in the Bail Register maintained by him in compliance of directions issued by the Hon'ble High Court of Delhi in Ajay Verma Vs Govt. of NCT of Delhi W.P 10689/17 dated 08.02.2018.

Copy of this order be sent to concerned Jail Superintendent for necessary action via official email ID. The order be also uploaded on the District Courts website forthwith.

FIR No. 204/2020

PS: DBG Road

State Vs. Pradeep @ Poli, S/o Late Sh. Om Prakash

U/s 379/411 IPC

Bail application

31.08.2020

<u>Proceedings on this matter has been conducted via Video Conferencing</u> <u>through Cisco Webex.</u>

This is an application u/s 437 Cr.PC received through E-mail as moved on behalf of the applicant/accused Pradeep @ Poli, S/o Late Sh. Om Prakash, for grant of regular bail.

Present:

Sh. Rajiv Kamboj, Ld. APP for the State has been joined via

Video Conferencing through Cisco Webex.

Sh. Askhat Sharma, Ld. Counsel for accused has been joined via

Video Conferencing through Cisco Webex.

Reply of IO has been received through email.

Vide this Order, I shall dispose off the Interim Bail application filed on behalf of the accused **Pradeep @ Poli, S/o Late Sh. Om Prakash**.

- 1. Ld Counsel for the accused has contended that accused was arrested on 12.08.2020 and has already spent more than 15 days in judicial custody.
- 2. *Per Contra*, Ld APP for the State has opposed the bail application as per law.
- 3. Before adjudicating upon the bail application, it would be pertinent to make a reference to Suo Motu Petition (Civil) No. 1/2020 dated 23.03.2020 titled *In Re: Contagion of COVID -19*, wherein, in order to decongest prisons, the Hon'ble SC ordained the constitution of High Powered Committees in each State.
- 4. It is further apposite to mention that on 23.03.2020 itself, in case titled *Shobha Gupta &Ors. Vs. Union Of India &Ors W.P.(C) No.2945 of 2020* decided on 23.03.2020 by the Hon'ble High Court of Delhi, it was decided that Prisoners can be released on "interim bail", The criteria



adopted were:-

- a Under trial prisoner is the first time offender;
- Under trial prisoner has been arrested or is facing trial for offence punishable upto 07 years;
- Case is triable by Magistrate and
- d Under trial prisoner is in custody for last 3 months or more;
- e Under Trial Prisoner undergoing Civil imprisonment
- 5. The High Powered Committee (HPC), in terms of the mandate of the Hon'ble SC, issued a slew of directions, contained in Minutes Of Meetings held on various dates.
- 6. Vide Minutes of Meeting dated **07.04.2020**, the HPC resolved that interim bail ought to be granted for 45 days, preferably on Personal Bond, to inmates fulfilling the following criteria:
 - Under trial prisoners (UTPs), who are senior citizens more than 60 years of age and are in custody for six months or more, facing trial in a case which prescribes a maximum sentence of 10 years or less;
 - b Under trial prisoners (UTPs), who are **less than 60 years** of age and are in custody for **one year or more**, facing trial in a case which prescribes a maximum sentence of **10 years or less**;
 - c Under trial prisoners (UTPs)/Remand Prisoners (with respect to whom, Charge sheets are yet to be filed), who are in custody for 15 days or more, facing trial in a case which prescribes a maximum sentence of 7 years or less;
- 7. Vide the above minutes, it was also decided that the following categories of inmates, even if falling in the above criteria, should not be considered:
 - a All inmates who are undergoing trial for intermediary/ large quantity recovery under NDPS Act;
 - b Those under trial prisoners who are facing trial under Section 4 & 6 of POCSO Act;
 - c Those under trial prisoners who are facing trial for offences under



- section 376, 376A, 376B, 376C, 376D and 376E and Acid Attack;
- d Those UTPs who are foreign nationals ; and
- e Those under trial prisoners who are facing trial under Prevention of Corruption Act (PCAct) / PMLA; and
- f Cases investigated by CBI/ED/NIA/Special Cell Police and Terror related Cases, cases under Anti-National Activities and Unlawful Activities (Prevention) Act etc.
- 8. Vide Minutes of Meeting dated **18.05.2020**, the HPC resolved that interim bail ought to be granted for 45 days, preferably on Personal Bond, to inmates fulfilling the following criteria
 - Under trial prisoners (UTPs) facing trial for a case under Section
 302 IPC and are in jail for more than two years with no involvement in any other case;
 - b Under trial prisoners (UTPs) facing trial for offence under Section 304 IPC and are in jail for more than one year with no involvement in any other case;
 - Under trial prisoners (UTPs) facing trial in a case under Section 307 or 308 IPC and are in jail for more than six months with no involvement in any other case;
 - d Under trial prisoners (UTPs) facing trial/remand prisoners in Theft
 cases and are in jail for more than 15 days;
 - e Male Under trial prisoners (above 65 years of age) facing trial in a case except the ones excluded hereunder and are in jail for more than six months with no involvement in any other case;
 - Female Under trial prisoners (above 60 years of age) facing trial in a case except the ones excluded hereunder and are in jail for more than six months with no involvement in any other case;
 - 9. It has been submitted by Ld Counsel for the accused that the accused was arrested on 12.08.2020, and has spent more than 15 days in custody, and is



squarely covered by the criteria laid down by the High Powered Committee vide its minutes of meeting mentioned above.

- 10. Since the accused fulfils the criteria laid down above, he is hereby released on interim bail on personal bond for the sum of Rs. 5000/- to the satisfaction of the Jail Superintendent.
- 11. This order shall be treated as a Release Warrant.Ahlmad is directed to make requisite entry in the Bail Register maintained by him in compliance of directions issued by the Hon'ble High Court of Delhi in Ajay Verma Vs Govt. of NCT of Delhi W.P 10689/17 dated 08.02.2018.

Copy of this order be sent to concerned Jail Superintendent for necessary action via official email ID. The order be also uploaded on the District Courts website forthwith.

FIR No. 199/2020 PS: DBG Road State Vs. Sandeep, S/o Sh. Thangaraj U/s 379/356/34 IPC Bail application

31.08.2020

<u>Proceedings on this matter has been conducted via Video Conferencing</u> <u>through Cisco Webex.</u>

This is an application u/s 437 Cr.PC received through E-mail as moved on behalf of the applicant/accused Sandeep, S/o Sh. Thangaraj, for grant of regular bail.

Present:

Sh. Rajiv Kamboj, Ld. APP for the State has been joined via

Video Conferencing through Cisco Webex.

Sh. Keshav Bhardwaj, Ld. Counsel for accused has been joined via

Video Conferencing through Cisco Webex.

Reply of IO has been received through email.

Vide this Order, I shall dispose off the Interim Bail application filed on behalf of the accused **Sandeep**, **S/o Sh. Thangaraj**.

- 1. Ld Counsel for the accused has contended that accused was arrested on 07.06.2020 and has already spent more than 15 days in judicial custody.
- 2. *Per Contra*, Ld APP for the State has opposed the bail application as per law.
- 3. Before adjudicating upon the bail application, it would be pertinent to make a reference to Suo Motu Petition (Civil) No. 1/2020 dated 23.03.2020 titled *In Re: Contagion of COVID -19*, wherein, in order to decongest prisons, the Hon'ble SC ordained the constitution of High Powered Committees in each State.
- 4. It is further apposite to mention that on 23.03.2020 itself, in case titled *Shobha Gupta &Ors. Vs. Union Of India &Ors W.P.(C) No.2945 of 2020* decided on 23.03.2020 by the Hon'ble High Court of Delhi, it was



decided that Prisoners can be released on "interim bail", The criteria adopted were:-

- a Under trial prisoner is the first time offender;
- b Under trial prisoner has been arrested or is facing trial for offence punishable upto 07 years;
- c Case is triable by Magistrate and
- d Under trial prisoner is in custody for last 3 months or more;
- e Under Trial Prisoner undergoing Civil imprisonment
- 5. The High Powered Committee (HPC), in terms of the mandate of the Hon'ble SC, issued a slew of directions, contained in Minutes Of Meetings held on various dates.
- 6. Vide Minutes of Meeting dated <u>07.04.2020</u>, the HPC resolved that interim bail ought to be granted for 45 days, preferably on Personal Bond, to inmates fulfilling the following criteria:
 - a Under trial prisoners (UTPs), who are senior citizens more than 60 years of age and are in custody for six months or more, facing trial in a case which prescribes a maximum sentence of 10 years or less;
 - b Under trial prisoners (UTPs), who are **less than 60 years** of age and are in custody for **one year or more**, facing trial in a case which prescribes a maximum sentence of **10 years or less**;
 - Under trial prisoners (UTPs)/Remand Prisoners (with respect to whom, Charge sheets are yet to be filed), who are in custody for 15 days or more, facing trial in a case which prescribes a maximum sentence of 7 years or less;
- 7. Vide the above minutes, it was also decided that the following categories of inmates, even if falling in the above criteria, should not be considered:
 - a All inmates who are undergoing trial for intermediary/ large quantity recovery under NDPS Act;
 - b Those under trial prisoners who are facing trial under Section 4 & 6 of POCSO Act;

- c Those under trial prisoners who are facing trial for offences under section 376, 376A, 376B, 376C, 376D and 376E and Acid Attack;
- d Those UTPs who are foreign nationals ; and
- e Those under trial prisoners who are facing trial under Prevention of Corruption Act (PCAct) / PMLA; and
- f Cases investigated by CBI/ED/NIA/Special Cell Police and Terror related Cases, cases under Anti-National Activities and Unlawful Activities (Prevention) Act etc.
- 8. Vide Minutes of Meeting dated **18.05.2020**, the HPC resolved that interim bail ought to be granted for 45 days, preferably on Personal Bond, to inmates fulfilling the following criteria
 - a Under trial prisoners (UTPs) facing trial for a case under Section 302 IPC and are in jail for more than two years with no involvement in any other case;
 - b Under trial prisoners (UTPs) facing trial for offence under Section 304 IPC and are in jail for more than one year with no involvement in any other case;
 - c Under trial prisoners (UTPs) facing trial in a case under Section 307 or 308 IPC and are in jail for more than six months with no involvement in any other case;
 - d Under trial prisoners (UTPs) facing trial/remand prisoners in Theft
 cases and are in jail for more than 15 days;
 - e Male Under trial prisoners (above 65 years of age) facing trial in a case except the ones excluded hereunder and are in jail for more than six months with no involvement in any other case;
 - f Female Under trial prisoners (above 60 years of age) facing trial in a case except the ones excluded hereunder and are in jail for more than six months with no involvement in any other case;
- 9. It has been submitted by Ld Counsel for the accused that the accused was



arrested on 07.06.2020, and has spent more than 15 days in custody, and is squarely covered by the criteria laid down by the High Powered Committee vide its minutes of meeting mentioned above.

- 10. Since the accused fulfils the criteria laid down above, he is hereby released on interim bail on personal bond for the sum of Rs. 5000/- to the satisfaction of the Jail Superintendent.
- 11. This order shall be treated as a Release Warrant.Ahlmad is directed to make requisite entry in the Bail Register maintained by him in compliance of directions issued by the Hon'ble High Court of Delhi in Ajay Verma Vs Govt. of NCT of Delhi W.P 10689/17 dated 08.02.2018.

Copy of this order be sent to concerned Jail Superintendent for necessary action via official email ID. The order be also uploaded on the District Courts website forthwith.

FIR No. 199/2020 PS: DBG Road State Vs. Santosh S/o Raja U/s. 356/379/411 IPC Misc. Application

31.08.2020

Present:

Sh. Rajeev Kamboj, Ld. APP for the State has been joined via Video Conferencing through Cisco Webex. Sh. Keshav Bhardwaj, Ld. Counsel for the applicant has also been joined via Video Conferencing through Cisco Webex.

This is an application received via E-mail as moved by Ld. Counsel on behalf applicant **Santosh**, **S/o Sh. Raja** for calling report from Jail Superintendent, Central Jail, Tihar.

Reply of Jail Superintendent has not been received.

However, the previous involvement report received from the IO has been supplied to Ld. Counsel through electronic mode.

At this stage, Ld. Counsel submits that he wishes to withdraw the present application. At request of Ld. Counsel, the present application stands disposed of as withdrawn.

Copy of this order be uploaded on the District Courts website forthwith.



FIR No. 372/2019 PS: Karol Bagh M/s. Treemark Solutions Pvt. Limited vs. State of NCT & Anr. u/s 392/34 IPC Bail application 31.08.2020

<u>Proceedings of this matter has been conducted via Video Conferencing through Cisco Webex.</u>

This is an application under Section 451 Cr.P.C received through Email as moved on behalf of applicant to De-seal the Premises Located At 4/65, 2nd Floor, Padam Singh Road, Karol Bagh, New Delhi.

Present:

Sh. Rajeev Kamboj, Ld. APP for the State via Video

Conferencing through Cisco Webex.

Ms. Krishna Parkhani, Ld. Counsel for applicant via

Video Conferencing through Cisco Webex.

IO/Inspector Pankaj Arora has moved an application seeking exemption from personal appearance and also seeking time to file appropriate reply.

Heard. Time is granted.

IO shall appear before the Court on the next date of hearing.

Since in the reply, it has been mentioned that SDM Karol Bagh be also summoned, issue notice of the application of the applicant to SDM, Karol Bagh to file reply on the next date of hearing.

Copy of the application and reply of IO be sent along with notice to SDM, Karol Bagh.

Renotify for hearing on 03.09.2020 at 12:00 PM.

Copy of this order be uploaded on the official website of Delhi District Courts forthwith.

FIR No. 58/2018

PS: EOW

State Vs. Manoj Kumar Chauhdary

31.08.2020

<u>Proceedings of this matter has been conducted via Video</u> <u>Conferencing through Cisco Webex.</u>

Present:

Sh. Rajiv Kamboj, Ld. APP for the State via Video

Conferencing through Cisco Webex

Compliance report in terms of order date 18.08.2020 has been received from Addl. Deputy Commission of Police, Economic Offences Wing, New Delhi has been received.

The same is perused and be taken on record for consideration on **05.10.2020**.

Copy of this order be uploaded on the official website of Delhi District Courts forthwith.

FIR No. 157/2020 PS: DBG Road State Vs. Mohd. Shaaib Khan U/s 392/34 IPC

Bail application

29.08.2020

<u>Proceedings on this matter has been conducted via Video Conferencing</u> <u>through Cisco Webex.</u>

This is an application u/s 437 Cr.PC received through E-mail as moved on behalf of the applicant/accused Mohd. Shoaib Khan for grant of regular bail.

Present:

Sh. Rajiv Kamboj, Ld. APP for the State has been joined via

Video Conferencing through Cisco Webex.

Sh. Saurabh Tyagi, Ld. Counsel for accused has been joined via

Video Conferencing through Cisco Webex.

Reply of IO has not been received through email.

Let reply to the bail application be filed by IO through E-mail on

the next date.

At request, be put up for hearing arguments on bail application on

02.09.2020.

Copy of this order be uploaded on the official website of Delhi

District Courts.