

23.09.2020

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State

None has joined through Cisco Webex.

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 Crl. 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. mobile phone be released to the applicant on furnishing security bond as per valuation report of the article and after preparation of panchnama and taking photographs of article including IMEI number 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 order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of SHO PS Sadar Bazar. The printout of the applications, reply and the order be kept for records and be tagged with the final report.

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(MANOJ KUMAR)

MM-06(C)/THC/Delhi/23.09.2020

23.09.2020

Through Video conferencing at 10:40 am.

This is an application for releasing vehicle bearing registration number HR-55S-3558 on superdari.

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State.

Sh. Neeraj Khurana, Ld. Counsel on behalf of applicant Satish Chand Khurana has joined through Cisco Webex.

IO has filed his reply. Same is taken on record wherein it has been submitted that he has no objection, if vehicle is released to the applicant.

Instead of releasing the vehicle on superdari, this Court is of the view that the vehicle 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 :-

68. Vehicles involved in an offence may be released to the rightful owner after preparing detailed panchnama; taking photographs of the vehicle, valuation report, and a security bond.

69. The photographs of the vehicle should be attested countersigned by the complainant, accused as well as by the person to whom the custody is handed over.

70. The production of the vehicle should not be insisted upon during the trial. The panchnama and photographs along with the valuation report should suffice for the purposes of evidence.

71. Return of vehicles and permission for sale thereof should be the general norm rather than the exception.

72. If the vehicle is insured, the Court shall issue notice to the owner and the insurance company for disposal of the vehicle. If there is no response or the owner declines to take the vehicle or informs that it has claimed insurance/released its right in the vehicle to the insurance company and the insurance company fails to take possession of the vehicle, the vehicle may be ordered to be sold in auction.

73. If a vehicle is not claimed by the accused, owner, or the insurance company or by a third person, it may be ordered to be sold by auction."

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Considering the facts and circumstances and law laid down by **Hon'ble High Court of Delhi**, vehicle in question bearing registration number HR-55S-3558 be released to the applicant by IO, on furnishing security bond as per the valuation report of vehicle and after preparation of panchnama and taking photographs of vehicle as per directions of **Hon'ble High Court of Delhi** in above cited paragraphs. Panchnama, photographs, valuation report and security bond shall be filed along-with final report.

Copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of SHO PS Sadar Bazar. The printout of the applications, reply and the order be kept for records and be tagged with the final report.

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MM-06(C)/THC/Delhi/23.09.2020

FIR No. 190/20
PS – Sadar Bazar

23.09.2020

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State.

None has joined through Cisco Webex.

IO telephonically intimated to Reader that he wrongly filed the application for release of accused.

Hence, application is dismissed.

Copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of SHO PS Sadar Bazar.

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MM-06(C)/THC/Delhi/23.09.2020

23.09.2020

This is an application for releasing article i.e mobile phone.

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State.

None has joined through Cisco Webex.

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 Crl. 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. mobile phone be released to the applicant on furnishing security bond as per valuation report of the article and after preparation of panchnama and taking photographs of article including IMEI number 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 order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of SHO PS Sadar Bazar. The printout of the applications, reply and the order be kept for records and be tagged with the final report.

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(MANOJ KUMAR)
MM-06(C)/THC/Delhi/23.09.2020

23.09.2020

Through Video conferencing at 10:20 am.

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State.

Sh. Ayub Ahmed Qureshi, Ld. Counsel on behalf of applicant/accused Gaurav has joined through Cisco Webex.

This is an application under Section 437 Cr. PC for grant of bail of applicant/accused wherein it has been submitted that applicant/accused has been falsely implicated and he is in JC since 11.09.2020. Ld. Counsel argued that recovery has already been effected and applicant/accused is young man of 19 years of age. Therefore, he should be granted bail in this matter.

Reply of IO has been filed. Copy of same supplied to Ld. Counsel electronically. Perusal of the same shows that initially, applicant/accused was apprehended in DD No.62A and he was produced before JJB, but during inquiry, he found to be major and consequently, present FIR got registered. The applicant/accused is also involved in one similar other case.

Submissions of both sides heard.

There is specific allegations against applicant/accused. The applicant/accused is involved in similar other case and recovery has been effected from him. So, in view of the above stated reasons, this court is not inclined to grant bail to the applicant/accused and the present bail application is hereby rejected.

Copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of SHO PS Sadar Bazar. The printout of the applications, reply and the order be kept for records and be tagged with the final report.

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(MANOJ KUMAR)
MM-06(C)/THC/Delhi/23.09.2020

23.09.2020

Through Video conferencing at 10:30 am.

This is an application for releasing vehicle bearing registration number DL-6SBD-1999 on superdari.

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State.

Sh. Hari Om Mishra, Ld. Counsel on behalf of applicant Jagdish Chander Upreti has joined through Cisco Webex.

IO has filed his reply. Same is taken on record wherein it has been submitted that he has no objection, if vehicle is released to the applicant.

Instead of releasing the vehicle on superdari, this Court is of the view that the vehicle 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 :-

68. Vehicles involved in an offence may be released to the rightful owner after preparing detailed panchnama; taking photographs of the vehicle, valuation report, and a security bond.

69. The photographs of the vehicle should be attested countersigned by the complainant, accused as well as by the person to whom the custody is handed over.

70. The production of the vehicle should not be insisted upon during the trial. The panchnama and photographs along with the valuation report should suffice for the purposes of evidence.

71. Return of vehicles and permission for sale thereof should be the general norm rather than the exception.

72. If the vehicle is insured, the Court shall issue notice to the owner and the insurance company for disposal of the vehicle. If there is no response or the owner declines to take the vehicle or informs that it has claimed insurance/released its right in the vehicle to the insurance company and the insurance company fails to take possession of the vehicle, the vehicle may be ordered to be sold in auction.

73. If a vehicle is not claimed by the accused, owner, or the insurance company or by a third person, it may be ordered to be sold by auction."

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Considering the facts and circumstances and law laid down by **Hon'ble High Court of Delhi**, vehicle in question bearing registration number DL-6SBD-1999 be released to the applicant/AR by IO, on furnishing security bond as per the valuation report of vehicle and after preparation of panchnama and taking photographs of vehicle as per directions of **Hon'ble High Court of Delhi** in above cited paragraphs. Panchnama, photographs, valuation report and security bond shall be filed along-with final report.

Copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of SHO PS Civil Lines. The printout of the applications, reply and the order be kept for records and be tagged with the final report.

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MM-06(C)/THC/Delhi/23.09.2020

23.09.2020

Through Video conferencing at 10:15 am.

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State.

Sh. Nikhil Yadav, Ld. LAC on behalf of applicant/accused Pappu has joined through Cisco Webex.

At this stage, Ld. LAC submits that he has mentioned wrong FIR No.

IO also filed reply in FIR No.20/20 PS Sadar Bazar.

Let, notice be issued to IO/SHO with direction to file reply electronically in **FIR No.355/20 PS Civil Lines for 24.09.2020.**

Copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of SHO PS Civil Lines. The printout of the applications, reply and the order be kept for records and be tagged with the final report.

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MM-06(C)/THC/Delhi/23.09.2020

23.09.2020

Through Video conferencing at 10:25 am.

This is an application for grant of interim bail.

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State.
Sh. Pradeep Kumar, Ld. Counsel on behalf of accused Sunny has joined through
Cisco Webex.

This is an application for grant of interim bail to applicant/accused. Ld. Counsel argued that applicant/accused has been falsely implicated and he is in JC since 04.09.2020. He further argued recovery has already been effected and applicant/accused has already been released in FIR No.312/20 PS Civil Lines. He further argued that more than 15 day in JC has expired. He further argued that due to COVID-19 outbreak, lenient view may be taken and applicant/accused may be released on interim bail as per the direction of **Hon'ble High Court**.

Reply of IO has been filed. Copy of same supplied to Ld. Counsel electronically. Perusal of the same shows that applicant/accused was sent to JC on 04.09.2020 and he is shown to be involved in other cases.

Submissions of both sides heard.

The applicant/accused is in JC since 04.09.2020. The applicant/accused is also involved in other cases. So, the case of the applicant/accused does not fall under the guidelines/directions of "High Powered Committee" of **Hon'ble High Court of Delhi** dated 28.03.2020. So, at present, applicant/accused is not entitled for interim bail and the interim bail application is hereby rejected.

Application stands disposed off accordingly. Copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of SHO PS Civil Lines. The printout of the applications, reply and the order be kept for records and be tagged with the final report.

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(MANOJ KUMAR)
MM-06(C)/THC/Delhi/23.09.2020

23.09.2020

Through Video conferencing at 10:05 am.

This is an application for releasing vehicle bearing registration number BR-01PK-2584 on superdari.

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State.

Sh. Ajay Kumar Singh, Ld. Counsel on behalf of applicant/AR Ajay Kumar has joined through Cisco Webex.

Vehicle is registered in the name of M/s. Comfort Zone.

IO has filed his reply. Same is taken on record wherein it has been submitted that he has no objection, if vehicle is released to the applicant.

Instead of releasing the vehicle on superdari, this Court is of the view that the vehicle has to be released as per directions of **Hon'ble High Court of Delhi** in matter of "**Manjit Singh Vs. State**" in Crl. 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 : -

68. Vehicles involved in an offence may be released to the rightful owner after preparing detailed panchnama; taking photographs of the vehicle, valuation report, and a security bond.

69. **The photographs of the vehicle should be attested countersigned by the complainant, accused as well as by the person to whom the custody is handed over.**

70. The production of the vehicle should not be insisted upon during the trial. The panchnama and photographs along with the valuation report should suffice for the purposes of evidence.

71. Return of vehicles and permission for sale thereof should be the general norm rather than the exception.

72. If the vehicle is insured, the Court shall issue notice to the owner and the insurance company for disposal of the vehicle. If there is no response or the owner declines to take the vehicle or informs that it has claimed insurance/released its right in the vehicle to the insurance company and the insurance company fails to take possession of the vehicle, the vehicle may be ordered to be sold in auction.

73. If a vehicle is not claimed by the accused, owner, or the insurance company or by a third person, it may be ordered to be sold by auction."

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Considering the facts and circumstances and law laid down by **Hon'ble High Court of Delhi**, vehicle in question bearing registration number BR-01PK-2584 be released to the applicant/AR by IO, on furnishing security bond as per the valuation report of vehicle and after preparation of panchnama and taking photographs of vehicle as per directions of **Hon'ble High Court of Delhi** in above cited paragraphs. Panchnama, photographs, valuation report and security bond shall be filed along-with final report.

Copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of SHO PS Civil Lines. The printout of the applications, reply and the order be kept for records and be tagged with the final report.

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MM-06(C)/THC/Delhi/23.09.2020

Hardayal Singh Hadi Vs. North Delhi Municipal Corporation
PS – Civil Lines

23.09.2020

Through Video conferencing at 11:00 am.

Present : Sh. Bimal Sharma and Sh. Arpit Sharma, Ld. Counsels on behalf of accused no.2 has joined through Cisco Webex.

Sh. Dharamvir Gupta, Ld. Counsels on behalf of accused no.1 has joined through Cisco Webex.

Sh. Vijay Tandon, Ld. Counsels along-with complainant has joined through Cisco Webex.

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MM-06(C)/THC/Delhi/23.09.2020

FIR No. 101/18
PS – Sadar Bazar

23.09.2020

Through Video conferencing at 10:45 am.

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State.

Sh. Parveen Sharma, Ld. Counsel on behalf of both accused persons has joined through Cisco Webex.

Be put up for purpose already fixed/FP on 19.02.2021.

Copy of order be uploaded on CIS.

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MM-06(C)/THC/Delhi/23.09.2020