

FIR No.465/2020
PS Paschim Vihar ~~West~~
East

20.08.2020

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

This is an application under Section 437 of Cr.P.C on behalf of applicant/accused Govinda S/o Sh. Satnam Singh wherein it has been submitted that the accused person is in JC since 09.07.2020 and that the alleged recovery of the illicit weapon has been planted on the accused.

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. As per the reply received from the IO, the accused is also having previous involvement in numerous other cases. Copy of the previous involvement report of the accused has been received along with the reply of the IO.

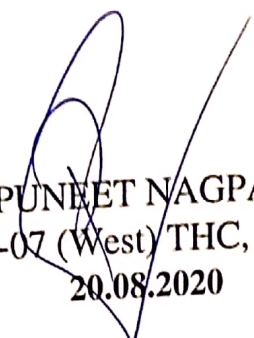
Heard.

Considering the fact that recovery of the illicit weapon has already been effected and that the accused is in custody since 09.07.2020, accused Govinda S/o Sh. Satnam Singh is admitted to bail subject to furnishing of Bail Bond and **two Surety Bonds** in the sum of Rs.25,000/- 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)
MM-07 (West) THC, Delhi
20.08.2020

Copy received
[Signature]
18/08/20
20/08/2020

20.08.2020

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

This is an application under Section 437 of Cr.P.C on behalf of applicant/accused Vicky Aggarwal S/o Sh. Sunil Aggarwal wherein it has been submitted that the accused person is in JC since 30.07.2020 and that the alleged illicit weapon has been planted on the accused.

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 recovery of illicit weapon (buttondar knife) has already been effected and that the accused is in custody since 30.07.2020, accused Vicky Aggarwal S/o Sh. Sunil Aggarwal is admitted to bail subject to furnishing of Bail Bond and Surety Bond in the sum of Rs.15,000/- 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)
DMM-01 (West) THC, Delhi
20.08.2020

Assn
received
20/08/20

FIR No.485/2020
PS Paschim Vihar

20.08.2020


Present : Ld. APP for the State (through CISCO Webex).
Ld. LAC Sh. Vikas Kumar for the accused.

This is an application under Section 437 of Cr.P.C on behalf of applicant/accused Roshan S/o Sh. Phoola Ram forwarded by the concerned Jail Superintendent, Tihar Jail-01, wherein it has been submitted that the accused person is in JC since 22.07.2020.

Reply has been received from the IO/SHO concerned. Perusal of same reveals that the accused has already been enlarged on bail on 14.08.2020.

In view of the same, present application stands dismissed as infructuous.

Copy of the order be given dasti to Ld. LAC for accused/applicant.


(PUNEET NAGPAL)
DMM-01 (West) THC, Delhi
20.08.2020

*Copy received
20/08/2020*

20.08.2020

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

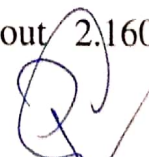
IO/ASI Subhash in person.

MHC(M) with case property.

Both accused persons namely Ranjeet Kumar and Rahul Kumar are in person with counsel.

One travel bag (brown colour) has been produced before me (weighing about 4.426 KG). Out of the said travel bag, one white polythene bag is taken out and out of the said polythene bag, two round shaped polythene bag wrapped with brown tape measuring about 4.362 KG and 3.142 KG are taken out. The case property is sealed with the seal of (VF) and has been counter sealed with the seal of (AKS).

The first round shaped polythene bag (weighing about 4.362) is opened with the permission of the Court and out of the said polythene bag, two small round shaped polythene bag wrapped with brown tape measuring about 2.160 KG and 2.166 KG are taken out. Both these polythene bags are opened and samples measuring about 100 grams each have been taken out from these two polythene bags. Subsequently, the other polythene bag (weighing about 3.142 KG) is taken out and out of the said polythene bag, two small polythene bags wrapped in brown tape (measuring about 3.86 KG and .954 KG) are taken out. Both these bags are opened with the permission of the Court and samples measuring about 100 grams each have been taken from these polythene bags. All four samples, weighing about 100 grams each have been separately packed in four different plastic boxes (white colour) and have been sealed after wrapping the same with white doctor tape, with the seal of Court (PN). The case property containing samples weighing about 2.160 KG and



2.166 KG has been wrapped in a white coloured cloth and has been sealed with the seal of the Court (PN). The remaining case property weighing about 3.86 KG and 0.954 KG containing the samples have also been wrapped in a white colour cloth and has been sealed with the seal of the Court (PN).

All the case property has been subsequently packed into travel bag (brown colour) and the said bag has also been sealed with the seal of the Court (PN).

The samples (4 in number), which have been sealed in four plastic boxes white colour be sent to FSL for examination.

Copy of the order be given dasti to the IO.

(PUNEET NAGPAL)
DMM-01 (West) THC, Delhi
20.08.2020

Received
Subho
A81 Subhash no 1244/W
P.S. Kalyans Nagar
Delhi

20.08.2020

This is an application for releasing articles i.e. one **Vehicle bearing No.DL-4SCF-5033.**

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

None for applicant.

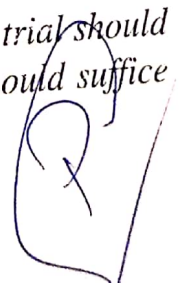
Instead of releasing the articles on superdari, this Court is of the view that the articles has to be released as per directions of **Hon'ble High Court of Delhi** in matter of "**Manjit Singh Vs. State**" in CrI. M.C. No. 4485/2013 dated 10.09.2014.

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. **Vehicle bearing No.DL-4SCF-5033** as per seizure memo be released to the applicant, **if the same is no longer required for investigation of the instant FIR and after verification of the documents (RC, Insurance Certificate)** and 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)
DMM-01 (West) THC, Delhi
20.08.2020

20.08.2020

This is an application for releasing articles i.e. one **Vehicle bearing No.DL-10SB-9682.**

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

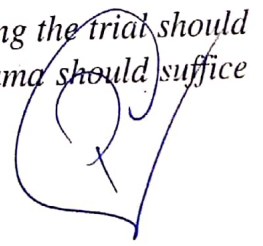
Instead of releasing the articles on superdari, this Court is of the view that the articles has to be released as per directions of *Hon'ble High Court of Delhi* in matter of "*Manjit Singh Vs. State*" in CrI. M.C. No. 4485/2013 dated 10.09.2014.

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. one **Vehicle bearing No.DL-10SB-9682** as per seizure memo be released to the applicant, **if the same is no longer required for investigation of the instant FIR and after verification of the documents (RC, Insurance Certificate)** and 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)
DMM-01 (West) THC, Delhi
20.08.2020

दीप रसोवत
Paramjeet Singh

20.08.2020

This is an application for releasing articles i.e. one **Vehicle bearing No.DL-10SB-7293.**

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. **Vehicle bearing No.DL-10SB-7293** as per seizure memo be released to the applicant, if the same is no longer required for investigation of the instant FIR and after verification of the documents (RC, Insurance Certificate) and 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)
DMM-01 (West) THC, Delhi
20.08.2020

20.08.2020

This is an application for releasing articles i.e. one **Mobile Phone SAMSUNG Galaxy-A50, having IMEI No.35719210711321.**

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. one Mobile Phone SAMSUNG Galaxy-A50, having IMEI No.35719210711321 as per seizure memo be released to the applicant, if the same is no longer required for investigation of the instant FIR and 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.

Received
Rohit
20/08/2020

(PUNEET NAGPAL)
DMM-01 (West) THC, Delhi
20.08.2020

20.08.2020

This is an application for releasing articles i.e. **Mobile Phone SAMSUNG-A6**.

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

None for applicant.

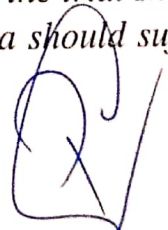
Instead of releasing the articles on superdari, this Court is of the view that the articles has to be released as per directions of *Hon'ble High Court of Delhi* in matter of "*Manjit Singh Vs. State*" in CrI. M.C. No. 4485/2013 dated 10.09.2014.

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. **Mobile Phone SAMSUNG-A6** as per seizure memo be released to the applicant, **if the same is no longer required for investigation of the instant FIR** and 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)
DMM-01 (West) THC, Delhi
20.08.2020

20.08.2020

This is an application for releasing articles i.e. one **Vehicle bearing No.DL-4SCK-6249.**

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. one **Vehicle bearing No.DL-4SCK-6249** as per seizure memo be released to the applicant, if the same is no longer required for investigation of the instant FIR and after verification of the documents (RC, Insurance Certificate) and 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.

Recd
M.P. Singh
20/8/20


(PUNEET NAGPAL)
DMM-01 (West) THC, Delhi
20.08.2020

20.08.2020

This is an application for releasing articles i.e. one **Vehicle bearing No.DL-8SBQ-0838.**

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 : -

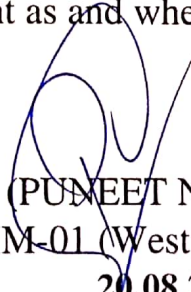
"59. The valuable articles seized by the police may be released to the person, who, in the opinion of the court, is lawfully entitled to claim such as the complainant at whose house theft, robbery or dacoity has taken place, after preparing detailed panchnama of such articles, taking photographs of such articles and a security bond.

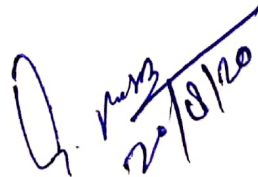
60. The photographs of such articles should be attested or countersigned by the complainant, accused as well as by the person to whom the custody is handed over. Whenever necessary, the court may get the jewellery articles valued from a government approved valuer.

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. one Vehicle bearing No.DL-8SBQ-0838 as per seizure memo be released to the applicant, if the same is no longer required for investigation of the instant FIR and after verification of the documents (RC, Insurance Certificate) and 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)
DMM-01 (West) THC, Delhi
20.08.2020


20/8/20

20.08.2020

This is an application for releasing articles i.e. one **Vehicle bearing No.DL-4SDA-2828 (Active-125)**.

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

None for applicant.

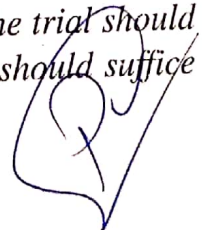
Instead of releasing the articles on superdari, this Court is of the view that the articles has to be released as per directions of **Hon'ble High Court of Delhi** in matter of "**Manjit Singh Vs. State**" in CrI. M.C. No. 4485/2013 dated 10.09.2014.

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. one **Vehicle bearing No.DL-4SDA-2828 (Active-125)** as per seizure memo be released to the applicant, **if the same is no longer required for investigation of the instant FIR and after verification of the documents (RC, Insurance Certificate)** and 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.


(PUNBET NAGPAL)
DMM-01 (West) THC, Delhi
20.08.2020

20.08.2020

This is an application for releasing articles i.e. one Mobile Phone **one plus 6T (IMEI No.861803045971053, colour black)**.

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 : -

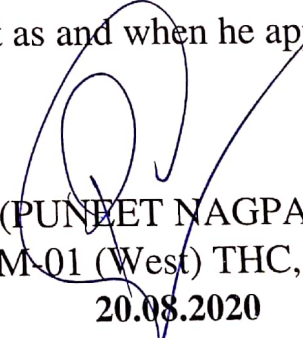
"59. The valuable articles seized by the police may be released to the person, who, in the opinion of the court, is lawfully entitled to claim such as the complainant at whose house theft, robbery or dacoity has taken place, after preparing detailed panchnama of such articles, taking photographs of such 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. Mobile Phone **one plus 6T** (IMEI No.861803045971053, colour black) as per seizure memo be released to the applicant, **if the same is no longer required for investigation of the instant FIR** and 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)
DMM-01 (West) THC, Delhi
20.08.2020

FIR No.512/2020
PS Rajouri Garden

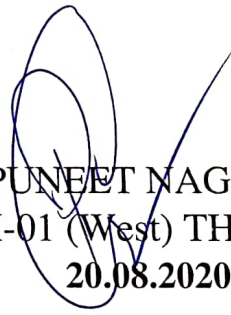
20.08.2020

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

Bail bond verification report has been received from the concerned IO in terms of order dated 03.06.2020. Taken on record.

Bail bond of the accused stands accepted.

Let the entire record along with the original bail bond and the surety documents be sent to Court concerned.


(PUNEET NAGPAL)
DMM-01 (West) THC, Delhi
20.08.2020

20.08.2020

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

This is an application under Section 437 of Cr.P.C on behalf of applicant/accused Shabuddin S/o Sh. Kharati wherein it has been submitted that the accused person was formally arrested on 10.08.2020 at Tihar Jail Complex, where the accused was already lodged in JC in some other FIR since 08.08.2020 and that the recovery of the alleged stolen property has already been effected.

IO of this case has filed reply. Perusal of reply shows that there is allegation of under Section 379/411 IPC against the accused.

Heard.

Considering the fact that recovery has already been effected and that the accused is in custody since 10.08.2020, accused Shabuddin S/o Sh. Kharati is admitted to bail subject to furnishing of Bail Bond and Surety Bond in the sum of Rs.15,000/- 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.

*Copy Received
Am Sure
20/8/20*

(PUNEET NAGPAL)
DMM-01 (West)/THC, Delhi
20.08.2020

FIR No.45/2020
PS Anand Parbat

20.08.2020

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

Ld. Counsel for the accused.

This is an application under Section 437 of Cr.P.C on behalf of applicant/accused Ravi Kumar Meena S/o Sh. Ramesh Chand Meena wherein it has been submitted that the accused person is in JC since 03.08.2020.

IO of this case has filed reply. Perusal of reply shows that there is allegation of under Section 326 IPC against the accused and investigation is still pending.

Considering the facts that the complainant/injured has himself named the accused to be the assailant, who had inflicted injuries on his person, in the statement recorded by the police under section 161 Cr.PC, prima facie involvement of the accused in the instant FIR cannot be ruled out.

Considering the gravity of the offence and the fact that there is every likely hood of the accused threatening the complainant, I am not inclined to grant the concession of bail, especially when the investigation is still pending.

Consequently, present application stands dismissed.

Copy of the order be given dasti to the Ld. Counsel for accused.

P. Shankar / C.P.K.
(Adv.)

(PUNEET NAGPAL)
DMM-01 (West) THC, Delhi
20.08.2020

FIR No.008006/2020
PS Khyala

20.08.2020

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

None for applicant/complainant.

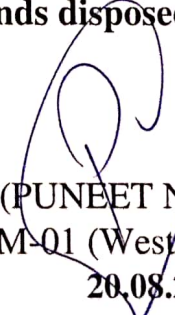
IO in person.

IO has submitted that the untrace report in the instant FIR has already been filed the final report before the concerned Court and in case, the applicant wishes to obtain the untrace report, he has to approach the Electronic Court Room No.145, THC, Delhi with the request for obtaining the copy of untrace report.

In view of the same, IO stands discharged.

Complainant/applicant be apprised regarding the above stated fact as and when he appears.

Application of the applicant/complainant stands disposed of.


(PUNEET NAGPAL)
DMM-01 (West) THC, Delhi
20.08.2020

FIR No.729/2020
PS Khyala

20.08.2020

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

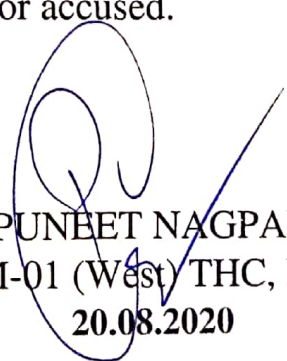
This is an application under Section 437 of Cr.P.C on behalf of applicant/accused Manjeet Kumar S/o Sh. Kanhiya Singh wherein it has been submitted that the accused person is in JC since 23.07.2020.

IO of this case has filed reply. Perusal of reply shows that there is allegation of under Section 380/454/34 IPC against the accused and investigation is still pending.

Considering the facts that the accused was apprehended from the spot by the complainant himself, at the time when the accused had trespassed the house of the complainant for committing theft, prima facie involvement of the accused in the instant FIR is made out. The allegations against the accused are grave in nature and therefore, I am not inclined to grant the concession of bail, especially when the investigation is still pending.

Consequently, present application stands dismissed.

Copy of the order be given dasti to Ld. Counsel for accused.


(PUNEET NAGPAL)
DMM-01 (West) THC, Delhi
20.08.2020

20.08.2020

This is an application for releasing articles i.e. one **Vehicle bearing No.UP-14-GT-3442.**

Present : Ld. APP for the State (through CISCO Webex).
Owner of the vehicle in person alongwith counsel.

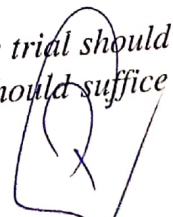
Instead of releasing the articles on superdari, this Court is of the view that the articles has to be released as per directions of *Hon'ble High Court of Delhi* in matter of "*Manjit Singh Vs. State*" in CrI. M.C. No. 4485/2013 dated 10.09.2014.

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.UP-14-GT-3442** as per seizure memo be released to the applicant, if the same is no longer required for investigation of the instant FIR and after verification of the documents (RC, Insurance Certificate) and 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.

3/2/20

(PUNEET NAGPAL)
DMM-01 (West) THC, Delhi
20.08.2020