

FIR No. 222/2017
PS: Crime Branch
State Vs. Guddu Khan
U/s 18 (b) NDPS Act

08.07.2020

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

Ms. Indu Kaul, counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application for grant of interim bail under Section 439 CrPC filed on behalf of accused Guddu Khan in case FIR No. 222/2017.

Reply not filed by the State. Reply be filed on or before the next date of hearing.

Medical documents and family status of the accused-applicant be got verified.

For report and consideration, put up on 14.07.2020.


(Neelofar Abida Perveen)
ASJ (Central)THC/Delhi
08.07.2020

FIR No. 54/2017
PS: Crime Branch
State Vs. Mamta
u/s 21/25/29 NDPS Act

08.07.2020

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

Sh. Gajraj Singh, Counsel for accused-applicant
(through video conferencing)

Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of regular bail on behalf of accused Mamta in case FIR No. 54/17.

Ld. Counsel for the accused-applicant submits that accused-applicant is in custody since 13.04.2017 and that the co-accused Om Pal has already been granted bail. That the case of the accused-applicant is on similar footing as that of the co-accused, who has been granted bail as the same charge for offence under Section 21 (c) of NDPS Act has been framed against both the accused in the present case. That there is no question of tampering with the evidence or influencing witness as most of the witnesses are police officials. That there is no compliance of Section 50 of the Act and that requirement of Section 37 of NDPS Act is therefore clearly satisfied from the record itself which shows that personal search is conducted in contravention of Section 50 of the Act. Ld. Counsel for accused-applicant has relied upon following judgments:-

1. Rakesh @ Shankar v. State Crl. Appeal No. 663/2010 decided by

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- Hon'ble High Court on 08.01.2014;
2. Vaibhav Gupta v. State B. A. No. 2014/2019 decided by Hon'ble High Court on 20.09.2019;
 3. Sukhvir Singh v. State of Punjab CRM. M. 6713/2018 decided by Hon'ble Punjab and Haryana High Court on 02.05.2018;
 4. Rupai Kumar Das v. State Karnataka Crl. Petition no. 9138/2017 decided Hon'ble High Court of Karnataka on 03.01.2018;
 5. Myla Venkateshwarlu v. State of A. P. Crl. Appeal No. 611/2012 decided by Hon'ble Supreme Court on 04.04.2012;
 6. State of Rajasthan v. Parmanand & Anr. Crl. Appeal No. 78/2005 decided by Hon'ble Supreme Court on 08.02.2014;
 7. Paramjeet Singh v. State B. A. No. 3072/2019 decided by Hon'ble High Court of Delhi on 17.02.2020;
 8. Raju Diwakar @ Pappu v. State decided by Hon'ble High Court of Delhi on 13.02.2020.

Ld. Addl. PP for the State submits that case pertains to recovery of 400 grams of heroin and that it is correct that charge for offence under Section 21 (c) of the Act is framed against both the accused. That it is the case of the prosecution that co-accused Om Pal had procured 400 grams of heroin from Bareilly and handed over 300 grams of heroin to accused-applicant Mamta and raiding party had intercepted the vehicle being driven by co-accused Om Pal and acting upon secret information had recovered 100 grams of heroin from the pocket of wearing pant of the co-accused Om Pal in the course of his personal search and 300 grams of heroin was recovered

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from the purse of the accused-applicant.

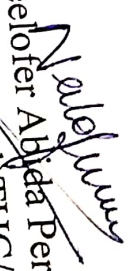
Arguments heard. Record perused.

The case pertains to recovery of commercial quantity of contraband i.e. 400 grams of heroin. Co-accused Om Pal has been granted regular bail as 100 grams of heroin is alleged to have been recovered from the conscious possession of co-accused Om Pal in the course of his personal search which falls in the intermediate quantity prescribed for the contraband. However, 300 grams of heroin is alleged to have been recovered from the purse of the accused-applicant which was hold by her in her hand, which is a commercial quantity of heroin.

Ld. Counsel for accused-applicant has alleged violation of Section 50 of the NDPS Act. Compliance and non-compliance of the Section 50 of the Act is a matter of trial. It is however, pertinent to note that contraband is not alleged to have been recovered from the personal search of the accused-applicant but from the purse of the accused-applicant. It would therefore remain to be ascertained upon assessment of the evidence led as to whether there has been contravention of Section 50 of the Act in the given facts and circumstances of the present case upon conclusion of trial which is still underway. At this stage, there is no material before this Court to arrive at a satisfaction that the accused-applicant has not committed the offence or is not likely to commit similar offence if released on bail. As the twin requirements of Section 37 of the Act are not satisfied, no ground is made out to grant bail to the accused-applicant Mamta. Application under Section 439 CrPC for grant of regular bail on behalf of accused Mamta in

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case FIR No. 54/17 is dismissed.


(Neelofar Abida Perveen)
ASJ (Central) THC/Delhi
08.07.2020

FIR No. 277/2018
PS: Sarai Rohilla
State Vs. Shivani
302/201/34

07.07.2020

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

Sh. Akhilesh Yadav, counsel for accused-applicant (through video conferencing)

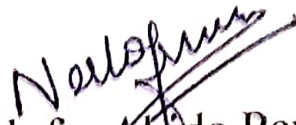
Hearing conducted through Video Conferencing.

This is an application on behalf of accused Shivani in case FIR No. 277/2018 for waiving of the conditions of bail granted.

Taking into consideration that the husband of the accused-applicant is also in custody in connection with the present case and the old age mother in law of the accused-applicant is not in a position to arrange for surety due to covid-19 pandemic and as the family is stated to belong to weaker section of society, order dated 24.06.2020 is modified to the extent that accused-applicant Shivani be released on interim bail of 30 days upon furnishing personal bond in the sum of Rs.30,000/- with one surety in the like amount subject to the same conditions as mentioned in order dated 24.06.2020 with further condition that she will get her presence marked at local police station on the Saturday of every week during the period of interim bail and that she shall mention her mobile phone number, which number it shall be ensured by the accused remains on switched on mode throughout the period of interim bail with location activated and shared with

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the IO at all times. Moreover, on weekly basis, accused-applicant through said mobile phone shall telephonically confirm with the IO about her whereabouts.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
08.07.2020

FIR No. 32/2019
PS: Crime Branch
State Vs. Praveen Chaudhary @ Ankit
U/s 399/402 IPC and 25 Arms Act

08.07.2020

Fresh application received. Be registered.

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

Sh.Jitender Sethi, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application for extension of interim bail of 45 days granted to the accused-applicant namely Parveen Chaudhary @ Ankit in case FIR No. 32/2019 vide order dated 09.04.2020 in accordance with the guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi.

The prayer for extension, however, 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 2961 UTIs 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

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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
08.07.2020

FIR No. 32/2019

PS: Prasad Nagar

State Vs. Kamal Kishore

U/s 302/323/341/147/148/149 IPC and 25 Arms Act

08.07.2020

Fresh application received. Be registered.

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

Sh.Vineet Jain, Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application for extension of interim bail granted to the accused-applicant namely Kamal Kishore in case FIR No. 32/2019 for 30 days.

Let medical documents annexed with the application be got verified.

For report and consideration, put up on 10.07.2020.


(Neelofar Akhla Perveen)
ASJ (Central) THC/Delhi
08.07.2020

FIR No. 32/2019

PS: Prasad Nagar

State Vs. Hemant Kumar

U/s 302/323/341/147/148/149 IPC and 25 Arms Act

08.07.2020

Fresh bail application received. Be registered

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

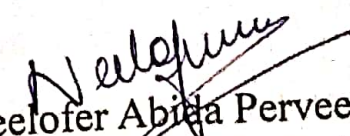
Sh. Bunt Tiwari, Counsel for accused-applicant
(through video conferencing)

Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of interim bail for six weeks on behalf of the accused-applicant Hemant in case FIR No. 32/2019.

Let medical documents annexed with application and family status of the accused-applicant be got verified.

For report and consideration, put up on **13.07.2020**.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
08.07.2020

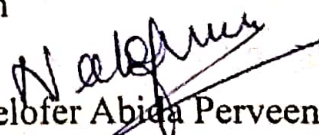
FIR No. 222/2016
PS: Timarpur
State Vs. Dharamveer

08.07.2020

Fresh application received. Be registered.
Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)
Sh. Sanjay Kumar, 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 Dharamveer in case FIR No.222/2016 as accused-applicant is suffering from HIV.

When it is put to the Ld. Counsel for the accused-applicant that on the same ground of illness of HIV the accused-applicant had earlier also preferred an application for interim bail which was considered and rejected after calling for report from the Superintendent concerned, Ld. Counsel for accused-applicant submits that he was only informed about regular bail application filed on behalf of the accused-applicant in the year 2019. At this stage, ld. Counsel for the accused-applicant seeks leave to withdraw the present application for interim bail. It is ordered accordingly. Application under section 439 CrPC for grant of interim bail on behalf of accused Dharamveer in case FIR No.222/2016 is dismissed as withdrawn


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
08.07.2020

C. R. No. 780/2019

The Manager South Indian Bank Ltd. V. Paramjeet Singh & Ors.

08.07.2020

Present: Sh. A. Karthik, counsel for petitioner (through video conferencing)

None for respondent no. 1.

Hearing is conducted through video conferencing.

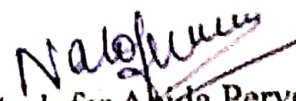
Arguments heard in part on behalf of the petitioner.

It emerges that complainant is also required to be heard in this matter. Moreover, TCR is required for the purposes of disposal of the present revision petition as Ld. Counsel for the petitioner has relied upon Status report filed by the police in this case. TCR be requisitioned.

Reader of the Court has informed that respondent no. 1/complainant was contacted telephonically and he had informed that he will convey next date of hearing to his counsel.

Ld. Counsel for petitioner submits that written submissions have already been forwarded on the email ID of the Court. Intimation be also sent on whatsapp to respondent no. 1 about next date of hearing. Respondent no.1 is at liberty to file written submissions, if any by forwarding the same on the email ID of the Court i.e. ndpscourt222@gmail.com.

For further arguments, put up on 17.07.2020.


(Neelofer Akida Perveen)
ASJ (Central)THC/Delhi
08.07.2020