

**B. A. No. 3463**  
**FIR No. 385/2020**  
**PS: Subzi Mandi**  
**State Vs. Anil Kumar**  
**U/s 33 Excise Act**

09.11.2020


Present: Fresh bail received. Be registered.  
Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)  
Counsel for accused-applicant (through video conferencing)  
Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of interim bail on behalf of accused-applicant Anil Kumar in case FIR No. 395/2020.

Heard.

Let contents of the application and family status of the accused-applicant be got verified.

For report and consideration, put up on **11.11.2020**.

  
(Neelofer Abida Perveen)  
ASJ (Central)THC/Delhi  
**09.11.2020**

B. A. No. 2992  
FIR No. 405/2020  
PS: Wazirabad  
State Vs. Bachan Lal Gupta  
U/s 376D/354-B/328/377/34 IPC

09.11.2020

Present: Sh. K.P.Singh, Addl. PP for State.


Sh. A. K. Jain, Counsel for accused-applicant

Complainant with the IO WSI Suman is present in person.

This is an application under Section 439 CrPC for grant of  
bail on behalf of accused-applicant Bachan Lal Gupta in case FIR  
No.405/2020.

Arguments heard.

For orders, put up on **11.11.2020**.

  
(Neelofar Abida Perveen)  
ASJ (Central) THC/Delhi  
09.11.2020

**B. A. No. 3471**  
**FIR No. Not Known**  
**PS: Civil Lines**  
**State Vs. Sahedev @ Dev @ Dewu**  
**U/s Not Known**

09.11.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State.

Sh. V. V. Arya, Counsel for accused-applicant.

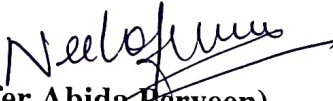
This is an application under Section 438 CrPC for grant of anticipatory bail on behalf of accused-applicant Sahedev @ Dev @ Dewu in case FIR No. 258/2020.

As per reply of the IO, on 27.10.2020, prosecutrix Dimple has returned to her home late night and her medical examination was conducted from Trauma Hospital. That prosecutrix stated that she went to her aunty's house in Sonia Vihar and no offence has been committed against her. Prosecutrix was handed over to her mother but on 28.10.2020 she again left her house and in the same evening prosecutrix was recovered from the area of Subzi Mandi and has been sent to Nirmal Chhaya. On 03.11.2020 statement of prosecutrix <sup>was 28</sup> recorded under Section 164 CrPC and she did not level any allegation against the accused-applicant Sahedev @ Dewu.

As the minor is returned to her parental home on 27.10.2020, the date of registration of FIR itself and thereafter she is now living at Nirmal Chhaya and she expressed her desire not to live with her mother

and no offence is made out in FIR No. 451/2020 much less against the accused-applicant, <sup>As</sup> In such facts and circumstances, there remains no occasion for this court to pass any kind of directions in respect of accused-applicant in respect of the present case FIR.

Application is disposed of accordingly.

  
(Neelofer Abida Perveen)  
ASJ (Central)THC/Delhi  
09.11.2020

FIR No. 113/2018

PS: Jama Masjid

State Vs. Asgar

U/s 302/307/34 IPC & 25/54/29 Arms Act

09.11.2020

Present: Sh. K.P.Singh, Addl. PP for State.


Sh. Diwakar Chhauhdary, LAC for accused-applicant.

This is an application under Section 439 CrPC for grant of interim bail on behalf of accused Asgar in case FIR No. 113/2018.

Heard.

Let contents of the application and family status of the accused-applicant be got verified.

For report and consideration, put up on 18.11.2020.

  
(Neelofer Abida Perveen)  
ASJ (Central)THC/Delhi  
09.11.2020

**FIR No. 277/2018**  
**PS: Crime Branch**  
**State Vs. Devender**  
**U/s 20/25/29 NDPS Act**

09.11.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State.

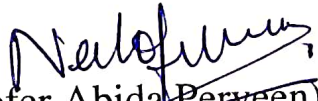
Sh. Surendera, Counsel for accused-applicant.

This is an application under Section 439 CrPC for extension of interim bail on behalf of accused-applicant Devender Kumar in case FIR No. 227/2018.

Ld. Addl. PP seeks some time for filing of verification report of the medical documents which pertains to the State of UP.

Report be filed before the next date of hearing.

For report and consideration, put up on **19.11.2020**. **Interim bail of the accused-applicant is extended till the next date of hearing.**

  
(Neelofer Abida Perveen)  
ASJ (Central) THC/Delhi  
**09.11.2020**

**FIR No. 160/2015**  
**PS: Crime Branch**  
**State Vs. Tej Singh**  
**U/s 21 NDPS Act**

09.11.2020


Present: Sh. K.P.Singh, Ld. Addl. PP for State.

None for accused-applicant.

This is an application for cancellation of endorsement moved on behalf of applicant in case FIR No.160/2015.

Let report be called from the State if any appeal has been preferred against the judgment of acquittal or not.

For report and consideration, put up on 17.11.2020.

  
(Neelofer Abida Perveen)  
ASJ (Central) THC/Delhi  
09.11.2020

**FIR No. 202/2018**

**PS: Sadar Bazar**

**State Vs. Deepak Kumar Chaudhary**

**U/s 20/61/85 NDPS Act**

09.11.2020

Present: Sh. K.P.Singh, Addl. PP for State.

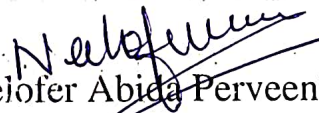
None for accused-applicant.

This is an application on behalf of accused Deepak Kumar Chaudhary in case FIR No. 288/2019 seeking permission to visit native village in Bihar.

None has joined on behalf of accused-applicant through Webex Hearing.

Ld. Addl. PP seeks some time to file reply to the application.

For reply and consideration, put up n **11.11.2020**.

  
(Neelofer Abida Perveen)

ASJ (Central)THC/Delhi

**09.11.2020**



**B. A. No. 3319**

**FIR No. 258/2020**

**PS: Subzi Mandi**

**State Vs. Surender Singh**

**U/s 452/323/341/506/34 IPC**

09.11.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State  
Sh. Rakesh Chaudhary, Counsel for accused-applicant  
(through video conferencing)  
Hearing conducted through Video Conferencing.

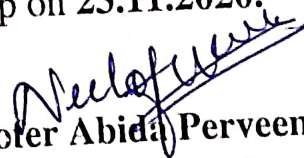
This is an application under Section 438 CrPC for grant of anticipatory bail on behalf of accused-applicant Surender Singh in case FIR No. 258/2020.

Reply is filed.

Ld. Counsel for the accused-applicant submits that co-accused has already been granted anticipatory bail and that accused-applicant has been falsely implicated as he had arrived at the scene only to pacify the parties.

Let orders in respect of the co-accused be placed on record.

For further consideration, put up on 23.11.2020.

  
(Neelofar Abida Perveen)

ASJ (Central)THC/Delhi

09.11.2020

**B. A. No. 3336**  
**FIR No. 193/2020**  
**PS: Wazirabad**  
**State Vs. Anish Tyagi**  
**U/s 392/34 IPC**

09.11.2020

Present: Sh. K.P.Singh, Addl. PP for State.

Sh. P. K. Chaudhary, counsel for accused-applicant

This is third application under Section 439 CrPC for extension of interim bail on behalf of accused-applicant Anish Tyagi in case FIR No.193/2020.

Ld. Counsel for accused-applicant submits that by virtue of the last extension granted to the accused-applicant, interim bail granted in terms of judgment passed by Hon'ble Supreme Court of India in Suo Moto Writ Petition No. 1/2020, order/judgment dated 23.03.2020 passed by Hon'ble High Court of Delhi in case titled as Shobha Gupta & Anr. V. UOI and Ors W. P. (C) No. 2945/2020, is expired on 09.11.2020.

Heard.

The accused-applicant is granted interim bail of 45 days on 12.05.2020 in accordance with the guidelines issued by the High Powered Committee of H'ble the High Court of Delhi towards decongestion of prisons in Delhi which was subsequently extended on 25.06.2020 in terms of orders passed by H'ble the High Court of Delhi in W. P. (C) N.3080/2020 titled as Court on Its Own Motion v. Govt of NCT of Delhi & Ors.. Subsequently vide orders dated 18.9.2020 passed in the same writ

*Neelofar*

petition by way of a blanket order all the interim bails for a period of 45 days granted to the UTP's in view of the recommendations of the HPC which were going to expire on 21.9.2020 and thereafter were further extended by a period of 45 days.

Full Bench of Hon'ble the High Court of Delhi in W. P. (C) N.3027/2020 titled as Court on Its Own Motion v. Govt of NCT of Delhi & Ors. vide order dated 20.10.2020 has observed and directed as under on the aspect of further extension of interim bails and orders:-

*"This Court vide order dated 25th March, 2020 took suo moto notice of outbreak of Covid-19 and the restricted functioning of this Courts vide notification number No.51/RG/DHC/dated 13.03.2020 as well as Government notification dated 24 March, 2020 declaring nationwide lockdown for a period of 21 days wef. 25 March, 2020 and passed a detailed order of which operative portion is as under:*

*"Taking suo moto cognizance of the aforesaid extraordinary circumstances, under Article 226 & 227 of the Constitution of India, it is hereby ordered that in all matters pending before this court and courts subordinate to this court, where in such interim orders issued were subsisting as on 16.03.2020 and expired or will expire thereafter, the same shall stand automatically extended till 15.05.2020 or until further orders, except where any orders to the contrary have been passed by the Hon'ble Supreme Court of India in any particular matter, during the intervening period.*

*Need less to clarify that in case, the aforesaid extension of interim order causes any hardship of an extreme nature to a party to such proceeding, they would be at liberty to seek appropriate relief, as may be advised".*

.xxxxxx .xxxxxx .xxxxxx  
7. After considering all aspects and in view of the fact that the interim bail and interim stay extension order was necessitated

*N. Abolun*

because functioning of the Courts was curtailed due to complete lockdown declared on 25.03.2020 but now the situation has changed and Courts at High Court and District Court level are functioning through physical mode/VC mode and since there is no spread of Covid-19 in the jails and out of about 16,000 prisoners only 3 are infected and they have been segregated and are admitted in hospital, we deem it proper to modify our order dated 25 March, 2020 which was lastly extended on 24<sup>th</sup> August, 2020 as under:

(i) As far as the first category of 2318 undertrials involved in heinous crimes, who were granted interim bail by the District Courts, there shall be no further extension of interim bails under the orders of this Court. However, to facilitate their surrender before jail authorities and to avoid any inconvenience being caused to the jail authorities during surrender of a large number of under trials, it is ordered that the surrender shall take place in the following phased manner:

(a) The prisoners of Central District, Tis Hazari Courts, shall surrender on 2nd November, 2020.

(b) The prisoners of West District, Tis Hazari Courts, shall surrender on 3rd November, 2020.

(c) The prisoners of Patiala House Courts, New Delhi District shall surrender on 4 November, 2020.

(d) The prisoners of East District, Karkardooma Courts shall surrender on 5th November, 2020.

(e) The prisoners of North East District, Karkardooma Courts shall surrender on 6 November, 2020.

(f) The prisoners of Shahdara District, Karkardooma Courts shall surrender on 7th November, 2020.

(g) The prisoners of North District, Rohini Court shall surrender on 8th November, 2020.

(h) The prisoners of North West District, Rohini Courts shall surrender on 9th November, 2020.

(i) The prisoners of South West District, Dwarka Courts shall surrender on 10 November, 2020.

(j) The prisoners of South District, Saket Courts, shall surrender on 11 November, 2020.

*N. K. Jaiswal*

(k) The prisoners of South East District, Saket Courts shall surrender on 12 November, 2020.

(j) The prisoners of Rouse Avenue Courts Complex, New Delhi shall surrender on 13th November, 2020.

(ii) The above 2,318 prisoners are at liberty to move the respective courts for extension of their interim bails and the concerned courts shall consider the said applications for extension of interim bails on its own merits and take a decision accordingly without being influenced by any order passed by this Court in the past.

(iii) As far as 2,907 prisoners, who have been granted bail on the recommendation of High Power Committee are concerned, a request is made to the High Power Committee to take a decision in respect of the said prisoners within ten days from today.

Subsequent to the above referred order of the H'ble Full Bench, the High Powered Committee of Hon'ble High Court of Delhi in its Minutes of Meeting dated 24.10.2020 has observed and resolved as under regarding extension of interim bails granted to UTPs as per the guidelines issued from time to time:

.....  
*Members of the Committee have considered that as on date against this capacity, there already are 15887 inmates. Even if the additional accommodation of 1800 inmates in the newly created 'temporary jail' is taken into consideration, it would be highly inconvenient for the jail authorities to accommodate UTPs/convicts released on 'interim bail/emergency parole' under the criteria laid down by this Committee, alongside those who would be surrendering in terms of orders dated 20.10.2020 passed by Full Bench of Hon'ble Delhi High Court.*

*Considering the fact that UTPs/convicts who would be surrendering as per orders passed by Full Bench of Hon'ble High Court are required to be kept in Isolation Cells for a*

*Neelgiri*

period of 14 days from their respective dates of surrender, Members of the Committee, therefore, found the contention raised by D.G. (Prisons) to be reasonable.

Members of the Committee are of the opinion that it would be appropriate to prevent any chaos or inconvenience to the jail authorities, if the UTPs/convicts granted 'interim bail/emergency parole' on the basis of criteria laid down by this Committee are asked to surrender from December, 2020. As by that time the quarantined/Isolation period of UTPs/convicts surrendering as per orders dated 20.10.2020 of Full Bench of Hon'ble High Court, would be over...

Taking into account the cumulative effect of all these relevant factor i.e.:

(a) Actual holding capacity of Delhi Prison,

(b) Present occupancy,

(c) No. of UTPs/convicts surrendering from 02.11.2020 till 13.11.2020, as per orders dated 20.10.2020 of Full Bench of Hon'ble High Court and

(d) Period of of 14 days keeping them in Isolation Cells before sending them to regular jail.

Members of the Committee are of the opinion that interim bail granted to 3337 UTPs under HPC criteria needs to be extended for a further period of 30 days.

Member Secretary, DSLSA has further apprised the Committee that Special Bench so constituted by Hon'ble the Chief Justice, which had earlier extended interim bail vide order dated 18.09.2020 has listed the said matter on 03.11.2020

The Committee is of the opinion that in this regard, a judicial order would be required from Hon'ble High Court of Delhi and recommends accordingly.

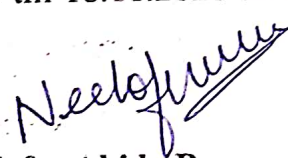
.....  
In the event of passing of any such order by Hon'ble High Court of Delhi on the basis of recommendations of this Committee, it is made clear that jail administration shall inform such UTPS about extension of their "interim bail" for a further period of 30 days from the date, the earlier period of interim bail is expiring, telephonically. D.G. (Prisons) assures that jail

*Neelofur*

*administration shall do the needful and shall inform all such UTPs about the exact date of their surrender.*

.....  
*Needless to add that no further extension of interim bail shall be made by this Committee. All such UTPs are at liberty to move their respective Courts seeking regular bail through their private counsel or by panel lawyer of DSLSA, as the case may be, and all such Courts shall consider the bail application so filed on merits, de hors the criteria laid down by this Committee."*

In the wake of the recommendations embodied in the minutes of meeting dated 24.10.2020 of the High Powered Committee, as reproduced supra, and awaiting further orders and direction of the H'ble High Court of Delhi in W. P. (C) N.3080/2020 titled as Court on Its Own Motion v. Govt of NCT of Delhi & Ors, in respect of further extension of interim bails allowed to the UTP's based upon the guidelines of the HPC, at this stage the interim bail granted to the accused-applicant, as such interim bail was granted in the first instance as per the guidelines of the HPC, is extended further till 18.11.2020 on the same terms and conditions.

  
(Neelofer Abida Perveen)  
ASJ (Central)THC/Delhi  
09.11.2020