

State Vs. Shallu

FIR No: 77/19

Under Section: 302/307/120B IPC & 27/54/59 Arms Act

PS: I.P Estate

22.07.2020

Through video conferencing

Matter is taken up today on receipt of report dated 17.07.2020 of concerned jail superintendent.

Present: Sh. Alok Saxena, Ld. APP for the State.

None for applicant.

As per report of concerned jail superintendent, accused Shallu has surrendered before jail authorities on 17.07.2020. Similar report has been received from concerned police station also.

In these circumstances, matter stands disposed off accordingly.

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(Anuj Agrawal)
ASJ-03, Central District
Tis Hazari Courts, Delhi
22.07.2020

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State Vs. Ajay @ Chelwa

FIR No: 87/18

Under Section: 308/323/342/34 IPC

PS: Gulabi Bagh

22.07.2020

Through video conferencing

This is fresh application for grant of interim bail filed on behalf of the applicant.

Present: Sh. Alok Saxena, Ld. APP for the State.

Sh. Akhilesh Kumar, Ld. Counsel for accused/applicant.

Reply by IO filed. Same is supplied to other side electronically. Ld. Counsel submits that he shall file his vakalatnama within three days from today.

Accused is seeking interim bail for 45 days on the ground of current pandemic and in view of guidelines dated 18.05.2020 of High Powered Committee. It is argued that accused is in custody since 22.10.2018 and co-accused has already been granted interim bail. It is further argued that he has been falsely implicated in the instant case. It is argued that considering the current pandemic situation, accused is at risk of catching infection at jail.

Ld. APP for the State has vehemently opposed the bail application.

Heard. Considered.

Regular bail application of accused was dismissed by this court on 12.06.2020. Perusal of said order reveals that accused is involved in four other

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State Vs. Ajay @ Chelwa

FIR No: 87/18

Under Section: 308/323/342/34 IPC

PS: Gulabi Bagh

22.07.2020

cases apart from present case as per submissions of Ld. Defence counsel made on 12.06.2020. Therefore, in view of his previous involvement, case of accused does not fall under the criteria laid down by High Powered Committee vide minutes dated 18.05.2020. Hence, interim bail application of accused Ajay @ Chelwa stands dismissed.

Copy of the order be sent to concerned jail superintendent/IO for information. Dasti be given to Ld. Counsel through e- mail.

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ASJ-03, Central District
Tis Hazari Courts, Delhi
22.07.2020

State Vs. Sanjay

FIR No: 10/16

Under Section: 302/396/412/201/120B IPC

PS: Rajender Nagar

22.07.2020

Through video conferencing

This is fresh application for extension of interim bail filed on behalf of the applicant.

Present: Sh. Alok Saxena, Ld. APP for the State.

Sh.Z. Abbas, Ld. Counsel for accused/applicant.

The applicant is seeking extension of interim bail (for a period of two months) granted to him vide order dated 06.06.2020 by Ld. ASJ (on duty).

In terms of the directions dated 13.07.20 of Hon'ble High Court in W.P. (C) 3037/2020, Court on its own motion Vs. Govt. of NCT of Delhi & anr, the interim bail of all such applicants have already been extended by Hon'ble High Court vide a common order till 31st August, 2020. The relevant observations of Hon'ble High Court are as follows:

“ 5. In view of the above, we hereby further extend the implementation of the directions contained in our order dated 25th March, 2020 and 15th May, 2020 and 15th June, 2020 till 31st August, 2020 with the same terms and conditions.

6. The Hon'ble Single Bench of this Court in Crl.A.193/2020 titled as Harpreet Singh vs State vide order dated 01st July, 2020 sought clarification to the following effect:

“7. The queries that the Hon'ble Full Bench may consider and decide for the guidance of all concerned are as follows:

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a. Whether the orders made by the Hon'ble Full Bench in W.P.(C) No. 3037/2020, including last order dated 15.06.2020, apply to all interim orders, whether made in civil or criminal matters, and regardless of whether such orders were made on or before 16.03.2020 or thereafter?

b. Whether interim bail or interim suspension of sentence has been granted by a Bench of this court exercising discretion and based upon specific facts and circumstances of a given case, would such orders also stand automatically extended by operation of orders made by the Full Bench in W.P.(C) No. 3037/2020?

8. While deciding the issue, the Hon'ble full Bench may consider the aspect of parity, namely that, on a plain reading of the orders in W.P.(C) No. 3037/2020, interim orders granted on or before 16.03.2020 appear to be getting extended by general directions; but those made after 16.03.2020 appear not to be covered thereby.”

7. In this regard, we make it clear that all the directions issued from time to time in this case are based on the ongoing pandemic situation in Delhi. So far as the criminal matters are concerned, these directions have been issued keeping in view the fact that the jail authorities have limited space to keep the inmates and in case of spread of Covid-19 pandemic in the jail, it would not be in a position to maintain physical distancing amongst jail inmates. Looking to this aspect and the possible threat of spreading of viral infection by those persons who are on interim bail/bail/parole granted by this court or the courts subordinate to this court, to other inmates of the jail on their return to the jail, the decision of extension of interim bail/bail/parole has been taken from time to time. It is clarified that this order of extension of bail/interim bail/parole shall be applicable to all undertrials/convicts, who are on bail/interim bail or parole as on date irrespective of the fact that they were

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*released on bail/interim bail or parole before or after
16th March, 2020.*

In view of same, there is no necessity for filing the present application separately. **Present application stands disposed off accordingly.**

Copy of this order be sent to concerned Jail Superintendent for information. Copy of this order be given dasti to Ld. Counsel through e-mail.

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(Anuj Agrawal)
ASJ-03, Central District
Tis Hazari Courts, Delhi
22.07.2020

State Vs. Arman Waris

FIR No: 65/18

Under Section: 307 IPC

PS: Kotwali

22.07.2020

Through video conferencing

Present: Sh. Alok Saxena, Ld. APP for the State.

Sh. Anil Kumar, Ld. Counsel for applicant/accused.

Report has been filed by Incharge, Bail and filing section, Central District in terms of directions dated 20.07.2020. As per same, the order dated 03.06.2020 of Ld. ASJ (on duty) thereby granting interim bail to accused, was not communicated to jail authorities from his section. It has further reported by concerned Incharge that there were no directions in said order for communicating the same to jail authorities.

Report from jail superintendent received. As per same, the order dated 03.06.2020 was not communicated to jail authorities. It has further been reported by concerned jail authorities that accused has since been released on receipt of said order in terms of directions dated 20.07.2020 of this court. Ld. Defence counsel has also submitted that accused has been released from jail on 21.07.2020. Therefore, **the application filed on behalf of applicant stands disposed off accordingly.**

Before parting , I may observe that the explanation offered by concerned Incharge (Bail and filing section) is not satisfactory and the order dated 03.06.2020 (thereby granting interim bail to accused) should have been communicated by concerned Incharge to concerned jail authorities and no specific directions in this regard were required. Even concerned Ld. Legal Aid Counsel who appeared on behalf of accused on 03.06.2020 also failed in his duty for ensuring

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State Vs. Arman Waris
FIR No: 65/18
Under Section: 307 IPC
PS: Kotwali
22.07.2020

communication of order dated 03.06.2020 to concerned jail authorities.

In these circumstances, let matter be brought to the notice of Ld. Judge Incharge (Bail and filing section) and Ld. Secretary, DLSA (Central District) for taking appropriate remedial action.

Copy of the order be sent to the concerned Reader of Ld. Judge Incharge (Bail and filing section) electronically. Copy be also sent to Ld. Secretary, DLSA (Central District) on the official E-mail of CDLSA as well as to concerned jail superintendent for information. Dasti be given through e-mail, if requested.

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22.07.2020