

30.09.2020

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State has joined through
Cisco Webex.

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 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 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/30.09.2020

30.09.2020

Through Video conferencing at 10:20 am.

This is an application for grant of interim bail.

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State has joined through Cisco Webex.

Sh. Anil Kumar, Ld. Counsel on behalf of applicant/accused Jitender @ Pahari has joined through Cisco Webex.

Ld. Counsel argued that applicant/accused has been falsely implicated and he is in JC since 03.09.2020. Ld. Counsel argued that applicant/accused is on bail in other cases. 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 is a habitual offender and involved in similar other cases.

Submissions of both sides heard.

Considering the order of *Hon'ble High Court of Delhi* in WP (C) 2945/2020 in the matter of "*Shobha Gupta & Ors. Versus Union of India & Ors. Dated 23.03.2020* and Minutes of the meeting of "*High Powered Committee*" of *Hon'ble High Court of Delhi*, **accused is granted interim bail for a period of 45 days from the date of his release from custody, on furnishing personal bond in the sum of Rs.10,000/- to the satisfaction of Jail Superintendent subject to the following conditions:**

1. **That he shall surrender before the authorities concerned after the expiry of 45 days from the day of release.**
2. That he shall not indulge in similar offences or any other offence in the event of release on bail.
3. That he shall not tamper with evidence in any manner.
4. That in case of change of his residential address, he shall intimate the court about the same.

Accused be released from JC if not required in any other case.

Copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of Jail Superintendent and 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/30.09.2020

30.09.2020

Through Video conferencing at 10:00 am.

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State has joined through Cisco Webex.

Sh. Rishab Kalani, Ld. Counsel on behalf of complainant has joined through Cisco Webex.

Reply has been filed by IO. Copy of same supplied to Ld. Counsel for complainant electronically.

Let, notice be issued to IO with direction to expedite the investigation and file report on 12.11.2020.

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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(MANOJ KUMAR)

MM-06(C)/THC/Delhi/30.09.2020

30.09.2020

Through Video conferencing at 10:10 am.

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State has joined through Cisco Webex.

Sh. Vinay Modi, Ld. Counsel on behalf of applicant/accused Mukhtar Alam has joined through Cisco Webex.

Reply has been filed by IO. Copy of same supplied to Ld. Counsel electronically.

At this stage, Ld. Counsel for applicant/accused seeks an adjournment.

At request, matter is adjourned.

Be put up arguments on bail/FP on **05.10.2020**.

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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(MANOJ KUMAR)
MM-06(C)/THC/Delhi/30.09.2020

30.09.2020

This is an application for releasing vehicle bearing registration number DL-3SER-4000 on superdari.

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State has joined through Cisco Webex.

None has joined through Cisco Webex.

IO has filed his reply. Copy of same supplied to applicant electronically. Perusal of the same shows that IO 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."

.....Contd/-

Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, vehicle in question bearing registration number DL-3SER-4000 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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(MANOJ KUMAR)

MM-06(C)/THC/Delhi/30.09.2020

30.09.2020

Through Video conferencing at 10:05 am.

This is an application for releasing vehicle bearing registration number UP-14AF-4316 on superdari.

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State has joined through Cisco Webex.

Sh. Deepak Garg, Ld. Counsel on behalf of applicant Jagan Nath Singh has joined through Cisco Webex.

IO has filed his reply. Copy of same supplied to applicant electronically. Perusal of the same shows that IO 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."

.....Contd/-

Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, vehicle in question bearing registration number UP-14AF-4316 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 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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