

FIR No. 161/19
State vs. Sanjay
PS I.P. Estate

22.10.2020

(Matter has been physically heard)

Case taken up in view of circular no. 992/30066-30235 DJ(HQ)/ Covid-19 Lockdown/Physical Courts Roster/2020 dt. 25.09.2020 issued by Ld. District & Sessions Judge (HQ).

Present: Ld. APP for the State.

Applicant surety Jitender with Sh. V.S. Malik, Ld. counsel.

Accused Sanjay in person.

Surety Sonu in person.


The present application for discharged of surety Jitender Kumar and also for release of RC of his vehicle no. DL 5SBL 7339, was moved through email.

Counsel for applicant submits that applicant stood as the surety for accused Sanjay and furnished bail bonds as a condition of bail order dt. 31.08.2019. It is further submitted that the original RC of surety was retained by the Court. It is further submitted that the applicant surety is having no control over the accused and as such he intends to withdraw his surety furnished on behalf of accused Sanjay.

At this stage, accused Sanjay submits that he has brought a new surety, namely, Sonu and has also submitted that earlier surety namely, Jitender Kumar be discharged.

In view of the aforesaid submissions, applicant surety Jitender Kumar stands discharged. Whereas, the fresh bail bonds furnished by accused Sanjay with surety of Sonu Thakran are accepted. Original receipt regarding deposit advanced is retained. Let robkar be given. Needlessly, the other terms and conditions of bail order dt. 31.08.2019 shall remain same. Let the original documents of applicant surety Jitender Kumar be returned to him after due identification and proper receiving. Ahlmad to do needful.

Application stands disposed off.


(RISHABH KAPOOR)
MM-03(Central),THC,Delhi
22.10.2020

FIR No. 203/16
PS I.P. Estate
State Vs. Chandan Pandey

22.10.2020

(Matter has been physically heard)

Case taken up in view of circular no. 992/30066-30235 DJ(HQ)/ Covid-19 Lockdown/Physical Courts Roster/2020 dt. 25.09.2020 issued by Ld. District & Sessions Judge (HQ).

Present: Ld. APP for the State.

Sh. Sanjeev Pandey, Ld. counsel for applicant/accused.

HC Bittoo Tomar in person.

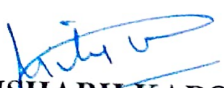
HC Bittoo Tomar has filed his report under his signature stating that accused Chandan Pandey has surrender today in connection with case FIR No. 10/2017 u/s 377/506/34 IPC & u/s 6 POCSO Act PS I.P. Estate and has been sent to one day PC remand.

Ld. counsel for applicant accused submits that upon surrender of accused before the Court of Ms. Deepali Sharma, Ld. ASJ, he has been arrested in case FIR No. 10/17 PS I.P. Estate and has been remanded in police custody for a period of one day.

HC Bittoo Tomar submits that the supplementary charge-sheet for offence u/s 174A IPC against applicant/accused Chandan Pandey will be submitted in Court after his formal arrest in the present case. IO is directed to do the needful in accordance with law.

Since, the applicant/accused has already been arrested pursuant to his surrender in aforesaid case FIR No. 10/17 PS I.P.Estate and is undergoing detention in PC, therefore, the present application stands disposed as infructuous.

The application is accordingly, disposed off.


(RISHABH KAPOOR)
MM-03(Central),THC,Delhi
22.10.2020

FIR No.340/16
PS Rajinder Nagar
State Vs. Manoj Kumar Bhat

22.10.2020

(Matter has been physically heard)

**Case taken up in view of circular no. 992/30066-30235 DJ(HQ)/
Covid-19 Lockdown/Physical Courts Roster/2020 dt. 25.09.2020 issued
by Ld. District & Sessions Judge (HQ).**

Present: Ld. APP for the State.

IO/Inspector Praveen in person with case diary.

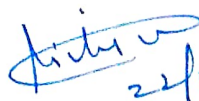
IO has moved an application for issuance of NBWs against the accused, namely, Manoj Kumar Bhatt S/o Sh. Mani Lal, R/o H.No. WZ-5A, First Floor Janakpuri, New Delhi.

It is submitted by the IO that the accused is intentionally evading and is absconding to avoid his arrest. IO further submits that during the course of investigation, search/raids were conducted at the residence of the accused at H.No. WZ-5A, First Floor Janakpuri, New Delhi and also at H.No. 200, Sector 5, Type-III, R.K. Puram. IO further submits that the accused was arrested in case FIR No. 92/16 PS Greater Kailash, FIR No. 520/16 PS Rajouri Garden and FIR No. 67/19 PS IGI Airport and has been bailed out in said case FIRs. It is also submitted by the IO that there is no stay on arrest of accused in any Court of Law.

Submission heard. File perused.

In view of the submissions made by the IO and also keeping in view the fact that the investigation of the case has to be brought to a logical end, which certainly cannot take place in absence of the absconding accused, accordingly, this Court is of the considered view that accused is deliberately avoiding the process of law & his presence cannot be secured without issuing of coercive process.

In these circumstances, NBWs be issued against the accused **Manoj Kumar Bhatt S/o Sh. Mani Lal, R/o H.No. WZ-5A, First Floor**



22/10/2020

Janakpuri, New Delhi through IO / SHO concerned for 23.11.2020.

It is needless to state that IO is at the liberty to cause the production of the accused before the court within the statutory period prescribed under law, in the event he is nabbed by him prior to the date fixed.

Application disposed off accordingly.

Copy of this order be given dasti as per rules.


(RISHABH KAPOOR)
MM-03(Central),THC,Delhi
22.10.2020

FIR No. 131/20
PS Rajinder Nagar
State Vs. Unknown (through applicant Hanumant Singh)

22.10.2020

(Matter has been physically heard)


Case taken up in view of circular no. 992/30066-30235 DJ(HQ)/ Covid-19 Lockdown/Physical Courts Roster/2020 dt. 25.09.2020 issued by Ld. District & Sessions Judge (HQ).

Present: Ld. APP for the State.
Sh. Omvir Singh, Ld. counsel for applicant.
IO/ASI Mahesh Kumar in person.

At this stage, Ld. counsel for applicant submits that he wishes to withdraw the present application with a liberty to file it afresh after obtaining the surviving member certificate of registered owner Ramkinkar Singh. The statement counsel for applicant is recorded on the marginal side of application itself.

In view of submissions made by counsel for applicant, the present application stands dismissed as withdrawn. The applicant shall be at liberty to move the application afresh after obtaining the surviving member certificate of the registered owner of vehicle in question, if so advised.

Application is disposed off.


(RISHABH KAPOOR)
MM-03(Central),THC,Delhi
22.10.2020

e-FIR No. 38840/19
State Vs. Ravi
PS Rajinder Nagar

22.10.2020

(Matter has been physically heard)

Case taken up in view of circular no. 992/30066-30235 DJ(HQ)/ Covid-19 Lockdown/Physical Courts Roster/2020 dt. 25.09.2020 issued by Ld. District & Sessions Judge (HQ).

Present: Ld. APP for the State.

Sh.N.K. Saraswat, Ld. LAC for applicant/accused.

IO absent.

Heard. Record perused.

This order shall dispose off the application for grant of bail u/s 437 Cr.PC, moved on behalf of applicant/accused Ravi.

It is stated that the applicant is innocent and has been falsely implicated in the present case. It is further averred that the custody of applicant/accused is no more required for the purpose of investigation and the alleged recovery shown to be effected from accused is planted by police. It is further submitted that the case of applicant/accused is not covered in any of the directions issued by Hon'ble High Powered Committee till date and he is seeking the regular bail. With these averments prayer is made for enlarging applicant on bail.

Ld. LAC for accused submits that the applicant/accused is undergoing judicial custody since 05.11.2019 and the charge sheet has also been filed in the present case, therefore, the accused be released on bail.

Ld. APP for State has opposed the present application citing seriousness of allegations and made a prayer for dismissal of the present application.


The perusal of the record would reveal that applicant/accused was arrested in present case on 22.11.2019. Admittedly, the charge sheet has already been filed in the Court and the matter is pending trial. The custodial interrogation of accused is not required in the present case nor any recovery is left to be effected from him. The applicant/accused has been undergoing detention in judicial custody

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since 22.11.2019. The perusal of the record would reveal that the charges have already been framed against accused and matter is pending trial. The trial of the case would take a long time due to on going Covid-19 Pandemic situation and till then the liberty of the accused cannot be curtailed when his custody is as such not required for the investigation purposes. The presence of the accused during the course of trial can be ensured by taking sufficient sureties undertaking to ensure his presence. In these peculiar circumstances and more particularly taking into account the period of custody undergone by the accused, I am of the view that there exist no ground in further curtailing the liberty of the applicant/accused.

At this juncture, it is also pertinent to cite the observations made by the Hon'ble apex court *In Sanjay Chandra versus CBI (2012) 1SCC 40*, wherein it was observed that the courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earliest times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some un-convicted persons should be held in custody pending trial to secure their attendance at trial but in such cases, necessity is the operative test. The Hon'ble Apex court further observed that in this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances. Apart from the question of prevention being the object of a refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and that it would be improper for any court to refuse bail as a mark of this approval of former conduct whether the accused has been convicted for it or not or to refuse bail to an un-convicted person for purpose of giving him a taste of imprisonment as a lesson.

In the light of the discussion made above, I am of the view that the contentions of the prosecution appears to be untenable and as such, there exists no reasonable justification, in not enlarging the applicant/accused, on bail. Accordingly, the accused/applicant Ravi Soni is hereby ordered to be enlarged on

 22/10/2020


bail, subject to following conditions;

- 1 That the applicant shall furnish personal and surety bonds in the sum of sum of Rs.10,000/- each to the satisfaction of Ld. Duty MM (on court duty).
- 2 That the applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing any facts to the court or the police;
- 3 That the applicant shall not tamper with the prosecution evidence nor he will try to win over the prosecution witnesses or terrorize them in any manner; and
- 4 That the applicant shall not deliberately and intentionally act in a manner which may tend to delay the investigation and trial of the case.
- 5 That the applicant shall not leave the territories of India during the pendency of present case proceedings except with the permission of the court.

The application is accordingly disposed off.

Scanned copy of this order be sent to the Ld. Counsel for applicant through email. One copy be also sent to concerned Jail Superintendent through all permissible modes including email at daksection.tihar@gov.in , for necessary information and compliance.

Scanned copy of the order be also sent to Computer Branch for uploading on Delhi District Court Website.


(RISHABH KAPOOR)
MM-03(Central),THC,Delhi
22.10.2020