

31.07.2020

This is an application for releasing articles i.e. **a mobile phone (REAL ME 5S), bearing IMEI No.861116042459158.**

Present: Ld. APP for the State (through CISCO Webex).

Applicant in person with Counsel.

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. **a mobile phone (REAL ME 5S)**, bearing IMEI No. **861116042459158** as per seizure memo be released to the applicant on furnishing security bond as per valuation report of article and after preparation of panchnama and taking photographs of article 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.

Dasti copy of order be given as prayed for.

  
(PUNEET NAGPAL)  
DMM (West) THC,  
Delhi/31.07.2020

Copy Received.  
Adv. Arun Tiwari

FIR No.340/2020  
PS Nangloi

31.07.2020

Present: Ld. APP for the State (Joined through Cisco Webex)  
Ld. Counsel for Accused(Joined through Cisco Webex)

An application has been filed on behalf of accused namely Gagan S/o Sh. Anil Kumar by his counsel under section 437 Cr.P.C. for grant of bail.


During the course of the arguments, Ld. Counsel for the accused was apprised regarding the fact that the FIR in the instant case has been lodged in respect of offences punishable under section 394/397/411/34 IPC and that from the allegations of the complainant, prima facie offence punishable under section 397 IPC is made out.

At this stage, Ld. Counsel for the accused submits that he wishes to withdraw the instant bail application as he wishes to file the same before the Ld. Sessions Court in view of the fact that the offence punishable under section 397 IPC is exclusively triable by the Court of Sessions.

Allowed.

In view of the submission made by Ld. Counsel for the accused, the instant bail application stands dismissed as withdrawn.

**Copy of the order be sent to Ld. Counsel for the accused on his e-mail address.**

  
(PUNEET NAGPAL)  
DUTY MM (West) THC,  
Delhi/31.07.2020

31.07.2020

This is an application for releasing articles i.e. **Vehicle bearing No.DL-4SCW-9702.**

Present: Ld. APP for the State (through CISCO Webex).  
None for applicant.

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. **Vehicle bearing No.DL-4SCW-9702** as per seizure memo be released to the applicant on furnishing security bond as per valuation report of article and after preparation of panchnama and taking photographs of article 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.

Dasti copy of order be given to the applicant as and when he appears.

  
(PUNEET NAGPAL)  
DUTY MM (West) THC,  
Delhi/31.07.2020

31.07.2020

This is an application for releasing articles i.e. **Vehicle bearing No.UK-07DG-7374.**

Present: Ld. APP for the State (through CISCO Webex).

Ld. Counsel for applicant.

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. **Vehicle bearing No.UK-07DG-7374** as per seizure memo be released to the applicant on furnishing security bond as per valuation report of article and after preparation of panchnama and taking photographs of article 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.

Dasti copy of order be given as prayed for.

(PUNJET NAGPAL)  
DUTY MM (West) THC,  
Delhi/31.07.2020

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D-3536/13  
31/07/20

31.07.2020

Present: Ld. APP for the State (through CISCO Webex).  
Ld. Counsel for accused/applicant.

This is an application under Section 437 of Cr.P.C on behalf of applicant/accused Gaurav Sharma @ Chikna S/o Sh. Vinod Sharma wherein it has been submitted that the accused person is in JC since 11.07.2020 and that the alleged recovery of the illicit weapon has been planted.

IO of this case has filed reply. Perusal of reply shows that there is allegation of under Section 25/54/59 of Arms Act against the accused.

Heard.

Considering the fact that the alleged recovery of the illicit weapon i.e. a *buttondar knife* has already been effected and that the accused is in custody since 11.07.2020, accused Gaurav Sharma @ Chikna S/o Sh. Vinod Sharma is admitted to bail subject to furnishing of Bail Bond and *two Surety Bonds* in the sum of Rs.15,000/- each and further subject to the following conditions :-

1. that accused person (s) shall attend the Court as per conditions of bond to be executed ;
2. that accused person (s) shall not commit similar offence and ;
3. that accused person (s) shall not directly/indirectly induced, give threat, or in any way dissuade the witnesses/persons acquainted with the facts of this case and also shall not tamper with the evidence.

Bail bond and Surety Bond would be accepted **only after verification** through IO of this case.

Copy Received  
Accused  
9/19/2020/18  
B-1, opp Police Post  
H/S Hazaru Court Delhi  
P.No. 8851216261

(PUNEET NAGPAL)  
DUTY MM (West) THC,  
Delhi/31/07.2020



31.07.2020

Present: Ld. APP for the State (through CISCO Webex).  
Ld. LAC Sh. Ankit Tyagi for accused.

This is an application under Section 437 of Cr.P.C for grant of interim bail on behalf of applicant/accused Arjun Singh @ Kali S/o Sh. Dilabar Singh wherein it has been submitted that the father of the accused has expired on 16.07.2020 and that the accused has to take part in the last rites ceremonies of his father.

IO of this case has filed reply. Perusal of reply shows that there is allegation of under Section 25/54/59 of Arms Act and that the accused is in JC since 09.06.2020. Apart from the same, the accused is involved in at least 10 other cases of similar nature.

Heard.

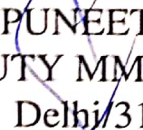
Considering the fact that the accused has to perform the last rites ceremonies of his late father, the accused namely Arjun Singh @ Kali S/o Sh. Dilabar Singh is directed to be released on interim bail for 15 days subject to furnishing bail bond in the sum of Rs.5000/- and further subject to the following conditions :-

1. that accused person (s) shall attend the Court as per conditions of bond to be executed ;
2. that accused person (s) shall not commit similar offence and ;
3. that accused person (s) shall not directly/indirectly induced, give threat, or in any way dissuade the witnesses/persons acquainted with the facts of this case and also shall not tamper with the evidence.

4. that the accused shall surrender himself before the concerned Jail Superintendent after expiry of period of 15 days from the day of his release from custody on interim bail.

Bail bond and Surety Bond would be accepted **only after verification** through IO of this case.

Copy of the order be given dasti to Ld. LAC for accused.

  
(PUNEET NAGPAL)  
DUTY MM (West) THC,  
Delhi/31.07.2020

*Copy of order  
Received  
Jm  
D2639/09  
(Ankit Kr. Tjeyi) LAC*

e-FIR No.000446/2020  
PS Rajouri Garden

31.07.2020

Present: Ld. APP for the State (through CISCO Webex).  
None for accused/applicant.

An application has been received from DLSA (Jail Section, Tihar Complex, Delhi), duly forwarded by Deputy Superintendent, Jail No.5, Tihar, Delhi on behalf of the accused namely Manish Yadav @ Pikachu S/o Sh. Satpal Yadav for grant of interim bail.

IO has filed the reply. Taken on record.


Perusal of same reveals that the accused is a habitual offender and that the accused is not having any permanent residence in Delhi and that he is a vagabond.

In view of the recommendation passed by the "*Hon'ble High Powered Committee headed by Ms. Justice Ms. Hima Kohli*", the accused is directed to be enlarged on interim bail of 45 days on furnishing personal bond in the sum of Rs.10,000/- to be furnished before Jail Superintendent, Tihar, Delhi.

Jail Superintendent is directed to get the address of the accused verified after he furnishes personal bond and thereafter, release the accused on bail after the verification of the address of the accused is done.

It is clarified that in case, the address of the accused is not verified or it turns out that the accused is a vagabond, the accused shall not be released from custody on interim bail.

**Copy of the order be sent to concerned jail superintendent for compliance.**

  
(PUNEET NAGPAL)  
DUTY/MM (West) THC,  
Delhi/31.07.2020

31.07.2020

This is an application for releasing articles i.e. **Vehicle bearing No.DL-10SV-3073.**

Present: Ld. APP for the State (through CISCO Webex).

None for applicant.

IO has filed his reply. Same is taken on record.

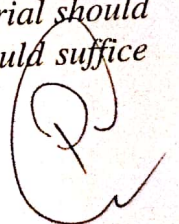
Instead of releasing the articles on superdari, this Court is of the view that the articles has to be released as per directions of *Hon'ble High Court of Delhi* in matter of "*Manjit Singh Vs. State*" in CrI. M.C. No. 4485/2013 dated 10.09.2014.

*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. **Vehicle bearing No.DL-10SV-3073** as per seizure memo be released to the applicant on furnishing security bond as per valuation report of article and after preparation of panchnama and taking photographs of article 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. Dasti copy of order be given to the applicant as and when he appears.

(PUNEET NAGPAL)  
DUTY MM (West) THC,  
Delhi/31.07.2020

31.07.2020

This is an application for releasing articles i.e. **Vehicle bearing registration No.DL-11B-1487.**

Present: Id. APP for the State (through CISCO Webex).  
Applicant in person.

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.

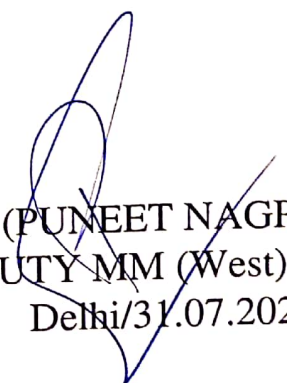
60. The photographs of such articles should be attested or countersigned by the complainant, accused as well as by the person to whom the custody is handed over. Whenever necessary, the court may get the jewellery articles valued from a government approved valuer.

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. **Vehicle bearing registration No.DL-11B-1487** as per seizure memo be released to the applicant on furnishing security bond as per valuation report of article and after preparation of panchnama and taking photographs of article 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.

Dasti copy of order be given as prayed for.

Sapna

  
(PUNEET NAGPAL)  
DUTY MM (West) THC,  
Delhi/31.07.2020

31.07.2020

This is an application for releasing articles i.e. **Three Mobile Phone and one Gold Ring.**

Present: Ld. APP for the State (through CISCO Webex).  
Applicant in person.

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.

*Swal*



Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, article in question i.e. **Three Mobile Phone and one Gold Ring** as per seizure memo, *if the same are not required for the purpose of investigation of the instant FIR*, be released to the applicant on furnishing security bond as per valuation report of article and after preparation of panchnama and taking photographs of article 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.

Dasti copy of order be given as prayed for.

  
(PUNEET NAGPAL)  
DUTY MM (West) THC,  
Delhi/31.07.2020

31.07.2020

This is an application for releasing articles i.e. **Vehicle bearing registration No.DL-03SDC-3816.**

Present: Ld. APP for the State (through CISCO Webex).  
Applicant in person with Counsel.

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. **Vehicle bearing registration No.DL-03SDC-3816** as per seizure memo be released to the applicant on furnishing security bond as per valuation report of article and after preparation of panchnama and taking photographs of article 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.

Dasti copy of order be given as prayed for.

(PUNEET NAGPAL)  
DUTY MM (West) THC,  
Delhi/31.07.2020

Received order  
copy  
[Signature]  
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31.07.2020

This is an application for releasing articles i.e. **A mobile phone (MI NOTE-5 PRO, colour black having IMEI No.869444038965448).**

Present: Ld. APP for the State (through CISCO Webex).  
Applicant in person.

Reply not filed by the IO.

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.

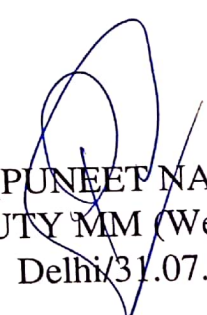
61. The actual production of the valuable articles during the trial should not be insisted upon and the photographs along with the panchnama should suffice

Hosw

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. **A mobile phone (MI NOTE-5 PRO, colour black having IMEI No.869444038965448)** as per seizure memo, *if the same is no longer required for the purpose of investigation of the instant FIR*, be released to the applicant on furnishing security bond as per valuation report of article and after preparation of panchnama and taking photographs of article 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.

Dasti copy of order be given as prayed for.

  
(PUNEET NAGPAL)  
DUTY MM (West) THC,  
Delhi/31.07.2020

31.07.2020

This is an application for releasing articles i.e. **Mobile Phone (one plus black colour)**.

Present: Ld. APP for the State (through CISCO Webex).  
None for applicant.

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.

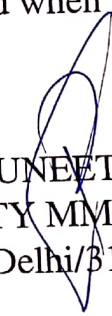
60. The photographs of such articles should be attested or countersigned by the complainant, accused as well as by the person to whom the custody is handed over. Whenever necessary, the court may get the jewellery articles valued from a government approved valuer.

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 (one plus black colour)** as per seizure memo be released to the applicant on furnishing security bond as per valuation report of article and after preparation of panchnama and taking photographs of article 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.

Dasti copy of order be given to the applicant as and when he appears.

  
(PUNEET NAGPAL)  
DUTY MM (West) THC,  
Delhi/31.07.2020

31.07.2020

This is an application for releasing articles i.e. **Vehicle bearing No.DL-1LL-7691.**

Present: Ld. APP for the State (through CISCO Webex).

None for applicant.

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.



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Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, article in question i.e. **Vehicle bearing No.DL-1LL-7691** as per seizure memo be released to the applicant on furnishing security bond as per valuation report of article and after preparation of panchnama and taking photographs of article 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.

Dasti copy of order be given to the applicant as and when he appears.

  
(PUNJEEET NAGPAL)  
DUTY MM (West) THC,  
Delhi/31.07.2020