

FIR No. 800/20
PS Nihal Vihar
U/s 336/392/394/397/411/34 IPC
& 25/27/54/59 Arms Act
St. vs Sourabh

29.08.2020

Hearing through VC

Present : Ld. APP for the State(through VC).

Sh. Sandeep Gupta, Ld. counsel for accused Sourabh.

The present bail application under section 437 Cr.P.C. seeking regular bail has been filed on behalf of accused and it is submitted that he is in custody since 22.08.2020. It is further argued that accused has been falsely implicated in the present case. It is requested that accused be released on bail.

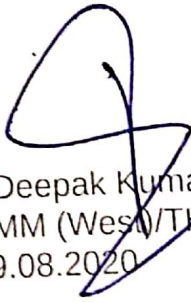
The bail application has been opposed by the State and it is submitted that accused has committed serious offence which cannot be over looked.

Heard. Record perused.

There are serious allegation against the accused. Matter is at the initial stage. Considering the facts and circumstances of the case, stage of the investigation and the gravity of allegations, this court is not inclined to grant bail to accused. The bail application is hereby dismissed.

Bail application disposed of accordingly

Copy of order be given dasti.


(Deepak Kumar-I)
Duty MM (West)/THC/Delhi
29.08.2020

DD No. 122 dated 29.07.2020
PS Rajouri Garden

29.08.2020

Frsh Kalandara ² secunda


Present : Ld. APP for the State(through VC).

Both accused are present on police bail.

IO HC Noor Singh Mehra in person.

Be put up for consideration before concerned evening court on

28.09.2020.


(Deepak Kumar-I)
Duty MM (West)/THC/Delhi
29.08.2020

FIR No. 005235/20
PS Anand Parbat

29.08.2020

This is an application for releasing vehicle No. DL-8SCH-7062 on superdari.

Present - Ld. APP for the State (through VC)

Applicant Umesh Katana with Ld. counsel.

Report has been filed on behalf of IO. Same be taken on record. Heard. Perused.

Instead of releasing the vehicle on superdari, I am of the considered view that the vehicle has to be released as per directions of Hon'ble Supreme Court in case titled as **Sunder Bhai Ambalal Desai Vs. State of Gujrat, AIR 2003 SC 638**. The view of the Hon'ble Supreme Court has been reiterated by Hon'ble Delhi High Court in case titled as **Manjit Singh Vs. State in CrI. M.C. No. 4485/2013 dated 10.09.2014** wherein it has been held that :

1. 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.
2. 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.
3. 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.
4. Return of vehicles and permission for sale thereof should be the general norm rather than the exception.
5. 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.
6. 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."

Considering the facts and circumstances and law laid down by higher courts, vehicle No. **DL-8SCH-7062** in question be released to the rightful registered owner on furnishing security bond as per valuation report of the vehicle. After preparation of panchnama of the vehicle and furnishing of security bond as per directions of Hon'ble Supreme Court, the vehicle shall be released by the IO.

Panchnama and valuation report shall be filed in the court alongwith charge sheet. Copy of this order be given dasti to applicant.

(Deepak Kumar-I)
Duty MM (West)/THC/Delhi
29.08.2020

FIR No. 800/20
PS Nihal Vihar
U/s 336/392/394/397/411/34 IPC
& 25/27/54/59 Arms Act
St. vs Arun

29.08.2020

Hearing through VC

Present : Ld. APP for the State(through VC).

Sh. Sandeep Gupta, Ld. counsel for accused Arun.

The present bail application under section 437 Cr.P.C. seeking regular bail has been filed on behalf of accused and it is submitted that he is in custody since 22.08.2020. It is further argued that accused has been falsely implicated in the present case. It is requested that accused be released on bail.

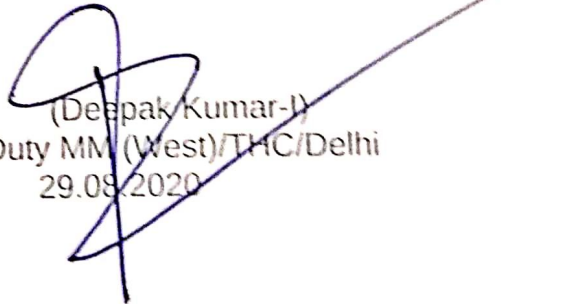
The bail application has been opposed by the State and it is submitted that accused has committed serious offence which cannot be over looked.

Heard. Record perused.

There are serious allegation against the accused. Matter is at the initial stage. Considering the facts and circumstances of the case, stage of the investigation and the gravity of allegations, this court is not inclined to grant bail to accused. The bail application is hereby dismissed.

Bail application disposed of accordingly

Copy of order be given dasti.


(Deepak Kumar-I)
Duty MM (West)/THC/Delhi
29.08.2020

FIR No. 690/20
PS RG

29.08.2020

Fresh chargesheet filed. It be checked and registered.

Present : Ld. APP for the State(through VC).

Accused is stated to be in JC but not produced.

IO HC Noor Singh Mehra in person.

Heard. Perused. I take cognizance of the offence(s).

Issue notice to the Jail Superintendent concerned for production of both the accused ~~persons~~ through VC.

Copy of the order be sent to the Jail Superintendent concerned for compliance of the order through VC.

Be put up on 11.09.2020.


(Deepak Kumar-f)
Duty MM (West)/THC/Delhi
29.08.2020

FIR No. 0456/2020
PS RG

29.08.2020

Hearing through VC

Present : Ld. APP for the State(through VC).

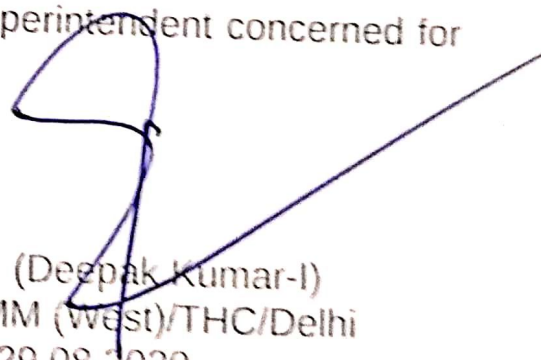
Both accused are stated to be in JC but not produced.

Heard. Perused. I take cognizance of the offence(s).

Issue notice to the Jail Superintendent concerned for production of both the accused persons through VC.

Copy of the order be sent to the Jail Superintendent concerned for compliance of the order through VC.

Be put up on 11.09.2020.


(Deepak Kumar-I)
MM (west)/THC/Delhi
29.08.2020

FIR No. 223/15
PS RG

29.08.2020

Hearing through VC

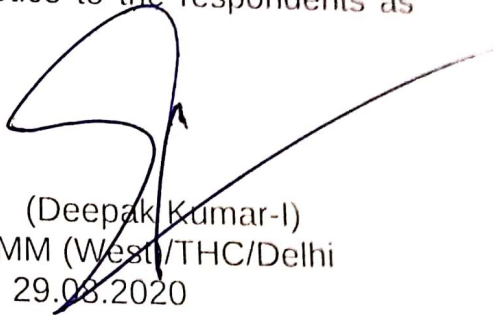
Present : Ld. APP for the State(through VC).

None for respondents.

None for IO.

In view of the restricted functioning of the court, matter stands adjourned for purpose fixed.

In the interest of justice, issue court notice to the respondents as well as IO SI Sanjeet Singh for 12.02.2021.


(Deepak Kumar-I)
MM (West)/THC/Delhi
29.08.2020

FIR No. 421/19
PS RG

29.08.2020

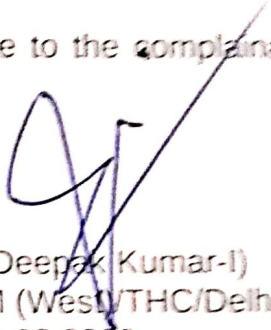
Hearing through VC

Present : Ld. APP for the State(through VC).

This is untrace report.

In view of the restricted functioning of the court, matter stands adjourned for purpose fixed.

In the interest of justice, issue court notice to the complainant as well as IO for 18.02.2021.


(Deepak Kumar-I)
MM (West/THC/Delhi)
29.08.2020

FIR No. 452/16
PS RG

29.08.2020

Hearing through VC

Present : Ld. APP for the State(through VC).

None for accused.

In view of the restricted functioning of the court, matter stands adjourned for purpose fixed.

In the interest of justice, issue summons to the accused for NDOH.

Be put up for purpose fixed i.e. PE on 18.12.2020.

(Deepak Kumar-I)
MM (West)/THC/Delhi
29.08.2020

29 08 2020

Hearing through VC

This is an application for releasing vehicle No. DL-4CAN-1771 on superdari.

Present - Ld. APP for the State (through VC).

Applicant Ajay Kumar Pasricha with Ld. counsel.

Report has been filed on behalf of IO. Same be taken on record. Heard. Perused.

Instead of releasing the vehicle on superdari, I am of the considered view that the vehicle has to be released as per directions of Hon'ble Supreme Court in case titled as **Sunder Bhai Ambalal Desai Vs. State of Gujrat, AIR 2003 SC 638**. The view of the Hon'ble Supreme Court has been reiterated by Hon'ble Delhi High Court in case titled as **Manjit Singh Vs. State in Crl. M.C. No. 4485/2013 dated 10.09.2014** wherein it has been held that :

1. 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.
2. 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.
3. 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.
4. Return of vehicles and permission for sale thereof should be the general norm rather than the exception.
5. 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.
6. 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."

Considering the facts and circumstances and law laid down by higher courts, vehicle No. **DL-4CAN-1771** in question be released to the rightful/registered owner on furnishing security bond as per valuation report of the vehicle. After preparation of panchnama of the vehicle and furnishing of security bond as per directions of Hon'ble Supreme Court, the vehicle shall be released by the IO.

Panchnama and valuation report shall be filed in the court alongwith charge sheet. Copy of this order be given dasti to applicant.

IO is directed to release the vehicle to its rightful owner ^{& provided} if there is not objections from the Excise Department for the release of the vehicle.

(Deepak Kumar-I)
MMI (West)/IHC/Delhi
29.08.2020

29.08.2020

Hearing through VC

Present : Ld. APP for the State(through VC).

Accused is stated to have been arrested after being declared PO and subsequently granted bail.

Accused Sanjeev Sharma alongwith surety Kapil Dev Sharma with Ld. counsel.


In compliance of order dated 21.08.2020 surety has furnished the FDR bearing no. CIF No. 8017248229-7 for amount of Rs.15,000/-. Same be retained on record.

In view of the submissions and in the interest of justice, previous documents of the surety be released to the surety after due acknowledgement.

File is stated to be already consigned to Record Room.

Let file be summoned for NDOH.

Be put up with main case file on 25.11.2020


(Deepak Kumar-I)
MM (West) THC/Delhi
29.08.2020

29 08 2020

This is an application for releasing vehicle No. DL-10SH-1624 on superdari.

Present - Ld. APP for the State(through VC).

Mohd. Ilyas, Ld. counsel for applicant.

Report has been filed on behalf of IO. Same be taken on record. Heard. Perused.

Instead of releasing the vehicle on superdari, I am of the considered view that the vehicle has to be released as per directions of Hon'ble Supreme Court in case titled as **Sunder Bhai Ambalal Desai Vs. State of Gujrat, AIR 2003 SC 638**. The view of the Hon'ble Supreme Court has been reiterated by Hon'ble Delhi High Court in case titled as **Manjit Singh Vs. State in CrI. M.C. No. 4485/2013 dated 10.09.2014** wherein it has been held that :

1. 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.

2. 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.

3. 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.

4. Return of vehicles and permission for sale thereof should be the general norm rather than the exception.

5. 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.

6. 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."

Considering the facts and circumstances and law laid down by higher courts, vehicle No. **DL-10SH-1624** in question be released to the rightful/registered owner on furnishing security bond as per valuation report of the vehicle. After preparation of panchnama of the vehicle and furnishing of security bond as per directions of Hon'ble Supreme Court, the vehicle shall be released by the IO.

Panchnama and valuation report shall be filed in the court alongwith charge sheet. Copy of this order be given dasti to applicant.

(Deepak Kumar-I)
Duty MM (West) HC/Delhi
29.08.2020

FIR No. 536/19
PS RG

29.08.2020

Hearing through VC
This is application for release of revolver received on the official E-mail ID
of the court.

Present : Ld. APP for the State(through VC).

Sh. Ashutosh Gupta, Ld. counsel for applicant.

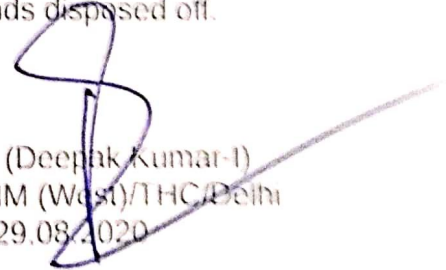
Reply filed by the IO SI Sanjeet.

As per the reply, the revolver has been deposited in FSL vide
acknowledgement no. FSL: SFSL(DLH)/12977/BAL/2670/19 dated 26.12.2019
and result of the same is still awaited.

In view of the above, the present application is not maintainable at
this stage. The present application stands declined.

However, in view of the submissions of Ld. counsel and in the
interest of justice, let the order be served upon the IO who is directed to take up
the matter with the Director FSL concerned qua expediting the process for
obtaining FLS result in the present matter.

With above observations, application stands disposed off.


(Deepak Kumar-I)
MM (West)/THC/Delhi
29.08.2020

FIR No. 411/20
PS RG

8.2020

Fresh chargesheet filed. It be checked and registered.

Present :

Ld. APP for the State(through VC).

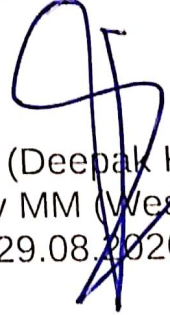
Accused is stated to be on police bail but not appearing.

IO HC Noor Singh Mehra in person.

Heard. Perused. I take cognizance of the offence(s).

Issue summons to the accused for NDOH.

Be put up on 24.11.2020.


(Deepak Kumar-I)
Duty MM (West)/THC/Delhi
29.08.2020

FIR No. 210/20
PS RG

29.08.2020

Fresh chargesheet filed. It be checked and registered.

Present : Ld. APP for the State(through VC).

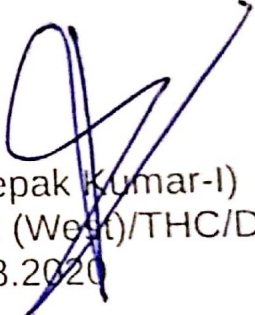
Accused is stated to be on police bail but not appearing.

IO HC Noor Singh Mehra in person.

Heard. Perused. I take cognizance of the offence(s).

Issue summons to the accused for NDOH.

Be put up on 24.11.2020.


(Deepak Kumar-I)
Duty MM (West)/THC/Delhi
29.08.2020

FIR No. 421/20
PS RG

29.08.2020

Fresh chargesheet filed. It be checked and registered.

Present : Ld. APP for the State(through VC).


Accused is stated to be on police bail but not appearing.

IO HC Noor Singh Mehra in person.

Heard. Perused. I take cognizance of the offence(s).

Issue summons to the accused for NDOH.

Be put up on 24.11.2020.


(Deepak Kumar-I)
Duty MM (West)/THC/Delhi
29.08.2020

29.08.2020

This is an application for releasing article i.e., mobile phone make Samsung J-6 on superdari

Present:- Ld. APP for the State(through VC).
Applicant Subhash Yadav is present.
IO has filed his reply. Taken on record.

Instead of releasing the articles on superdari, I am of the considered view that the article has to be released as per directions of Hon'ble Supreme Court in case titled as **Sunder Bhai Ambalal Desai Vs. State of Gujrat, AIR 2003 SC 638**. The view of the Hon'ble Supreme Court has been reiterated by Hon'ble Delhi High Court in case titled as **Manjit Singh Vs. State in Crl. M.C. No. 4485/2013 dated 10.09.2014** wherein it has been held that

"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 higher courts, articles in question i.e. **mobile phone make Samsung J-6** as per seizure memo be released to the **rightful owner** on furnishing security bond as per valuation report of the mobile phone in question. IO is directed to get the valuation done of the articles prior to the release the same to the applicant as per directions of Hon'ble Supreme Court.

Panchnama and valuation report shall be filed at the time of filing charge sheet. Copy of this order be given dasti to applicant.

(Deepak Kumar-I)
Duty MM (West)/THC/Delhi
29.08.2020

FIR No. 800/2020
PS Nihal Vihar

29.08.2020

This is application for grant of bail u/s 437 CrP.C on behalf of the accused persons namely Saurabh and Arun.

Present : Ld. APP for the State (through VC).


Ld. counsel Sh. Deepak Kumar for both the accused persons.

An application for grant of bail to the accused Saurabh and Arun has been moved.

At this stage, counsel for accused persons submits that the application may be disposed off as withdrawn.

Necessary endorsement made on the application itself.

In view of above, application stands disposed off as withdrawn.


(Deepak Kumar-I)
Duty MM (West)/THC/Delhi
29.08.2020

Case No. 4754/16
PS RG

29.08.2020

Hearing through VC

Present : Ld. APP for the State(through VC).

None for complainant.

Proceedings against accused Baldev Raj already stands abated.

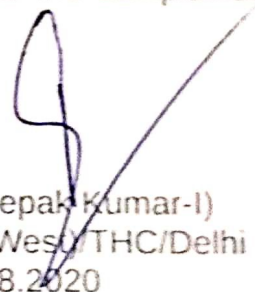
Proceedings against accused Pinki already stands dismissed.

In view of the restricted functioning of the court, matter stands adjourned for purpose fixed.

Previous order dated 10.12.2012 be complied afresh for NDOH.

In the interest of justice, issue court notice to the complainant for NDOH.

Be put up on 23.12.2020.


(Deepak Kumar-I)
MM (West)/THC/Delhi
29.08.2020