

FIR No.950/2020
PS Nihal Vihar
U/s 356/379 IPC
27.10.2020

State

Vs.

Deepak Kumar

(PROCEEDINGS CONDUCTED THROUGH CISCO WEBEX

MEETING URL <https://delhidistricts.webex.com/join/mm03west>)

Present: Ld. APP for the State through video-conferencing in
Cisco-Webex Application vide Meeting No. 1667367064.

Ms. Rashmi Behl, Id. counsel for applicant/accused.

Argument heard on the regular bail application on behalf of the
accused. It is stated that the accused was falsely implicated in the
present case.

Bail application is opposed by Ld. APP for the State.

As the alleged recovery has already been effected, no useful
purpose will be served by keeping the accused in JC Accordingly,
the accused **Deepak Kumar** be hereby released on bail, on his
furnishing the personal bond in the sum of Rs. **10,000/-** and one
surety of the like amount.

E-Copy of this order be sent to Jail Supdt. Concerned and be also
supplied to Ld. Counsel for the applicant/accused.

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(PankajArora)
MM-03(West)/THC/Delhi
27.10.2020

E FIR No.00183/20
PS Maya Puri
U/s 379/411 IPC
27.10.2020

State

Vs.

Veeru

(PROCEEDINGS CONDUCTED THROUGH CISCO WEBEX

MEETING URL <https://delhidistricts.webex.com/join/mm03west>)

Present: Ld. APP for the State through video-conferencing in
Cisco-Webex Application vide Meeting No. 1667367064.

Sh. **Sandeep Gupta**, Id. counsel for applicant/accused.

Argument heard on the bail application on behalf of the accused. It is stated that the accused was falsely implicated in the present case.

Bail application is opposed by Ld. APP for the State.

As the alleged recovery has already been effected, no useful purpose will be served by keeping the accused in JC Accordingly, the accused **Veeru** be hereby released on bail, on his furnishing the personal bond in the of Rs. 10,000/- to the satisfaction of the Jail Superintendant concerned. The Jail Superintendent shall ascertain from the PS concerned as to whether the address of the applicant/accused is verified or not. Digitally signed e-Copy of this Order be also treated as release warrant of the applicant/accused **Veeru**. The applicant/accused be released from the custody if he is not required in any other criminal case.

E-Copy of this order be sent to Jail Supdt. Concerned and be also supplied to Ld. Counsel for the applicant/accused.

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(PankajArora)

**MM-03(West)/THC/Delhi
27.10.2020**

FIR No.934/2020
PS Nihal Vihar
U/s 356/380 IPC
27.10.2020

State

Vs.

Ravi Kumar

(PROCEEDINGS CONDUCTED THROUGH CISCO WEBEX

MEETING URL <https://delhidistricts.webex.com/join/mm03west>)

Present: Ld. APP for the State through video-conferencing in
Cisco-Webex Application vide Meeting No. 1667367064.

Sh. **Anil Kumar**, Id. counsel for applicant/accused.

Argument heard on the bail application on behalf of the accused. It is stated that the accused was falsely implicated in the present case.

Bail application is opposed by Ld. APP for the State.

There is an allegation against the accused that he along with the co-accused, while riding on a bike, had snatched the mobile phone from the possession of a pedestrian lady complainant. The accused has been correctly identified by the complainant during TIP proceedings. The accused is already involved in more than 4 other similar cases. The allegations are serious in nature. No ground is made out for grant of bail at this stage. Accordingly, the present bail application stands dismissed.

E-Copy of this order be sent to Jail Supdt. Concerned and be also supplied to Ld. Counsel for the applicant/accused.

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**(PankajArora)
MM-03(West)/THC/Delhi
27.10.2020**

FIR No.970/2020
PS Nihal Vihar
U/s 356/379 IPC
27.10.2020

State

Vs.

Sanjeev Kumar

(PROCEEDINGS CONDUCTED THROUGH CISCO WEBEX

MEETING URL <https://delhidistricts.webex.com/join/mm03west>)

Present: Ld. APP for the State through video-conferencing in
Cisco-Webex Application vide Meeting No. 1667367064.

Sh. **Anil Kumar**, Id. counsel for applicant/accused.

Argument heard on the bail application on behalf of the accused. It is stated that the accused was falsely implicated in the present case.

Bail application is opposed by Ld. APP for the State.

As the alleged recovery has already been effected, no useful purpose will be served by keeping the accused in JC Accordingly, the accused **Sanjeev Kumar** is hereby released on bail, on his furnishing the personal bond in the sum of Rs. **10,000/-** and one surety of the like amount.

E-Copy of this order be sent to Jail Supdt. Concerned and be also supplied to Ld. Counsel for the applicant/accused.

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MM-03(West)/THC/Delhi
27.10.2020

E FIR No.16603/2020
PS Nihal Vihar
U/s 356/379 IPC
27.10.2020

State

Vs.

Gurmail

(PROCEEDINGS CONDUCTED THROUGH CISCO WEBEX

MEETING URL <https://delhidistricts.webex.com/join/mm03west>)

Present: Ld. APP for the State through video-conferencing in
Cisco-Webex Application vide Meeting No. 1667367064.

Sh. **Manu**, Id. counsel for applicant/accused.

Argument heard on the bail application on behalf of the accused. It is stated that the accused was falsely implicated in the present case.

Bail application is opposed by Ld. APP for the State.

As the alleged recovery has already been effected, no useful purpose will be served by keeping the accused in JC Accordingly, the accused ***Gurmail is*** hereby released on bail, on his furnishing the personal bond in the sum of Rs. **10,000/-** and one surety of the like amount.

E-Copy of this order be sent to Jail Supdt. Concerned and be also supplied to Ld. Counsel for the applicant/accused.

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(PankajArora)
MM-03(West)/THC/Delhi
27.10.2020

State

Vs.

Pawan @ Ankush

(PROCEEDINGS CONDUCTED THROUGH CISCO WEBEX

MEETING URL <https://delhidistricts.webex.com/join/mm03west>)

Present: Ld. APP for the State through video-conferencing in
Cisco-Webex Application vide Meeting No. 1667367064.
Sh. Jitender Kumar , Id. LAC for non-applicant.
Heard on the application for cancellation of bail granted to the
accused Pawan @ Ankush moved by Ld. APP for the State.
Application is opposed by Id. LAC for non-applicant.
Considering the facts that accused has misused the liberty of bail
granted to him in the present case by getting involved in another case
FIR No. 755/20 punishable u/s 376/354/354A/324/34 IPC.
Accordingly, bail granted to the accused Pawan @ Ankush by this
court is hereby cancelled. Accused be taken into custody in the
present case.
Cancellation of bail application moved on behalf of state by Ld. APP
for the State stands disposed of.
Copy of this order be sent to Jail Suptd. concerned.
Issue production warrant of the accused for his production through
VC for the NDOH already fixed i.e. **06.11.2020**.
Issue court notice to the complainant to explore the possibility of
compromise for the NDOH.
e-copy of this order be given dasti to Id. LAC.

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**MM-03(West)/THC/Delhi
27.10.2020**

This is an application for releasing vehicle bearing no. DL-8SBC-7347 on Superdari.

Present:- Ld. APP for the State.

Ld. counsel for the applicant.

IO has filed his reply. Taken on record.

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** wherein it has been held that

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 reply not claimed by the accused, owner, or the insurance company or by a third person, it may be ordered to be sold by auction."

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**.

Considering the facts and circumstances and law laid down by higher courts, vehicle in question bearing registration no. **DL-8SBC-7347** be released to the **registered owner after due identity verification** and 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.

Copy of this order be given dasti to applicant.

Panchnama and valuation report shall be filed in the court along with charge sheet.

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MM-03/West/THC/Delhi
27.10.2020

This is an application for releasing vehicle bearing no. UP-95E-1592 on Superdari.

Present:- Ld. APP for the State.

Ld. counsel for the applicant.

IO has filed his reply. Taken on record.

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** wherein it has been held that

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 reply not claimed by the accused, owner, or the insurance company or by a third person, it may be ordered to be sold by auction."

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**.

Considering the facts and circumstances and law laid down by higher courts, vehicle in question bearing registration no. **UP-95E-1592** be released to the **registered owner after due identity verification** and 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.

Copy of this order be given dasti to applicant.

Panchnama and valuation report shall be filed in the court along with charge sheet.

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27.10.2020