18.12,2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, the cases are being taken up through Video Conferencing today.

This is an application for releasing of vehicle bearing No. DL 1RU 5189 on superdari filed by applicant Sh. Monu.

Present: Ld. APP for the State through V.C.

Sh. Sube Singh, Ld. Counsel for applicant through V.C.

Reply filed by the IO. Same is take on record. As per the reply of IO, he has verified the ownership of the vehicle in question and he has no objection in releasing the same to the applicant as it is stated that the vehicle in question is no more required for the purpose of investigation.

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 High Court of Delhi 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 bearing registration No. **DL 1RU 5189** be released to the applicant/registered owner on furnishing security bond/indemnity bond as per valuation report of the vehicle. IO is directed to get the valuation done of the vehicle prior to releasing the same to the applicant/registered owner as per directions of Hon'ble Supreme Court. Coloured photographs and punchnama of vehicle in question be conducted as per above mentioned judgments.

Copy of this order be given dasti to the applicant. Punchnama alongwith photographs, valuation report etc shall be filed in the Court alongwith final report.

One copy of order be uploaded on CIS. Copy of order be also sent to the e-mail of SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant/applicant.

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, the cases are being taken up through Video Conferencing today.

This is an application for releasing of vehicle bearing No. DL-2SP-6808 on superdari filed by applicant/owner Ms. Renu.

Present: Ld. APP for the State through V.C.

Sh. Kamran Haider, Ld. Counsel for applicant through V.C.

Reply filed by the IO. Same is take on record. As per the reply of IO, he has verified the RC of the vehicle in question and he has no objection in releasing the same to the applicant as it is stated that the vehicle in question is no more required for the purpose of investigation.

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 High Court of Delhi 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 bearing registration No. **DL-2SP-6808** be released to the applicant/registered owner on furnishing security bond/indemnity bond as per valuation report of the vehicle. IO is directed to get the valuation done of the vehicle prior to releasing the same to the applicant/registered owner as per directions of Hon'ble Supreme Court. Coloured photographs and punchnama of vehicle in question be conducted as per above mentioned judgments.

Copy of this order be given dasti to the applicant. Punchnama alongwith photographs, valuation report etc shall be filed in the Court alongwith final report.

One copy of order be uploaded on CIS. Copy of order be also sent to the e-mail of SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant/applicant.

(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/18.12.2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, the cases are being taken up through Video Conferencing today. This is an application for releasing of vehicle bearing No. UP-14-EL-3840 on superdari filed by applicant Sh. Gyanendra Kumar Maheshwari.

Ld. APP for the State through V.C. Present:

Sh. N.K. Sharma, Ld. Counsel for applicant through V.C.

Reply filed by IO / SI Omvir Singh electronically. Copy of the same has been sent to Ld. Counsel for the applicant. IO, in his reply, has stated that the vehicle bearing No. UP-14-EL-3840 is the offending vehicle involved in the alleged accident. It is further stated that mechanical inspection of the vehicle has been conducted and RC and insurance of said vehicle have been verified and found to be correct. It is further stated that the ownership of the vehicle has been verified from the concerned authority and as per the verification report, same is registered in the name of Sh. Gyanendra Kumar Maheshwari. IO submits that the investigation qua the vehicle is complete and he has no objection, if the same is released on superdari.

The applicant has sent the scanned copy of RC and insurance policy of vehicle in question. For the purpose of identity, scanned copy of Adhar card of applicant is also sent alongwith the application.

In these circumstances and as per directions of Hon'ble High Court of Delhi in matter of "Manjit Singh Vs. State" in Crl. M.C. No. 4485/2013 dated 10.09.2014, the aforesaid vehicle be released to the applicant/ registered owner subject to the following:-

- 1. Vehicle in question be released to applicant / registered owner only subject to furnishing of indemnity bonds as per the valuation of the vehicle, to the satisfaction of the concerned SHO/ IO subject to verification of documents.
- 2. IO shall prepare detailed panchanama mentioning the colour, Engine number, Chassis number, ownership and other necessary details of the vehicle.
- 3. IO shall take the colour photographs of the vehicle from different angles and also of the engine number and the chases number of the vehicle. (hich

- 4. The photographs should be attested and counter signed by the complainant/ applicant and accused.
- 5. IO is directed to verify the RC, insurance and DL of vehicle issued in favour of applicant prior to release of the vehicle.

Scanned copy of this order be sent to Counsel for applicant and to IO/SHO concerned through email. One copy be sent to Computer Branch, THC for uploading on Delhi District Court Website.

State V/s Ashu Thakral FIR No. 60/09 P.S. Civil Lines U/s 174A IPC

18.12.2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, the cases are being taken up through Video Conferencing today.

File taken up today on the application for releasing of RC of the vehicle moved on behalf of applicant/surety Sh. Vikas Yadav.

Present: Ld. APP for State (through V.C.).

Mr. Hari Krishan, Ld. Counsel for accused (through V.C.).

Perusal of case file reveals that the order for releasing of documents has already been passed by this Court vide order dated 07.03.2020.

At this stage, Ld. Counsel for the applicant submits that he wants to withdraw the present application.

Heard. Request stands allowed.

In view of same, let the present application stands dismissed as withdrawn. Accordingly, the present application is disposed off.

One copy of the order be uploaded on Delhi District Court Website. Copy of order be also sent to the e-mail of Ld. Counsel for the applicant.

State V/s Sunita @ Others FIR No. 245/17 P.S. Civil Lines U/s 420/467/468/471 IPC

18.12.2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, the cases are being taken up through Video Conferencing today.

Present: Ld. APP for State (through V.C.).

Sh. Nikhil Malhotra, Ld. Counsel for the complainant through V.C.

Status report filed by the IO concerned electronically. Copy of the same has been supplied to Ld. Counsel for the complainant electronically.

Perusal of report reveals that IO seeks some more time to conclude the investigation.

In view of same, let fresh notice be issued to IO / SHO concerned with direction to expedite the investigation and file the report on **18.01.2021**.

One copy of order be uploaded on CIS. Copy of order be also sent to the e-mail of SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant/applicant.

State V/s Ved Prakash FIR No. 300/20 P.S. Sadar Bazar U/s 186/283/353/509/34 IPC

18.12.2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts
Roster/ 2020 dated 25.11.2020, the cases are being taken up through Video Conferencing today.

This is an application for release of jamatalashi has been moved on behalf of applicant/ accused namely, Ved Prakash by Ld. Counsel electronically.

Present: Ld. APP for State (through V.C.).

Mr. Sarvesh Kumar, Ld. Counsel for applicant/accused (through V.C.).

Reply to the present application has been filed by IO electronically. Copy of the same has been supplied to ld. Counsel for applicant/accused.

It is stated in the reply that nothing has been seized by the police from the applicant/accused.

Ld. Counsel for the applicant vehemently opposes the said reply.

In the interest of justice, IO concerned is directed to appear physically before the Court alongwith the personal search memo of the applicant/accused.

Be put up for <u>22.12.2020</u>.

One copy of order be uploaded on CIS. Copy of order be also sent to the e-mail of SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant/applicant.

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, the cases are being taken up through Video Conferencing today.

Present: Ld. APP for State (through V.C.).

Ms. Neha Singh, Ld. Counsel for applicant (through V.C.).

This is an application for cancellation of superdarinama in respect of vehicle bearing registration No. DL-8C-AN-0534 was moved on behalf of applicant.

Ahlmad of this Court submits that reply to the present application filed on 19.11.2020 by the IO concerned, is not traceable.

Accordingly, IO concerned is directed to file the said reply before the Court electronically again on <u>21.12.2020</u>.

One copy of order be uploaded on CIS. Copy of order be also sent to the e-mail of SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant/applicant.

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, matters are taken up through Video Conferencing on Cisco Webex. This is an application for releasing of mobile make Carbon on superdari filed by applicant Sh. Jitender.

Ld. APP for the State (through V.C.). Present:

Sh. Bhojraj, Ld. Counsel for applicant (through V.C.).

IO HC Vikender has also joined through V.C.

Reply on behalf of IO filed electronically. Copy of same has been sent to applicant. It is submitted by IO that in compliance of previous order, he has verified the ownership of mobile phone in question in the present FIR. It is further submitted by IO that Sh. Naveen and Sh. Jitender, both are nephews of complainant Sh. Prem Kumar. It is further submitted by IO that bill of mobile phone is in the name of applicant Jitender. Hence, he has no objection in releasing the mobile phone to the applicant Jitender as it is no more required for the purpose of investigation.

The applicant has sent the scanned copy of bill of mobile phone. For the purpose of identity, scanned copy of AADHAR card of applicant is also sent alongwith the application.

Instead of releasing the said mobile on superdari, I am of the considered view that the aforesaid mobile 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, which has been reiterated by Hon'ble High Court of Delhi in case titled as "Manjit Singh Vs. State".

Considering the facts and circumstances and law laid down by higher courts, mobile of make Carbon be released to the applicant on furnishing security bond/indemnity bond as per valuation report of the aforesaid mobile. Accordingly, IO is directed to get the valuation done of the mobile phone prior to releasing the same to the applicant, as per directions of Hon'ble Supreme Court. Coloured photographs of the mobile phone be also taken as per rules.

Copy of this order be given dasti to the applicant. One copy of the order be uploaded on Delhi District Court Website. Copy of order be also sent to the e-mail of SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant/applicant.

State V/s Suraj FIR No. 431/20 P.S. Civil Lines U/s 392/394/411/34 IPC

18.12.2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, matters are taken up through Video Conferencing on Cisco Webex.

Joined through Video conferencing.

The present application for grant of bail U/s 437 Cr.P.C. has been moved on behalf of applicant/accused Suraj s/o Sh. Rakesh.

Present: Ld. APP for State (through V.C).

Mr. Sonu Jha, ld. Counsel for applicant/accused (through V.C).

Reply of IO has been filed electronically. Copy of same has been sent to Ld. Counsel for the applicant/accused electronically.

At this stage, Ld. Counsel for the applicant/accused submits that he wants to withdraw the present application.

Heard. Request stands allowed.

In view of same, let the present application stands dismissed as withdrawn. Accordingly, the present application is disposed off.

One copy of the order be uploaded on Delhi District Court Website. Copy of order be also sent to the e-mail of jail superintendent and SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant. The printout of the application, reply and order be kept for records and be tagged with the final report.

State V/s Rahul @ Kale e-FIR No. 026807/20 P.S. Sadar Bazar U/s 379/411/34 IPC

18.12.2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts
Roster/ 2020 dated 25.11.2020, matters are taken up through Video Conferencing on Cisco Webex.
Joined through Video conferencing.

The present application for grant of bail U/s 437 Cr.P.C. has been moved on behalf of applicant/accused Rahul @ Kale s/o Late Vijay Kumar.

Present: Ld. APP for State (through V.C).

Mr. Sunil Tiwari, ld. Counsel for applicant/accused (through V.C).

It is submitted by Ld. Counsel for applicant/accused that applicant/accused is innocent and has been falsely implicated in the present case. It is further submitted that no recovery has been made from or at the instance of the applicant/accused and the alleged recovery has been planted by the police. It is further submitted that even otherwise, recovery has already been effected in the present matter. It is further submitted that the past antecedents of the applicant/accused are clean and he is not a previous convict. It is further submitted that investigation qua him is already complete and he is no more required for any custodial interrogation. It is further submitted that the applicant/accused is young boy. Therefore, it has been prayed that the applicant/accused be released on bail.

Reply of IO has been filed electronically. Copy of same has been sent to Ld. Counsel for the applicant/accused electronically. Perusal of the same reveals that the case property i.e. stolen motorcycle has been recovered from the possession of applicant/accused and he has been previously involved in many other criminal cases. It is further stated that applicant/accused is a BC of area of PS Sadar Bazar. It is further stated that the applicant/accused may abscond, threaten/ intimidate the complainant/ witnesses and tamper with the evidence, if released on hail.

Ld. APP for the State has vehemently opposed the bail application on the ground that the case property i.e. stolen motorcycle has been recovered from

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the possession of the applicant/accused. It is submitted that the applicant/accused is a habitual offender and has previous involvement in many criminal cases and he may commit similar offences again, if released on bail.

I have given thoughtful consideration to the facts and circumstances of the case and carefully perused the record in light of submissions made before me.

Considering the antecedents of applicant/accused and the fact that investigation of the case is still at an initial stage, this Court is not inclined to grant bail to the applicant/accused at this stage. Hence, bail application of applicant/accused stands dismissed.

Accordingly, the present application is disposed off.

One copy of the order be uploaded on Delhi District Court Website.

Copy of order be also sent to the e-mail of jail superintendent and SHO PS Civil

Lines/Sadar Bazar and Ld. Counsel for the applicant.

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts
Roster/ 2020 dated 25.11.2020, matters are taken up through Video Conferencing on Cisco Webex.
Joined through Video conferencing.

The present application for grant of bail U/s 437 Cr.P.C. has been moved on behalf of applicant/accused Mehfooz s/o Sh. Mehmoob.

Present: Ld. APP for State (through V.C).

Mr. Nikhil Yadav, ld. LAC for applicant/accused (through V.C).

It is submitted by Ld. LAC for applicant/accused that FIR number has been mentioned as 12116/20 in the bail application inadvertently as wrongly forwarded by Tihar Jail. He requests that the same may be read as FIR No. 12116/19 instead of 12116/20.

Heard. Request stands allowed.

In view of same, FIR number be read as 12116/19 instead of 12116/20.

It is submitted by Ld. Counsel for applicant/accused that applicant/accused is innocent and has been falsely implicated in the present case. It is further submitted that no recovery has been made from or at the instance of the applicant/accused and the alleged recovery has been planted by the police. It is further submitted that even otherwise, recovery has already been effected in the present matter. It is further submitted that the past antecedents of the applicant/accused are clean and he is not a previous convict. It is further submitted that the applicant/accused is in J/C since 04.11.2020 and investigation qua him is already complete and he is no more required for any custodial interrogation. Therefore, it has been prayed that the applicant/accused be released on bail.

Reply of IO has been filed electronically. Copy of same has been sent to Ld. Counsel for the applicant/accused electronically. Perusal of the same reveals that the case property i.e. stolen motorcycle has been recovered from the

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possession of applicant/accused and he is previously involved in criminal cases. It is further stated that applicant/accused is in J/C since 19.11.2020. It is further stated that applicant/accused is a habitual offender.

Ld. APP for the State has opposed the bail application on the ground that the case property i.e. stolen motorcycle has been recovered from the possession of the applicant/accused. It is submitted that the applicant/accused has been previously involved in many other criminal cases and he is a habitual offender and he may commit similar offences again, if released on bail. Thus, it is prayed that applicant/accused should not be released on bail.

I have given thoughtful consideration to the facts and circumstances of the case and carefully perused the record in light of submissions made before me.

Ld. LAC submits that as per information received from Tihar Jail, applicant/accused is in J/C since 04.11.2020, however, IO in his reply has stated that applicant/accused is in J/C since 19.11.2020.

In view of the ambiguity involved in the present matter, put up for clarifications/ orders on the bail application on 19.12.2020.

One copy of the order be uploaded on Delhi District Court Website. Copy of order be also sent to the e-mail of jail superintendent and SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant.

State V/s Aas Mohd. Etc. FIR No. 189/18 P.S. Civil Lines U/s 429 IPC & 11A PCA Act

18.12.2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, the cases are being taken up through Video Conferencing today.

Present: Ld. APP for State (through V.C.).

Mr. Neeraj Sharma, Ld. Counsel for applicant (through V.C.).

An application for cancellation of superdarinama/ removal of endorsement on the R/C and permission of sell vehicle has been moved on behalf of applicant/ owner. It is submitted by Ld. Counsel for applicant that applicant wishes to sell the vehicle, which was released on superdari pursuant to order of this Court to co-accused in the present matter.

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

However, despite specific order to this effect, IO has not stated if he has any objection to the sale of vehicle.

Ld. APP for the State submits that statements of applicant and coaccused to whom the applicant purports to sell the vehicle be recorded to the effect that they would not dispute the identity of vehicle during trial.

Heard. Accordingly, IO, applicant and co-accused are directed to be present before the Court physically on the next date of hearing.

Be put up for 22.12.2020 (physical hearing date).

One copy of the order be uploaded on Delhi District Court Website. Copy of order be also sent to the e-mail of SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant.

State V/s Krishan @ Lilu e-FIR No. 102/19 P.S. Civil Lines U/s 379/411 IPC

18.12.2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, matters are taken up through Video Conferencing on Cisco Webex.

Joined through Video conferencing.

File taken up today on the application for release of FDR was moved on behalf of applicant/surety Satish Kumar.

Present: Ld. APP for State (through V.C).

Mr. Sunil Tiwari, ld. Counsel for applicant (through V.C).

Perusal of case file reveals that accused was not arrested in the present case and hence, bail bonds and surety bonds were not furnished.

At this stage, Ld. Counsel for the applicant/surety submits that he wants to withdraw the present application.

Heard. Request stands allowed.

In view of same, let the present application stands dismissed as withdrawn. Accordingly, the present application is disposed off.

One copy of the order be uploaded on Delhi District Court Website. Copy of order be also sent to the e-mail of SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant.

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts
Roster/ 2020 dated 25.11.2020, the cases are being taken up through Video Conferencing today.

None has joined through Video conferencing on Cisco Webex.

Present:

Ld. APP for State (through V.C.).

None on behalf of applicant (through V.C.).

Be put up for purpose already fixed on 23.01.2021.

One copy of the order be uploaded on Delhi District Court Website.

Copy of order be also sent to the e-mail of SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant.

State V/s Shaheen Begum FIR No. 75/19 P.S. Sadar Bazar U/s 323/341/384/452/506/34 IPC

18.12.2020

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, the cases are being taken up through Video Conferencing today.

None has joined through Video conferencing on Cisco Webex.

Present: Ld. APP for State (through V.C.).

None on behalf of applicant (through V.C.).

Be put up for purpose already fixed on 23.01.2021.

One copy of the order be uploaded on Delhi District Court Website.

Copy of order be also sent to the e-mail of SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant.

Vide Office Order No. 1277/22595-765 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 25.11.2020, the cases are being taken up through Video Conferencing today.

Present:

Ld. APP for State (through V.C.).

Mr. Abhishek Kumar Singh, Ld. LAC for accused (through V.C.).

An application for release of accused on personal bond was moved on behalf of accused by his Ld. LAC.

Reply has been filed by IO electronically. Copy of same has been supplied to Ld. LAC for accused electronically.

It is stated in the reply that the address of accused has been verified from Pradhan of Village – Imaliya and neighbours who stated that the accused is a past resident of their village, who presently resides in Delhi and sometimes visits the village. IO has recorded statements of mother and neighbours of accused as well as of Pradhan of the Village.

Heard. Record perused.

Address of accused stands verified. Keeping in view the poor condition of applicant/accused and submissions made by Ld. LAC of applicant/accused, the application moved on his behalf for his release on personal bond stands allowed. Accused be released on bail on furnishing personal bond in the sum of Rs. 15,000/- to the satisfaction of Ld. Duty MM, as per prevailing Duty Roster.

Accordingly, the present application is disposed off.

One copy of the order be uploaded on Delhi District Court Website. Copy of order be also sent to the e-mail of jail superintendent and SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant. The printout of the application, reply and order be kept for records and be tagged with the final report.