FIR No. 244/2018
PS: Pahar Ganj
State Vs. Raj Kumar
U/s 302/307 IPC

19.10.2020

Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)

None for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application on behalf of superdar Sonu Sharma seeking permission for transfer of the vehicle bearing no. DL 1RQ 4062 in case FIR No.244/2018.

None has joined on behalf of applicant through Webex Meeting.

Ld. Addl. PP seeks some time to go through the file.

For consideration, put up on **28.10.2020.**

Neelofer

(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
19.10.2020

B. A. No. 2926
PS: Burari
FIR No. 401/2020
State Vs. Mandu @ Mandu
U/s 33/52 Delhi Excise Act

19.10.2020

Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)

Sh. Aijaz Ahmed, Counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of bail on behalf of accused-applicant Mandu @ Mando in case FIR No.401/2020.

Arguments heard in part.

Ld. Addl. PP submits that accused-applicant was found in the vehicle from which 25 cartons of containing liquor were recovered and driver of the vehicle is still at large.

For further arguments/orders up on **26.10.2020.**

Neelofer

(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
19.10.2020

B. A. No.3074
FIR No. 107/2020
PS: Bara Hindu Rao
State Vs. Fantus Bind
U/s 380/411/34 IPC

19.10.2020

Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)

Sh. Naresh Kumar, Counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application under Section 438 CrPC for grant of anticipatory bail on behalf of accused-applicant Fantus Bind in case FIR No.107/2020.

Arguments heard in part. Ld. APP seeks some time to obtain instructions particularly as to when was the sim activate don the mobile phone of the accused-applicant.

Let IO be called for the next date of hearing alongwith case file.

For further consideration, put up on **22.10.2020.**

(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
19.10.2020

FIR No. 115/2013
PS: Crime Branch
State Vs. Denis Jauregui

19.10.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)

None for applicant

Hearing conducted through Video Conferencing.

This is an application for issuance of new passport moved on behalf of applicant Denis Jauregui in case FIR No. 115/2013.

None has joined on behalf of applicant through Webex Meeting.

Ld. Addl.PP submits that he has verified that by mid of November 2020, appeal of the State against judgment of acquittal shall be listed for hearing.

In view thereof, for consideration, put up on **18.11.2020.**

Neelofer

(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
19.10.2020

FIR No. 160/2015
PS: Crime Branch
State Vs. Tej Singh
U/s 21 NDPS Act

19.10.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)

None for accused-applicant.

Hearing conducted through Video Conferencing.

This is an application for cancellation of endorsement moved on behalf of applicant in case FIR No.160/2015.

None has joined on behalf of applicant through Webex Meeting. It is not clarified in the application as to whether the FDR was furnished alongwith bonds under Section 437A CrPC or otherwise. Office to report if the FDR was furnished alongwith bonds under Section 437A CrPC or otherwise.

In the interest of justice, put up on **02.11.2020** for consideration.

(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
19.10.2020

C.C. No. 852/1/2010
PS Pahar Ganj
Gauri Supriya v. Davesh

19.10.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)

Sh. P. K. Malik, Counsel for applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application on behalf of the accused-applicant for release of FDR in case C. C. No. 852/1/2010 which was accepted under Section 437A CrPC.

Ld. counsel for applicant submits that it has now been over one year since passing of the judgment of acquittal and he has not been served with any notice in any appeal preferred against judgment of acquittal.

Ld. Addl. PP submits that prosecution has not preferred any appeal against the judgment of acquittal.

Office reports that the FDR of the surety is available on record.

In such facts and circumstances, application is allowed and it is directed that the FDR of the applicant, available on record, be released against receipt and on proper identification. Endorsement, if any, be cancelled.

Application stands disposed of.

(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
19.10.2020

B. A. No. 2893
FIR No.11/2020
PS: ODRS
State Vs. Mohd. Manzur Alam
U/s 370 IPC

19.10.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)

Sh. Sulaiman Khan, counsel for accused-applicant (through video conferencing)

This is an application under Section 439 CrPC for grant of bail moved on behalf of accused-applicant Mohd. Manzur Alam in case FIR No. 11/2020.

It emerges that the present bail application has been inadvertently listed before this Court as bails pertaining to PS RMD/ODRS are to be listed before the Court of Sh. Naveen Kumar Kashyap, Ld. ASJ, Delhi. Accordingly, office is directed to send the bail application to the concerned for being put up before the Court of Sh. Naveen Kumar Kashyap, Ld. ASJ, Delhi on **20.10.2020.**

Neelofer

(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
17 .10.2020

B. A. No. 3075
FIR No. 004826/2017
PS: Roop Nagar
State Vs. Prem Pal
U/s 379/411 IPC

19.10.2020

Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)

Sh. Pranay Abhishek, Counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is third application under Section 437 CrPC for grant of regular bail on behalf of accused-applicant Prempal in case FIR No.04823/2020.

Ld. counsel for the accused-applicant has been apprised that the bail application is filed under Section 437 CrPC and not under correct provision of the law i.e. under Section 439 CrPC for grant of regular bail.

Ld. counsel for accused-applicant submits that present bail application may be dismissed as having been withdrawn and that he shall file fresh application for grant of bail under correct provision of law. It is ordered accordingly. This application under Section 437 CrPC for grant of bail on behalf of accused-applicant Prempal in case FIR No.04823/2020 is dismissed as withdrawn.

(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
19.10.2020

B. A. No. 2768
FIR No. 335/2020
PS: Wazirabad
State Vs. Takdir Alam

19.10.2020

Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)

Sh. Sudharkar Singh, Counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of bail moved on behalf of accused Takdir Alam in case FIR No. 335/2020.

Arguments heard. For orders, put up on **22.10.2020.**

(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
19.10.2020

FIR No. 11/2020
PS: Maurice Nagar
State Vs. Mohd. Hilal @ Shibu
U/s 307 IPC

19.10.2020

Present: Sh. K. P. Singh, Addl. PP for State (through video conferencing)

Sh. Sachin Kumar Jain, LAC for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application for grant of interim bail of 45 days invoking guidelines issued by High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020 on behalf of accused Mohd. Hilal @ Shibu in case FIR No. 11/2020.

Ld. LAC seeks some more time to go through the guidelines of High Powered Committee of Hon'ble High Court.

For consideration, put up on **23.10.2020.**

(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
19.10.2020

FIR No. 29/2019
PS: Maurice Nagar
State Vs. Chirag Malhotra

19.10.2020

Fresh application received. Be registered.

Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)
None for accused-applicant
Hearing is conducted through video conferencing.

This is an application for passing of order on the application for direction to service provider to preserve the call records mentioned in the previous application.

It emerges that ld. counsel for accused-applicant had joined the Webex Meeting earlier but when the matter is called out, he seems to have exited the meeting.

In view of the averments in the application, the application for preservation of call details is preponed for hearing. Put up with main case file on **26.10.2020.** Report be called from the IO in respect of the averments made in the application.

(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
19.10.2020

B. A. No. 1469
FIR No. 321/2020
PS: Burari
State Vs. Sanjay Mittal
U/s 370/34 IPC

17.10.2020

At 4 pm
ORDER

This is second application under Section 439 CrPC for grant of regular bail moved on behalf of accused-applicant Sanjay Mittal in case FIR No.321/2020.

Ld. counsel for the accused-applicant contended that the applicant is an innocent person and has been falsely implicated in the present case, he has clean antecedents is a God Fearing, law abiding citizen, and has already spent more than 60 days in Judicial Custody in connection with the present case. That infact the applicant has been cheated by the co-accused Manju Mathur and he was not aware of the illegalities if any committed by the co-accused, that the Applicant has not committed any offence under Section 370 IPC as he never had any intention of exploiting the minor child. That the Applicant has not bought the girl child neither has he detained the said girl child against her will as a slave. That the applicant and his wife wanted to adopt a child and took into their care the beautiful girl child with the sole intention of being parents to her. That the applicant and his wife had agreed to adopt the said girl child only after they were assured by Smt. Manju Mathur that she was her grandmother and that Smt. Manju Mathur would arrange to complete all the necessary legal formalities for securing the adoption process. That the Applicant and his wife had a strained marriage

and even filed for divorce. That the acts of the Applicant to adopt the child support the fact that the Applicant and his wife wanted to mend relations between them which was being strained in the absence of an offspring. That the applicant is innocent and does not have detailed knowledge of the laws with regards to adoption. The acts of the Applicant were purely under assurances given by Smt. Manju Mathur that she would handle all the legality with regards to securing the adoption. That if the intentions of the Applicant were illegal, the applicant and his wife would not incur expenses in having a function for the said baby girl on 11.09.2020 and it proves that the Applicant indeed had pure intentions of assuming fatherhood along with his wife. That the girl child has already been taken away from the applicant and his wife and in relation to the present alleged offence, the police officials have no other recovery to effect or investigation to conduct from the Applicant. That the Applicant does not have any previous criminal record. That the Applicant and his wife have been cheated by Smt. Manju Mathur, who fraudulently played with the emotions of the applicant and his wife and put them in the present position.

Ld. Addl. PP for State submits that as per reply of the IO investigation in the matter has been completed and chargesheet is going to be filed shortly. That accused-applicant does not have any previous involvement and as per the investigation conducted in this case it has surfaced that the biological parents of the girlchild had of their own free will and volition handed over the girlchild after her birth to co-accused Manisha and Deepa as they were financially hard pressed and their two children were special children as one daughter was physically handicapped and the second daughter

was visually disabled and required all the attention and resources at their command and they were not in a position to support the new born and infact required financial assistance for the maintenance of the other two children and had also made a writing to this effect. That co-accused Manisha and Deepa further gave the girlchild to co-accused Manju who had given the girlchild to the accused-applicant who was looking forward to adopt a child as the accused-applicant and his wife were childless couple. The accused-applicant had performed the customary rituals after bringing the girlchild into the family as their own daughter and also posted pictures of the girlchild presenting themselves as parents and welcoming the child on their facebook page. That all the accused are now apprehended and investigation is complete and chargesheet is in the process of being filed and that the custody of the accused-applicant is not required for the purposes of investigation.

Heard.

The present case FIR came to be registered on the statement of a Representative Councillor of Delhi Women Commission, as it came to the knowledge of the representative councillor of the Delhi Women Commission that one Amanpreet had sold his two and a half month girl child for consideration, upon which the Representative Councillor i.e. Complainant went and met Amanpreet and his wife Jyoti in order to inquire into the matter and found that on 29.05.2020 Jyoti gave birth to a baby Girl, and on 01.08.2020 Amanpreet sold his baby namely Preeti to Manisha through a private nurse Anita, upon which the present case FIR came to be registered. During investigation, it was found that Amanpreet and Jyoti had two daughters both of whom were handicapped and when they were blessed with

another girl child, they decided to sell their newly born as they were not in a position to support the child and they came in contact with a private Nurse Anita amongst their neighbours, and told her that they wanted to give away their baby girl to a rich family to save her future as they are not capable of taking care of her. Through Anita, they met one Manisha and Deepa, and they made a deal to sell the baby girl for an amount of Rs 40,000/- and Amanpreet also wrote a letter in this regard that they have given their daughter willingly after receiving Rs. 40,000/- and in future they don't have any relation with the baby which was given to Manisha as proof besides Manisha and Deepa also have made video, when Amanpreet and his wife Jyoti received the said amount.

It is also revealed in the course of investigation that Manisha and Deepa further sold the baby to one Manju through one lady Indu, and the said Manju had sold the baby to the accused Sanjay Mittal. On 13.08.2020 the baby Girl was recovered from the house of applicant-accused Sanjay Mittal and it also came to light in the course of investigation that the accused-applicant and his wife had received the baby after paying one lakh rupees to Smt Manju and on 12.08.2020 they had also organized a family function i.e. chhati. Amanpreet, Manisha, and Sanjay Mittal were arrested on 13.08.2020 and Deepa and Manju were arrested on 14.08.2020. Wife of the accused-applicant was formally arrested 01.09.2020 and released on bail as she was granted anticipatory bail. Co-accused Indu was arrested on 03.09.2020 and the paper written by the accused Amanpreet i.e. father of the baby Preety was also recovered from her.

Ld. Counsel for the accused-applicant contended that the baby

girl was brought into the family only with the intention to give her a good life as their daughter and with no motive or intention to exploit and that throughout the intention of the accused-applicant was well meaning and pious and he wanted to legally wanted to adopt the child and was following up the matter with the co-accused Manju for preparing the legal documents of adoption and that the money was given to the biological parents on humanitarian grounds to enable them to support their two handicapped daughters and not as consideration for adoption.

The intention of the accused-applicant may be well meaning and pious as contended, however, the means adopted to fulfill the ends are certainly questionable and not beyond reproach. It is due to such well meaning persons like the accused-applicant that this entire racket of trafficking exists. Sale and purchase of human being as chattels is to be condemned no matter how pious the intention. The accused-applicant claims to have been misled by co-accused Manju and it is also contended for him that he was pursuing co-accused Manju for execution of legal documents of adoption and it is due to this reason that the rites and rituals have also been performed. In such totality of the facts and circumstances, taking into consideration that the accused-applicant is in custody since 13.08.2020, accused-applicant has clean antecedents, investigation is now complete and chargsheet is in the process of being filed and custody of the accused-applicant is no longer required for the purposes of investigation, present application is allowed and **accused-applicant Sanjay Mittal is granted regular bail subject to furnishing personal bond in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the Ld. Trial**

girl was brought into the family only with the intention to give her a good life as their daughter and with no motive or intention to exploit and that throughout the intention of the accused-applicant was well meaning and pious and he wanted to legally wanted to adopt the child and was following up the matter with the co-accused Manju for preparing the legal documents of adoption and that the money was given to the biological parents on humanitarian grounds to enable them to support their two handicapped daughters and not as consideration for adoption.

The intention of the accused-applicant may be well meaning and pious as contended, however, the means adopted to fulfill the ends are certainly questionable and not beyond reproach. It is due to such well meaning persons like the accused-applicant that this entire racket of trafficking exists. Sale and purchase of human being as chattels is to be condemned no matter how pious the intention. The accused-applicant claims to have been misled by co-accused Manju and it is also contended for him that he was pursuing co-accused Manju for execution of legal documents of adoption and it is due to this reason that the rites and rituals have also been performed. In such totality of the facts and circumstances, taking into consideration that the accused-applicant is in custody since 13.08.2020, accused-applicant has clean antecedents, investigation is now complete and chargsheet is in the process of being filed and custody of the accused-applicant is no longer required for the purposes of investigation, present application is allowed and **accused-applicant Sanjay Mittal is granted regular bail subject to furnishing personal bond in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the Ld. Trial**

Court/Duty MM and subject to the condition that accused-applicant shall deposit his passport if she holds one with the IO and that he shall not in any manner threaten/ influence the witnesses in this case or tamper with the evidence or interfere with the course of justice in any manner whatsoever, and shall scrupulously appear on each and every date of hearing before the Ld. Trial Court and shall not delay, defeat nor interfere with the trial in any manner whatsoever, shall furnish her mobile phone number and that of one responsible member of the family to the IO and shall ensure that the mobile phone number remains throughout on switched on mode with location activated and shared with the IO. That the accused-applicant shall not leave the territorial limits of NCR Region without prior intimation to the IO concerned. That the surety and applicant shall not change their addresses and respective mobile phone numbers without the prior intimation to the IO.

Application stands disposed of.

(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
17.10.2020

FIR No. 178/2020
PS: Subzi Mandi
State Vs. Deepanshu Batra @ Hunny
U/s 307/308/323/341/120B/34 IPC and 25 Arms Act

17.10.2020

Fresh application received. Be registered.

Present: Sh. K.P.Singh, Addl. PP for State

Sh. Chaman Lal, Counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of regular bail on behalf of accused-applicant Deepanshu Batra @ Hunny in case FIR No.178/2020.

Arguments heard.

For orders, put up on **22.10.2020.**

(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
17 .10.2020

B. A. No. 2893
FIR No.11/2020
PS: ODRS
State Vs. Mohd. Manzur Alam
U/s 370 IPC

17.10.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State

None for accused-applicant

This is an application under Section 439 CrPC for grant of bail moved on behalf of accused-applicant Mohd. Manzur Alam in case FIR No. 11/2020.

ld. Counsel for accused-applicant when contacted on phone for Webex hearing sought adjournment.

As per request, put up on **19.10.2020** for consideration.

Neelofer

(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
17 .10.2020

FIR No. 116/2020
PS: Crime Branch
State Vs. Mohd. Rifakat
U/s 21/25 NDPS Act

17.10.2020

Fresh application received. Be registered.

Present: Sh. K.P.Singh, Addl. PP for State.

None for accused-applicant.

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of regular bail on behalf of accused-applicant Mohd. Rifakat in case FIR No.116/2020.

Ld. Counsel for accused-applicant when contacted on phone for Webex hearing sought adjournment.

As per request, put up on **23.10.2020** for consideration.

(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
17 .10.2020

FIR No. 32/2019
PS: Prasad Nagar
State Vs. Yogesh @ Babu etc (applicant Anshul)
U/s 302/323/341/147/148/149/34 IPC & 25 Arms Act

17.10.2020

Fresh application received. Be registered.

Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)
Sh. Chirag Madan, Counsel for accused-applicant (through video conferencing)
Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for extension of interim bail moved on behalf of accused Anshul in case FIR No.32/2019 in terms of judgment passed by Hon'ble High Court of Delhi in W. P. (C) No.3037/2020.

The order vide which interim bail is granted is not annexed with the application. It is not even mentioned in the application as to when was interim bail granted to the accused-applicant.

After arguing for sometime, Ld. Counsel for the accused-applicant submits that he does not want to press upon the present bail application and that the same may be dismissed as withdrawn. It is ordered accordingly. The application under Section 439 CrPC for extension of interim bail moved on behalf of accused Anshul in case FIR No.32/2019 is dismissed as withdrawn.

Neelofer

(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
17 .10.2020

FIR No. 189/2020
PS Civil Lines
State v. Saraswati
U/s 21/61/85 NDPS Act

17.10.2020

Present: Sh. K.P.Singh, Addl. PP for State

Sh. Monis Ahmed, Counsel for accused-applicant

This is an application under Section 439 CrPC for grant of bail moved on behalf of accused-applicant in case FIR No.189/2020.

Arguments heard. For orders, put up on **21.10.2020.**

(Nevaleer Abida Perveen)
ASJ (Central)THC/Delhi
17.10.2020

B. A. No. 3023
FIR No. 204/2020
PS: Roop Nagar
State Vs. Tara Chand Talwar
U/s 409/420/467/468/471/34 IPC

17.10.2020

At 4 pm
ORDER

This an application for grant of anticipatory bail on behalf of accused-applicant Tara Chand Talwar in case FIR No. 240/2020.

Ld. counsel for the accused-applicant contended that the applicant is senior citizen around 80 years of age and is a family friend to the partner of the firm M/s. Chaudhary Chemical Industries. That the complainant got the FIR registered by using her personal influence in a desperate attempt to give criminal colour to a purely civil dispute. The complainant doesn't mention the name of applicant in the entire complaint. That there is not a single specific allegation against the applicant in the FIR. That the allegations made by the complainant in her complaint are all false, concocted, frivolous and beyond the imagination only with ulterior motive to harass and extort huge amount on account of false complaint lodged by her. That the basic grievance of the complainant is an internal family issue and not related to him individually. That even otherwise the applicant has nothing to do with either the issue concerning the present situation and has no reason to cheat anyone at this age. That despite the fact that the dispute relates to family matter, only to harass and to extort amounts, the applicant has also been embroiled in the midst. That

the complaint relates to a firm management issue where some concocted allegations have been leveled against the co-accused brother of the complainant, co-partner. That the accused-applicant is a senior citizen and is respected citizen and esteemed member of the society and is not maintaining good health. and all that the applicant prays for due to the frail health of the accused-applicant is that a prior notice be served upon him before there is any attempt to arrest him in the present case. That applicants are ready and willing to join the investigation as and when is required to do so, each and every time whenever the I.O. asks him to do so. In support of his contentions, Ld. counsel for accused-applicants has relied upon judgment of **State of Tamil Nadu v. Rajenderan** (1999) 8 SCC 679 and **State v. Santok Singh**.

Ld. Addl. PP has submitted that the investigation of the case is at initial stage and relevant documents are being collected and statements of relevant witnesses are also being recorded. That as per the investigation conducted so far, it has been found that co-accused Naresh Lal Chaudhary is the active member of the conspiracy of accused Mohan Singh Chamola and Dinesh Chaudhary and accused-applicant Tara Chand Talwar and equally responsible for above offence of cheating, forgery and criminal breach of trust and embezzlement of alleged amount, as accused Naresh Lal Chaudhary directed the accused Mohan Singh Chamola to sell the maximum goods on forged bill books and sometime Mohan and sometime accused Tara Chand collected the payment from the parties and also sometime accused Dinesh Chaudhary and sometime accused Lal

Chaudhary collected the payment from the parties and they distributed the cheated money between them. That custodial interrogation is necessary to recover the cheated amount and for through interrogation and to disclose the whole modus operandi of the offence committed by the accused persons and recovery of dishonestly obtained case property.

Heard.

The present FIR was registered on the written complaint of Ms. Meena Chaudhary Sharma, sister of the accused-applicant wherein she alleged that she is sleeping partner of M/s Chaudhary Chemical Industries, and that Mohan Singh Chamola was working in above firm at Delhi and taking care of all the stocks of the company at Delhi and Bahalgarh Factory, in addition to labour work and later on he was entrusted to maintain the stocks of the chemicals including Sulphuric acid and he was instructed to deposit and reconcile the stocks of the firm at Delhi office. He was also handed over the charge of documents, cash and lock and key of the almirah and premises. That the complainant inspected the stock registers, bills, challans, etc at Delhi office as well as Bahalgarh godown and found mismatch of stocks and when Mohan Singh Chamola was confronted with the documents, he failed to give satisfactory response. Later on since 23.06.2020, alleged Mohan Singh Chamola left his job from Chaudhary chemical industries Bahalgarh Godown. That on further enquiry, it was found that Mohan Singh Chamola along with his associates was doing cheating and misfeasance of her firm goods since last about 15 years, due to which firm suffered heavy losses. That Mohan Singh

Chamola falsely prepared expenditure accounts booklets, reflecting bogus payments by way of payments vouchers to fictitious persons. That the alleged persons committed theft of Sulphuric Acids, got prepared forged bill books and embezzled approximately more than Rs. 1.75 Crores. Furthermore certain blank forged invoice challans and some forged invoice bills duly filled were also recovered from the Bahalgarh office, but most of the challans recorded in the gate register of the entry of entry and exit, but their actual accounting was missing in the main bill books, as these goods were illegally sent out from Godown through the vehicles of firm and even some challans were not entered in the gate register. That Mohan Singh Chamola willfully joined the services of their business rival Sh. Dinesh Chaudhary, proprietor of Manikaran Fine Chemicals, Nathupura, District Sonipat, Haryana, son of one of the partners. That Mohan Singh Chamola and his associates have also stolen valuable books and other documents of the firm and 10 blank forged challan cum bill books and some filled forged challan cum bills have also been recovered.

During investigation Mohan Singh Chamola, named in the complaint was arrested on 06.10.2020 and his disclosure recorded in custody wherein he named partner of firm Sh. Naresh Lal Chaudhary and his son Dinesh Chaudhary @ Cheetu and co-worker Tarachand Talwar accused-applicant as his co-conspirators with whose connivance and active involvement forged Challan cum bill books were got prepared in the name of Chaudhary Chemical Industries and started selling Chemical by using forged bill leaves and distributed the alleged received amount between

them and the accused persons made various vouchers showing false entries of expenses and used the alleged amount for their personal use in place of depositing in account of firm. Chemical was sent in the name of various false distributors from the Godown and amounts were embezzled by them, and false entries of expenses in expenditure registers were made in this regard. The accused persons in connivance with each other dishonestly and secretly sent Chemicals and drums & jerrycans from Bahalgarh Godown of above firm to Manikaran Fine Chemicals, Nathupura, whose proprietor is co-accused Dinesh Chaudhary @ Chitu with the vehicles of Firm Chaudhary Chemical Industries and thereby caused loss to the industry to the tune of about Rs. 8-10 crore in the last fifteen years. Some forged challan cum bill leaves of Chaudhary chemical industries were also recovered from the possession of accused Mohan Singh Chamola and seized. Thereafter co-accused Dinesh Chaudhary @ Cheetu was arrested and in his disclosure recorded, he is alleged to have accepted his involvement in the offence and conspiracy with his father Naresh Lal Chaudhary, employee Tara Chand Talwar and Mohan Singh Chamola and also disclosed that he has dishonestly obtained Sulphuric acid and other acids and drums and jerry cans from the office and godown of Chaudhary chemical industries and Chaudhary chemicals works and transferred in his godown Manikaran Fine Chemicals, Nathupura, Sonipat. Further the accused Dinesh Chaudhary disclosed that to embezzle maximum money, he got printed forged bill books in the name of Chaudhary chemical industries and got sold out maximum goods on the forged bill book and

also got transferred goods from Bahalgarh godown to his godown at Nathupura, Sonipat. One forged bill book and four forged leaves of forged bill book of Chaudhary chemical industries were also recovered from the possession of accused Dinesh Chaudhary and seized and 21 jerry cans of Chaudhary chemical industries, Chaudhary chemical works and fluorides and chemicals India, were also recovered from the godown of the accused Dinesh Chaudhary @ Cheetu.

The embezzlement and pilferage allegedly was continuing in the partnership firm wherein the complainant herself was a partner though a sleeping partner for the last over 15 years. The accused-applicant is not alleged to be a partner in the said firm. It is not distinctly clear as to in what capacity he has played what role in the embezzlement, forgery and cheating. In such circumstances, taking into consideration that the dispute has arisen out of the management of the partnership firm held by members of one family as partners and as the complainant in her capacity as one of the partners has also invoked arbitration clause embodied in the partnership deed and also taking into consideration that the accused-applicant is a senior citizen, at this stage, **interim protection is being granted to the accused-applicant with the direction to join the investigation on 21.10.2020, 23.10.2020, 28.10.2020 and 01.11.2020 and as and when called upon to do so by the IO.**

For report and consideration, put up on **04.11.2020.**

(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
17.10.2020

B. A. No. 1424
FIR No. 320/2020
PS: Civil Lines
State Vs. Rohan
U/s 392/34 IPC

17.10.2020

At 4 pm

ORDER

This is an application under Section 439 CrPC for grant of bail moved on behalf of accused Rohan in case FIR No. 320/2020.

Ld. counsel for the accused-applicant contended that the main accused who is a police constable from whose possession the robbed amount has been shown to be recovered has already been granted bail and that the case of the accused-applicant is at as much better footing as no recovery has been effected from him. That there are too many glaring lacunae and loopholes in the story concocted by the police falsely implicating the accused-applicant not only in the present case but in another criminal case following his arrest on a kalandara on the same day. That whereas in the FIR four boys on two scooties allegedly robbed the complainant after breaking the window of his vehicle, however, in the kalandra co-accused is shown to have been apprehended with stolen motorcycle and not scooty. That the petitioner is innocent person and was not involved in any offence as alleged in the above FIR. Moreover he has been falsely implicated in Kalandra u/s 41.1(D) vide DD No.93A dated 14.08.2020 P.S Ambedkar Nagar and framed in false cases and subsequently arrested in the present case i.e FIR No. 320/2020 merely on

disclosure statement. That the applicant is not involved in similar cases in the past and is having clean antecedents in past and the IO has wrongly stated in his reply filed before M.M court that he is a desperate criminal and is involved in several cases. That other co-accused Sanjay has also been granted bail from whom one scooty is yet to be recovered as per prosecution version. That the present petitioner is a young and poor boy aged about 22 years, living with his family and he is in custody from the last about 45 days. That the IO has specifically mentioned in the reply filed by him in the bail application of present applicant before the Ld. M.M that Sumit, Sanjay & Rohan were seen in the CCTV footage after committing the crime at the police Naka at Outer Ring Road, however the Hon'ble court of Ld. ASJ, Delhi who has granted bail to co-accused Sanjay called the specific reply from the IO in respect of the CCTV footage of Sanjay to which the IO failed to provide the CCTV footage and that in fact the IO has no CCTV footage also in respect of the present applicant as of the incident because he is not involved in the present case and the IO is intentionally involving the present applicant in the present case by providing wrong information to this Hon'ble court, hence present applicant may deserves bail Hon'ble Court on parity ground.

Ld. Addl. PP on the other hand, submitted that accused-applicant has played active role in the commission of offence alongwith the co-accused. That the accused alongwith co-accused Sumit after the incident was intercepted by the police at the Ring road near Red Fort and they tried to run away from the spot and Sumit was apprehended after the

incident with looted money which was snatched away by HC Pawan Kumar and was subsequently recovered from him when he was arrested on 18.08.2020. That the accused refused to participate in the TIP. That complainant is yet to be examined. That the interception of the accused is captured in a CCTV footage and the accused-applicant and co-accused Sumit are clearly visible in the same.

Heard.

Present case was registered on the statement of complainant, Sandeep Matta on the allegations that on 06/08/20, when he was coming from South Ex Part-II, Delhi in his car bearing No. DL-3-CCE-4579 carrying Rs. 5 lacs in cash, at about 6:15 PM, and he had reached I P Collage, Red Light two unknown Scooty rider boys indicated that his car tyre is punctured at which he stopped his car near Ambedkar Memorial, Civil Lines, Delhi for checking the tyres and in the meanwhile four unknown persons came on two Scooties after taking U-turn from the wrong side at which he got alarmed and sat back inside the car and tried to start the car but the car did not start immediately. In the meanwhile, one of the scooties approached near the driver side window and one of them broke the glass of the window of the car due to which he sustained injuries on his shoulder and face and that the two boys on the second scooty opened the other door of the car and looted cash of Rs. 5 Lacs kept in the car and fled away toward I. P. College from wrong side of the road.

Accused-applicant and co-accused Sumit are alleged to have been intercepted after the incident at outer Ring Road near Red Fort by the

police on patrolling duty, the accused-applicant managed to escape but co-accused Sumit was apprehended alongwith the scooty and the looted money on 07.08.2020 vide DD No. 38A under Section 41. 1D, CrPC by officials of PS Kotwali and accused-applicant alongwith co-accused Sanjay were arrested by the Special Staff of South District under Section 41.1D CrPC vide DD No. 93A dated 14.08.2020 and disclosed about their involvement in the present incident of robbery and were arrested in the present case on 17.08.2020.

Ld. Counsel for the accused-applicant relies upon one kalandara which refers to one motorcycle passion pro DL 11SJ 6774. I am unable to accept the contention of ld. Counsel for the accused-applicant that this kalandara that is part of E-FIR No. 017977/2020 in any manner creates a doubt as to whether the offenders in the incident in question were motorcycle borne or riding a scooty. This document records a disclosure made by the co-accused Sumit that he 5-6 days ago from Phuara Chowk, Chandni Chowk had stolen one motorcycle passion pro which was recovered in pursuance of such disclosure.

In the course of investigation, CCTV camera recordings on the outer ring road were checked and in the recording, the accused-applicant alongwith co-accused Sumit is seen being intercepted with scooty by the police over the flyover behind Shanti Van, Outer Ring Road, Delhi and it is also seen that they tried to run away from the spot but accused Sumit was apprehended with scooty and looted money as per the prosecution. The investigation is in progress. Moreover, the accused-

applicant is alleged to have refused to participate in the TIP proceedings. Any glitches in the on going investigation need not necessarily work to the benefit of the accused, particularly taking into consideration the sinister manner in which the offence has been committed by four scooty borne offenders which appears to be the handiwork of professional robbers, habitual to crime as way of life and not some one off small time offenders. The robbers ganged up, conspired, and by practice of deceit tricked the complainant into stopping his car, one broke the window pane to distract him causing injuries upon the person of the complainant and another decamped with the cash.

One of the co-accused is still at large. The co-accused Sanjay was granted bail as there was no incriminating material against him except for disclosure of the co-accused and he was not found visible in the CCTV footage seized in this case whereas the accused-applicant alleged to be clearly visible in the CCTV footage seized in the course of investigation. Bail order of Pawan Kumar is not filed despite opportunity. More over, Pawan Kumar is the head constable who had snatched the bag of money from co-accused Sumit when co-accused Sumit was apprehended after the scooty was intercepted and as such is not alleged to be in conspiracy with the co-accused so far as the commission of robbery is concerned. Therefore, the case of the accused-applicant is not on similar footing to co-accused Pawan Kumar. Investigation is still under progress, one of the co-accused is yet to be arrested. In the totality of such facts and circumstances, taking into consideration the pre-planned manner in which

the accused-applicant in cohorts with the co-accused executed the robbery, at this stage, it is not a fit case for grant of regular bail. The application under Section 439 CrPC for grant of regular bail moved on behalf of accused Rohan in case FIR No. 320/2020 is therefore, dismissed.

(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
17.10.2020

B. A. No. 1487/2020
FIR No. 320/2020
PS: Civil Lines
State Vs. Rohan and Others
U/s 392/34 IPC

17.10.2020

Present: Sh. K.P.Singh, Addl. PP for State.

Sh. Nitin Gupta, Counsel for accused-applicant in person.

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of regular bail on behalf of accused-applicant Sumit in case FIR No. 320/2020.

Arguments heard. Reply is on record.

For orders, put up at 4 pm.

(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
17.10.2020

At 4 pm

ORDER

This is an application under Section 439 CrPC for grant of bail moved on behalf of accused Sumit in case FIR No. 320/2020.

Ld. counsel for the accused-applicant contended that the main accused who is a police constable from whose possession the robbed amount has been shown to be recovered has already been granted bail and that the case of the accused-applicant is at a much better footing as no

recovery has been effected from him. That there are too many glaring lacunae and loopholes in the story concocted by the police falsely implicating the accused-applicant not only in the present case but in another criminal case following his arrest on a kalandara on the same day. That whereas in the FIR four boys on two scooties allegedly robbed the complainant after breaking the window of his vehicle, however, in the kalandra is accused-applicant is shown to have been apprehended with stolen motorcycle and not scooty. That the applicant is not involved in similar cases in the past and is having clean antecedents in past and the IO has wrongly stated in his reply filed before M.M court that he is a desperate criminal and is involved in several cases. That other co-accused Sanjay has also been granted bail from whom one scooty is yet to be recovered as per prosecution version. That the accused-applicant is innocent and has clean antecedents and sole bread earner for his family and is in custody since 07.08.2020. That the IO has specifically mentioned in the reply filed by him in the bail application of present applicant before the Ld. M.M that Sumit, Sanjay & Rohan were seen in the CCTV footage after committing the crime at the police Naka at Outer Ring Road, however the Hon'ble court of Ld. ASJ, Delhi who has granted bail to co-accused Sanjay called the specific reply from the IO in respect of the CCTV footage of Sanjay to which the IO failed to provide the CCTV footage and that in fact there is no such alleged CCTV footage also in respect of the present applicant as of the incident because he is not involved in the present case and the IO is intentionally involving the present applicant in the present

case by providing wrong information to this Hon'ble court.

Ld. Addl. PP on the other hand, submitted that accused-applicant has played active role in the commission of offence alongwith the co-accused. That the accused alongwith co-accused Rohan after the incident was intercepted by the police at the Ring road near Red Fort and they tried to run away from the spot and accused-applicant Sumit was apprehended after the incident with looted money which was snatched away by HC Pawan Kumar and was subsequently recovered from him when he was arrested on 18.08.2020. That the accused refused to participate in the TIP. That complainant is yet to be examined. That the interception of the accused is captured in a CCTV footage and that the co-accused was granted bail as there was no other material except for disclosure statement and there is ample material indicating his involvement in the offence. That the police officer who intercepted the accused with the looted money got greedy and ran away with the looted money, somewhat derailing the investigation and that the accused seeks to reap the benefit of the same.

Heard.

Present case was registered on the statement of Sh. Sandeep Matta on the allegations that on 06/08/20, when he was coming from South Ex Part-II, Delhi in his car bearing No. DL-3-CCE-4579 carrying Rs. 5 lacs in cash, at about 6:15 PM, and he had reached I P Collage, Red Light, two unknown Scooty rider boys indicated that his car tyre is punctured at which he stopped his car near Ambedkar Memorial, Civil Lines, Delhi for

checking the tyres and in the meanwhile four unknown persons came on two Scooties after taking U-turn from the wrong side at which he got alarmed and sat back inside the car and tried to start the car but the car did not start immediately. In the meanwhile, one of the scooties approached near the driver side window and one of them broke the glass of the window of the car due to which he sustained injuries on his shoulder and face and that the two boys on the second scooty opened the other door of the car and looted cash of Rs. 5 Lacs and fled away toward I. P. College from wrong side of the road.

Accused-applicant and co-accused Rohan are alleged to have been intercepted after the incident at outer Ring Road near Red Fort by the police on patrolling duty, the co-accused managed to escape but accused-applicant was apprehended alongwith the scooty and the looted money on 07.08.2020 vide DD No. 38A under Section 41. 1D CrPC by officials of PS Kotwali and the co-accused on scooty with him namely Rohan and another co-accused Sanjay were arrested by the Special Staff of South District under Section 41.1D CrPC vide DD No. 93A dated 14.08.2020.

Ld. Counsel for the accused-applicant relies upon one kalandara which refers to one motorcycle passion pro DL 11SJ 6774. I am unable to accept the contention of ld. Counsel for the accused-applicant that this kalandara that is part of E-FIR No. 017977/2020 in any manner creates a doubt as to whether the offenders in the incident in question were motorcycle borne or riding a scooty. This document records a disclosure made by the accused-applicant Sumit that he 5-6 days ago from Phuara

Chowk, Chandni Chowk had stolen one motorcycle passion pro which was recovered in pursuance of such disclosure. In the course of investigation, CCTV camera recordings on the outer ring road were checked and in the recording, the accused-applicant alongwith co-accused Rohan is seen being intercepted with scooty by the police over the flyover behind Shanti Van, Outer Ring Road, Delhi and it is also seen that they tried to run away from the spot but accused Sumit was apprehended with scooty and looted money. One of the police officials who had intercepted them HC Pawan Kumar snatched the bag of money and is alleged to have run away with the bag of looted money which was subsequently recovered rom the said police official and he was arrested as one of the co-accused. Moreover, the accused-applicant is alleged to have refused to participate in the TIP proceedings. Any glitches in the ongoing investigation need not necessarily work to the benefit of the accused, particularly taking into consideration the sinister manner in which the offence has been committed by four scooty borne offenders which appears to be the handiwork of professional robbers, habitual to crime as way of life and not some one off small time offenders. The robbers ganged up, conspired and by practice of deceit tricked the complainant into stopping his car, one broke the window pane to distract him causing injuries upon the person of the complainant and another decamped with the cash.

The co-accused Sanjay was granted bail as there was no incriminating material against him except for disclosure of the co-accused and he was not found visible in the CCTV footage seized in this case

whereas the accused-applicant is alleged to be clearly visible in the CCTV footage seized in the course of investigation. Bail order of Pawan Kumar is not filed despite opportunity. Moreover, Pawan Kumar is the head constable who had snatched the bag of money from accused-applicant Sumit when accused-applicant Sumit was apprehended after the scooty was intercepted and as such is not alleged to be in conspiracy with the co-accused so far as the commission of robbery is concerned. Therefore, the case of the accused-applicant is not on similar footing with the co-acesued Pawan Kumar.

Investigation is still under progress. One of the co-accused is yet to be arrested. In the totality of such facts and circumstances, taking into consideration the pre-planned manner in which the accused in cohorts with the co-accused executed the robbery, at this stage, it is not a fit case for grant of regular bail. The application under Section 439 CrPC for grant of regular bail moved on behalf of accused Sumit in case FIR No. 320/2020 is therefore, dismissed.

Neelofer

(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
17.10.2020

FIR No. 29/2019
PS: Kamla Market
State Vs. Javed
U/s 307/509/34 IPC and 25 of Arms Act

17.10.2020

Present: Sh. K.P.Singh, Addl. PP for State (through video conferencing)

Sh. S. G. Goswami, Counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is third application under Section 439 CrPC for grant of bail moved on behalf of accused Javed in case FIR No. 29/2019.

Arguments heard. For orders, put up at 4 pm.

(Neelofar Abida Perveen)
ASJ (Central)THC/Delhi
17.10.2020

At 4 pm
ORDER

This is third application under Section 439 CrPC for grant of bail moved on behalf of accused Javed in case FIR No. 29/2019.

Ld. counsel for accused-applicant has contended that the charge-sheet has already been filed. That the accused-applicant is in custody since 11.02.2019 and that now court proceedings stand suspended due to covid-19 pandemic. That as per the charge-sheet in General Diary, DD no.004A, the complainant was brought in the Hospital for the reason taken some liquid and *Per main chot lagne ke karan* admitted in the LNJP Hospital at about 12:41:26 AM and again one call was made vide DD No.006A for gun shot of the fire but complainant and the informer Bilal did not disclose the vehicle number at that time. That the entire version is writ large with inconsistencies and improbabilities. That accused-applicant has no previous enmity

with the complainant. That no TIP was conducted of the present applicant/accused by the complainant nor his associates. That as per the FIR, the alleged incident had occurred on 10.02.2019 at about 23:30 but the FIR has been registered on 11.02.2019 at about 07:00 AM and there is delay of 10 hours in registration of FIR. That there is no eye witness of the incident found at the spot despite it being a heavily congested area indicating that the entire case of the prosecution is false and accused-applicant has been falsely implicated in the present case.

Ld. Addl. PP for State submits that the accused-applicant has fired the gunshot and one pistol and 29 live cartridges alongwith two magazines were recovered from the possession of the applicant. That the accused are implicated by name and were previously known to each other, and therefore there is no TIP in this case. That accused-applicant passed lewd remarks on the female friend of the injured and she has supported the case of the prosecution in her statement under Section 164 CrPC. That accused-applicant does not have clean antecedents.

Heard.

Present case was registered on the statement Mohd. Bilal who is one of the eye witness besides the injured. It is the case of the prosecution that on 10.02.2019 at about 11.30 pm, the complainant alongwith his friend Zuber and Ms. Pinki were standing near Gate No. 3, DBG Park, Delhi where there was already satnding one car bearing registration no. DL 1ZC0964 in which there were two persons namely Gulzar and Javed present. Gulzar was the driver of the said vehicle and was sitting on the driver's seat whereas Javed was sitting next to Gulzar. Suddenly, Javed started passing derogatory remarks at Ms. Pinki and she brought the same into the notice of Zuber and Bilal. Soon after things took ugly turn and heated arguments ensued between both the parties. Suddenly, Javed took out pistol from the pocket of his jacket and fired at Zuber. The bullet entered from the front side of left thigh and exited from the back side. Both accused persons then fled away from the spot in their car. Later on they were arrested with the help of police officer and complainant. Present case was registered and a pistol

and 29 live cartridges were recovered from the conscious possession of accused Javed. One empty cartridge was also recovered from the scene of crime. FSL Result in this case however is still awaited.

There is no previous enmity alleged though it is the case of the prosecution that the accused were previously known to the complainant. The incident is not a case of pre meditated assault, though the accused-applicant does not have clean antecedents. There was an altercation on the spur of the moment. The accused-applicant fired one shot and not on the vital part of body. The offence is grave no doubt as accused-applicant having criminal antecedents in a public place came armed and then without instigation and much provocation shot an unarmed person on the thigh. The accused has been in custody for over one and a half year now and taking stock of the prevailing situation arising out of outbreak of Covid-19 pandemic, trial is likely to take some to conclude. In such facts and circumstances therefore the present application is allowed and accused Javed is granted regular bail in case FIR No. 29/2019 subject to his furnishing personal bond with two sureties in the sum of Rs. 50,000/- each, one of them being local surety residing within the territorial limits of Delhi, and upon the conditions that he shall scrupulously appear on each and every date of hearing in the Court, he shall not engage in criminal activities, he shall surrender his passport if he holds one before the IO concerned, he shall not intimidate threaten or influence witnesses in any manner whatsoever nor tamper with the evidence or interfere with the trial in any manner whatsoever, that the accused at no time and under no circumstances shall be ever found within a radius of 100meters of the complainant , the injured and any of the eye witnesses in this case, the accused-applicant shall mention the mobile phone to be used by him in the bond and provide the same to the IO and shall ensure that the same is kept on switched on mode throughout with location activated and shared with the IO at all times, the accused shall not change his address or his said mobile phone number without prior intimation to the IO, the sureties shall also intimate about the change in address and mobile phone number to the IO, the accused shall get

his presence marked with the IO on the 1st and 15th date of every month till the pendency of the present proceedings. The application is disposed of accordingly.

(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
17.10.2020