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CR No.: 465/2019
Shubhankar Nagar Vs Rajender Singh & Ors.

25.07.2020

Present: Mr. Rahul, learned counsel for the petitioner.
None for respondents no.1 to 5.
Mr. Naginder Benipal, learned counsel for respondent no.6.

Heard.

It is submitted by the counsel for the petitioner as well as counsel for respondent no.6 that they do not want to address further arguments. The same is noted.

It is further stated by the counsel for respondent no.6 that counsel for respondents no.1 to 5 is not available due to some personal difficulty ,as such he could not appear today through VC. The same is also noted.

As such, in the interest of justice ,put up for clarification regarding arguments, if any, by respondents no.1 to 5, appropriate order / final orders for **06/08/2020**.

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(Naveen Kumar Kashyap)
ASJ-04/Central/THC
Central District/25.07.2020

Criminal Revision: 588/2019
Munni Devi v. State & Ors.

25.07.2020

File taken up today in terms of order No. Endst. No. 1734-66/DHC/2020 dated 27.06.2020 r/w other order passed from time to time as this case is pending at the stage of final arguments.

It is stated by Reader of this court that when he contacted Ld. counsel Sh. Shameem A. Khan (**mobile no. 9811468816**) for Revisionist(Munni Devi) over phone for the purpose of hearing through VC , he submitted that he is no more an advocate in this case and further submitted that there is another advocate. When contacted revisionist Munni Devi, she gave number of his new counsel Sh. S.C. Sharma (**Mobile no. 9873576448**). When contacted Sh. S.C. Sharma, counsel for revisionist, he submitted that his vakalatnama is not on record and file is not with him, hence requested for next date. Further, when contacted Sh. Sanjay Aggarwal (**Mobile no. 9210860384**), counsel for remaining respondents, submitted that he will argue after the conclusion of arguments of counsel for revisionist.

As such, matter could not be proceeded further on merits through VC .

Parties are directed to download Webex and get familiar with the same by NDOH so that hearing can be held through Webex/electronic mode.

Put up for purpose fixed/arguments in terms of previous orders for 25.09.2020.

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(Naveen Kumar Kashyap)
ASJ-04/Central/25.07.2020

Bail Application

State Vs Ajay Sharma @ Lucky s/o Jagdish Prasad Sharma
FIR No. : 506/2015
PS: Nabi Karim
U/S: 364A/120B/506/34 IPC

25.07.2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State
through VC
Ms. Archana Sharma learned Counsel for
Accused through VC.

Vide this order, the regular bail application dated 15/07/2020 under section 439 Cr.P.C. on behalf of applicant / accused Ajay Sharma @ Lucky filed through counsel is disposed of.

I have heard both the sides and have gone through the record.

The personal liberty is a priceless treasure for a human being. It is founded on the bed rock of constitutional right and accentuated further on human rights principle. The sanctity of liberty is the fulcrum of any civilized society. Deprivation of liberty of a person has enormous impact on his mind as well as body. Further article 21 Of the Constitution mandates that no person shall be deprived of his life or personal liberty except according to procedure established by law. Further India is a signatory to the International Covenant On Civil And Political Rights, 1966 and, therefore, Article 21 of the Constitution has to be understood in the light of the International Covenant On Civil And Political Rights, 1966. *Further* Presumption of innocence is a human right. Article 21 in view of its expansive meaning not only protects life and liberty ,but also envisages a fair procedure. Liberty of a person should not ordinarily be interfered with unless there exist cogent grounds therefor. The fundamental principle of our system of justice is that a person should not be deprived of his liberty except for a distinct breach of law. If there is no substantial risk of the accused fleeing the course of justice, there is no reason why he should be imprisoned during the period of his trial. The basic rule is to release him on bail unless there are circumstances suggesting the possibility of his fleeing from justice or thwarting the course of justice. When bail is refused, it is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution.

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Further it has been laid down from the earliest time that the object of Bail is to secure the appearance of the accused person at his trial by reasonable amount of Bail. The object of Bail is neither punitive nor preventive. Deprivation of liberty must be considered a punishment unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after convictions, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earlier times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial ,but in such case 'necessity' is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the constitution that any persons should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty under Article 21 of the Constitution upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances. Apart from the question of prevention being the object of a refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and it would be improper for any court to refuse bail as mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an unconvicted person for the purpose of giving him a taste of imprisonment as a lesson. While considering an application for bail either under Section 437 or 439 CrPC, the court should keep in view the principle that grant of bail is the rule and committal to jail an exception. Refusal of bail is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution. Seriousness of the offence not to be treated as the only consideration in refusing bail : Seriousness of the offence should not to be treated as the only ground for refusal of bail. (Judgment of **Sanjay Chandra Vs. Central Bureau of Investigation, AIR 2012 SC 830** relied).

But, the liberty of an individual is not absolute. The Society by its collective wisdom through process of law can withdraw the liberty that it has sanctioned to an individual when an individual becomes a danger to the societal order. A society expects responsibility and accountability from the member, and

it desires that the citizens should obey the law, respecting it as a cherished social norm. Therefore, when an individual behaves in a disharmonious manner ushering in disorderly thing which the society disapproves, the legal consequences are bound to follow.

Further discretionary jurisdiction of courts u/s 437 and 439 CrPC should be exercised carefully and cautiously by balancing the rights of the accused and interests of the society. Court must indicate brief reasons for granting or refusing bail. Bail order passed by the court must be reasoned one but detailed reasons touching merits of the case, detailed examination of evidence and elaborate documentation of merits of case should not be done.

At this stage , it can also be fruitful to note that requirements for bail u/s 437 & 439 are different. Section 437 Cr.P.C. severally curtails the power of the Magistrate to grant bail in context of the commission of non-bailable offences punishable with death or imprisonment for life, the two higher Courts have only the procedural requirement of giving notice of the Bail application to the Public Prosecutor, which requirement is also ignorable if circumstances so demand. The regimes regulating the powers of the Magistrate on the one hand and the two superior Courts are decidedly and intentionally not identical, but vitally and drastically dissimilar. (**Sundeep Kumar Bafna Vs. State of Maharashtra, AIR 2014 SC 1745**).

Further at this stage it can be noted that interpreting the provisions of bail contained u/s 437 & 439 Cr.P.C., the Hon'ble Supreme Court in its various judgments has laid down various considerations for grant or refusal of bail to an accused in a non-bailable offence like, (i) Whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) Nature of accusation and evidence therefor, (iii) Gravity of the offence and punishment which the conviction will entail, (iv) Reasonable possibility of securing presence of the accused at trial and danger of his absconding or fleeing if released on bail, (v) Character and behavior of the accused, (vi) Means, position and standing of the accused in the Society, (vii) Likelihood of the offence being repeated, (viii) Reasonable apprehension of the witnesses being tampered with, (ix) Danger, of course, of justice being thwarted by grant of bail, (x) Balance between the rights of the accused and the larger interest of the Society/State, (xi) Any other factor relevant and peculiar to the

accused. (xii) While a vague allegation that the accused may tamper with the evidence or witnesses may not be a ground to refuse bail, but if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. Furthermore, in the landmark judgment of **Gurucharan Singh and others v. State** (AIR 1978 SC 179), it was held that there is no hard and fast rule and no inflexible principle governing the exercise of such discretion by the courts. It was further held that there cannot be any inexorable formula in the matter of granting bail. It was further held that facts and circumstances of each case will govern the exercise of judicial discretion in granting or refusing bail. It was further held that such question depends upon a variety of circumstances, cumulative effect of which must enter into the judicial verdict. Such judgment itself mentioned the nature and seriousness of nature, and circumstances in which offences are committed apart from character of evidence as some of the relevant factors in deciding whether to grant bail or not.

Further it may also be noted that it is also settled law that while disposing of bail applications u/s 437/439 Cr.P.C., courts should assign reasons while allowing or refusing an application for bail. But detailed reasons touching the merit of the matter should not be given which may prejudice the accused. What is necessary is that the order should not suffer from non-application of mind. At this stage a detailed examination of evidence and elaborate documentation of the merit of the case is not required to be undertaken. Though the court can make some reference to materials but it cannot make a detailed and in-depth analysis of the materials and record findings on their acceptability or otherwise which is essentially a matter of trial. Court is not required to undertake meticulous examination of evidence while granting or refusing bail u/s 439 of the CrPC.

In the present case, it is submitted on behalf of applicant that such accused is on interim bail since 28/03/2020 on medical ground and suffering from severe ailments. As such, now he is seeking regular bail. It is further stated that he is in JC since last about 5 years; that matter is not proceeding further on evidence; that he has multiple medical issues details of which is enclosed with the present application. It is further stated that he requires

surgery. It is further stated that story of the prosecution is not believable. It is highly improbable that accused give air tickets and return back purse / ATM card to the victim. It is further stated that he is just a co-accused ,even as per the story of the prosecution. Further, Learned counsel relied upon certain case law / order on bail passed in other independent cases. As such, it is prayed that he be granted regular bail.

On the other hand, it is replied by the IO, as also argued by the learned Addl.PP for the State that victim Dr. Hema Pegu arrived in Delhi in a hotel and later on his mobile phone was found switched off on 23/09/2015. That on 27/09/2015 a ransom call was received by his wife on her mobile number for Rs. 5 crore rupees for his safe release. As such, investigation was carried out and statement of victim was recorded u/s 164 Cr.PC in which he narrated in detail the offences committed by the accused persons in present case and even named present accused as one of the accused who was driving the car and was giving beating to the victim at confined place. As such, it is submitted that present offence is serious in nature punishable upto imprisonment for life and there are specific allegations / material against the present accused. It is further stated that earlier his regular bail application was dismissed on 14/10/2017, 30/04/2019 and 20/08/2019 ,where almost all such grounds on merit were taken earlier also. As such, it is claimed that there is no material change in circumstances. It is further submitted that as far as medical condition of the accused is concerned, he is already granted interim bail and same was even extended for that specific purpose of his medical treatment and healing. As such, present regular bail application is opposed.

I find force in the arguments of the learned Addl.PP. Further offence is heinous in nature and in fact its a nuisance in the society at large having regard to the manner in which it was committed. In fact, because of heinous nature of such offence, same was introduced in IPC. Further, specific role is assigned to the present accused in the present case which is not discussed in detail as at present court is dealing with aspect of bail only. Further for his medical treatment he is already granted interim bail. Otherwise, on the facts of present case vide a detail order dated 14/10/, 30/04/2019 and 26/08/2019 , his regular bail applications were dismissed by my learned Predecessors. Even otherwise, having regard to the stage of present case, this court is not inclined to

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grant bail at present. As such, no case is made out for regular bail, having regard to the nature of offence, the role of the accused and that evidence of material prosecution witnesses is not yet over.

The present application stands dismissed accordingly. Both sides are at liberty to collect the order through electronic mode. ***Further a copy of this order be sent to the IO/SHO concerned by electronic mode. Further a copy of this order be also sent to concerned Superintendent of Jail. Copy of order be uploaded on the website.***

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(Naveen Kumar Kashyap)
Additional Sessions Judge-04
Central/THC/Delhi
25/07/2020

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Bail Application

State Vs. Akash @ Prakash @ Chinu s/o Daulat Ram

FIR No. :271/2018

PS: DBG Road

U/S: 392, 394, 397, 326, 307, 341 IPC

25.07.2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State
through VC
Mr. P.K. Garg, learned Counsel from for
Accused through VC.

Vide this order, the regular bail application dated 21/07/2020 under section 439 Cr.P.C. on behalf of applicant / accused Chinu @ Akash @ Prakash s/o Daulat Ram filed through counsel is disposed of.

I have heard both the sides and have gone through the record.

The personal liberty is a priceless treasure for a human being. It is founded on the bed rock of constitutional right and accentuated further on human rights principle. The sanctity of liberty is the fulcrum of any civilized society. Deprivation of liberty of a person has enormous impact on his mind as well as body. Further article 21 Of the Constitution mandates that no person shall be deprived of his life or personal liberty except according to procedure established by law. Further India is a signatory to the International Covenant On Civil And Political Rights, 1966 and, therefore, Article 21 of the Constitution has to be understood in the light of the International Covenant On Civil And Political Rights, 1966. *Further* Presumption of innocence is a human right. Article 21 in view of its expansive meaning not only protects life and liberty ,but also envisages a fair procedure. Liberty of a person should not ordinarily be interfered with unless there exist cogent grounds therefor. The fundamental principle of our system of justice is that a person should not be deprived of his liberty except for a distinct breach of law. If there is no

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substantial risk of the accused fleeing the course of justice, there is no reason why he should be imprisoned during the period of his trial. The basic rule is to release him on bail unless there are circumstances suggesting the possibility of his fleeing from justice or thwarting the course of justice. When bail is refused, it is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution.

Further it has been laid down from the earliest time that the object of Bail is to secure the appearance of the accused person at his trial by reasonable amount of Bail. The object of Bail is neither punitive nor preventive. Deprivation of liberty must be considered a punishment unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after convictions, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earlier times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial ,but in such case 'necessity' is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the constitution that any persons should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty under Article 21 of the Constitution upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances. Apart from the question of prevention being the object of a refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and it would be improper for any court to refuse bail as mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an unconvicted person for the purpose of giving him a taste of imprisonment as a lesson. While considering an application for bail

either under Section 437 or 439 CrPC, the court should keep in view the principle that grant of bail is the rule and committal to jail an exception. Refusal of bail is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution. Seriousness of the offence not to be treated as the only consideration in refusing bail : Seriousness of the offence should not to be treated as the only ground for refusal of bail. (Judgment of **Sanjay Chandra Vs. Central Bureau of Investigation, AIR 2012 SC 830** relied).

But, the liberty of an individual is not absolute. The Society by its collective wisdom through process of law can withdraw the liberty that it has sanctioned to an individual when an individual becomes a danger to the societal order. A society expects responsibility and accountability from the member, and it desires that the citizens should obey the law, respecting it as a cherished social norm. Therefore, when an individual behaves in a disharmonious manner ushering in disorderly thing which the society disapproves, the legal consequences are bound to follow.

Further discretionary jurisdiction of courts u/s 437 and 439 CrPC should be exercised carefully and cautiously by balancing the rights of the accused and interests of the society. Court must indicate brief reasons for granting or refusing bail. Bail order passed by the court must be reasoned one but detailed reasons touching merits of the case, detailed examination of evidence and elaborate documentation of merits of case should not be done.

At this stage , it can also be fruitful to note that requirements for bail u/s 437 & 439 are different. Section 437 Cr.P.C. severally curtails the power of the Magistrate to grant bail in context of the commission of non-bailable offences punishable with death or imprisonment for life, the two higher Courts have only the procedural requirement of giving notice of the Bail application to the Public Prosecutor, which requirement is also ignorable if circumstances so

demand. The regimes regulating the powers of the Magistrate on the one hand and the two superior Courts are decidedly and intentionally not identical, but vitally and drastically dissimilar. (**Sundeep Kumar Bafna Vs. State of Maharashtra, AIR 2014 SC 1745**).

Further at this stage it can be noted that interpreting the provisions of bail contained u/s 437 & 439 Cr.P.C., the Hon'ble Supreme Court in its various judgments has laid down various considerations for grant or refusal of bail to an accused in a non-bailable offence like, (i) Whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) Nature of accusation and evidence therefor, (iii) Gravity of the offence and punishment which the conviction will entail, (iv) Reasonable possibility of securing presence of the accused at trial and danger of his absconding or fleeing if released on bail, (v) Character and behavior of the accused, (vi) Means, position and standing of the accused in the Society, (vii) Likelihood of the offence being repeated, (viii) Reasonable apprehension of the witnesses being tampered with, (ix) Danger, of course, of justice being thwarted by grant of bail, (x) Balance between the rights of the accused and the larger interest of the Society/State, (xi) Any other factor relevant and peculiar to the accused. (xii) While a vague allegation that the accused may tamper with the evidence or witnesses may not be a ground to refuse bail, but if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. Furthermore, in the landmark judgment of **Gurucharan Singh and others v. State** (AIR 1978 SC 179), it was held that there is no hard and fast rule and no inflexible principle governing the exercise of such discretion by the courts. It was further held that there cannot be any inexorable formula in the matter of granting bail. It was further held that facts and circumstances of each case will govern the exercise of judicial discretion in granting or refusing bail. It was further held that such

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question depends upon a variety of circumstances, cumulative effect of which must enter into the judicial verdict. Such judgment itself mentioned the nature and seriousness of nature, and circumstances in which offences are committed apart from character of evidence as some of the relevant factors in deciding whether to grant bail or not.

Further it may also be noted that it is also settled law that while disposing of bail applications u/s 437/439 Cr.P.C., courts should assign reasons while allowing or refusing an application for bail. But detailed reasons touching the merit of the matter should not be given which may prejudice the accused. What is necessary is that the order should not suffer from non-application of mind. At this stage a detailed examination of evidence and elaborate documentation of the merit of the case is not required to be undertaken. Though the court can make some reference to materials but it cannot make a detailed and in-depth analysis of the materials and record findings on their acceptability or otherwise which is essentially a matter of trial. Court is not required to undertake meticulous examination of evidence while granting or refusing bail u/s 439 of the CrPC.

In the present case, it is submitted ,on the line of interim bail application filed earlier which was decided vide order dated 16/06/2020 and again 20/06/2020, by the accused side that initially only an e-FIR was filed by the complainant regarding theft of his mobile and there was no mentioning of stabbing etc. But in supplementary statement IO falsely involved the present accused. It is further stated that it is highly improbable that if a person stabbed on thigh, then he will not go to hospital or to police station and instead will file only e-FIR. It is further argued that accused is in JC since 2018. Examination chief of complainant is already over and now the matter is pending for cross examination which was deferred due to strike by advocates earlier. As such, it is prayed that he be granted regular bail.

On the other hand, it is replied by the IO, as also argued by

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the learned Addl.PP for the State that there are as many as 13 other criminal cases in which present accused is involved. That he did not fall under the relaxed interim bail criteria of hon'ble high court and that is why he was not granted even interim bail. Further even on merit / facts his interim bail was rejected three times on 22/05/2020, 16/06/2020 and lastly on 20/06/2020. It is further submitted that DD no.6A was received from Jeevan Mala Hospital and injured / complainant Deepak Khanna was found undergoing treatment there and he was having pain therefore, his statement could not be recorded on that day. Later on, matter was investigated further, in the meanwhile, complainant side already registered online e-FIR through his mobile phone. Further details of the present offence was also mentioned. That present accused is identified in TIP by the complainant. Injury suffered by victim was grievous in nature. It is further stated that evidence of complainant / victim is not yet over. As such, present bail application is opposed.

I find force in the arguments of the learned Addl.PP. There is other involvements of the present accused. Further offence is heinous in nature and in fact it is a nuisance in the society at large having regard to the manner in which it was committed on public road. Further the evidence of the victim is not yet over. As such, no case is made out for regular bail, having regard to the nature of offence and the role of the accused and that prosecution evidence is not yet over.

The present application stands dismissed accordingly. Both sides are at liberty to collect the order through electronic mode. ***Further a copy of this order be sent to the IO/SHO concerned by electronic mode. Further a copy of this order be also sent to concerned Superintendent of Jail. Copy of order be uploaded on the website.***

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(Naveen Kumar Kashyap)
Additional Sessions Judge-04
Central/THC/Delhi
25/07/2020

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INTERIM BAIL APPLICATION

State Vs. Ram Nawal s/o Ram Naresh
FIR No. : 327/2016
PS: Roop Nagar
U/S: 302 IPC

25.07.2020.

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State
through VC
Mr. Sunil kumar, Ld. LAC Counsel for Accused
through VC.

1. *Observations given by Hon'ble High Court of Delhi in W.P. (C) No. 2945/2020 dated 23.03.2020 in case titled as "Shobha Gupta and Ors. v. Union of India & Ors.", Hon'ble Supreme Court of India in Suo Moto W.P.(C) No. 1/2020 dated 23.03.2020 and Revised Advisory Protocol dated 30.03.2020 have been issued by Ld. District & Sessions Judge (HQ) read with other directions received from time to time including on 28.03.2020, 07.04.2020, 18.04.2020, 05.05.2020, 18.05.2020 and 20.06.2020 from Hon'ble High Court as a result of various meetings of Delhi State Legal Services Authority, present application is taken up.*

2. An application dated 01/07/2020 by the present accused through DLSA, which is forwarded by the Jail Superintendent concerned to grant of interim bail based on the relaxed interim bail criteria of Hon'ble High Court dated 18/05/2020 is received. The same is decided by the present order.

3. Further reply filed today by the IO through electronic mode regarding involvement / conviction if any of present accused.

4. Arguments heard.

5. It is stated that accused is in JC for more than **two years** (as per the record received from the Jail Superintendent concerned), in the present case.

Further, a report regarding satisfactory / good conduct of

the accused is also filed by Jail Superintendent Concerned.

6. Further, a report is filed by IO/SHO concerned. It is further stated that there is no previous conviction / involvement record of such accused. ***Further, it is stated that offences alleged against accused is under section 302 IPC.***

7. In view of report by Jail Supdt concerned, reply given by IO and direction by Hon'ble High Court of Delhi, case of the accused is covered under directions as passed by Hon'ble High Court, as mentioned above. Further, accused is in JC since more than ***two years*** at present.

As such, in the above position, facts and circumstances of present case and the directions by Hon'ble High Court, applicant/accused is admitted to interim bail for a period of 45 days from the date of release on furnishing personal bond ***in the sum of Rs. 15,000/- to the satisfaction of the Jail Superintendent concerned. After completion of the interim bail period applicant shall surrender before concerned Jail Superintendent. Necessary intimation be sent to concerned Jail Superintendent accordingly.***

7.1. In the facts and circumstances of present case and the reply filed by the IO/SHO following conditions are also imposed on present accused for such interim bail :

- i) Applicant shall not flee from the justice;***
- ii) Applicant shall not tamper with the evidence;***
- iii) Applicant shall not threaten or contact in any manner to the prosecution witnesses ,***
- iv) Applicant shall not leave country without permission;***
- v) Applicant shall convey any change of address immediately to the IO and the court;***
- vi) Applicant shall also provide his/her mobile number to the IO;***
- vii) Applicant shall mark his /her attendance before concerned IO (and if IO is not available then to concerned***

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SHO) every alternative /second day through mobile by sharing his/her location with the SHO concerned;

viii) Applicant shall further make a call, preferably by audio plus video mode to concerned IO, (and if IO is not available then to concerned SHO) once a week, preferably on Monday between 10 a.m. to 5 p.m.

ix) Applicant shall keep his / her such mobile number 'Switched On' at all the time , particularly between 8 am to 8 pm everyday.

8. The present application stands disposed off accordingly. Both sides are at liberty to collect the order through electronic mode. ***Further a copy of this order be sent to the IO/SHO concerned by electronic mode. Further a copy of this order be also sent to concerned Superintendent of Jailt. Copy of order be uploaded on the website.***

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**(Naveen Kumar Kashyap)
ASJ-04/Central/THC
Central District/25.07.2020**

: 1 :

BAIL APPLICATION

FIR No.: 221/2016

PS: Civil Lines

State v. Nadeem @ Furqan s/o Shahbuddin

U/S: 392, 397, 411, 34 IPC

25.07.2020

Present: Sh. Pawan Kumar, Ld. Addl. PP for the state through VC.
Sh. Fakruddin, Ld. Counsel for applicant/
accused Nadeem @ Furqan.

1. An application for extension of interim bail filed.
2. Let notice of the same be issued to IO particularly to reply whether there is violation, if any of any condition of interim bail granted to such accused during he was out on interim bail in this matter.
3. Further, in view of the directions received from time to time from Hon'ble High Court of Delhi regarding hearing and conducting proceeding in urgent matter through electronic mode, and to streamline and ensure consistency, let in future copy of all bail applications received through electronic mode in this court from the concerned accused/counsel for accused be supplied by electronic mode by this court staff to a dedicated e-mail of the public prosecutor.
 - 3.1 As such, learned Chief Public Prosecutor is requested to create a specific e-mail for the public prosecutor appointed in this court so that there is a consistency smoothness in supplying electronic copy of the bail application, and other urgent applications to the prosecution and further that overlapping with other can be avoided.
4. Further, it is expected that the concerned SHO/IO file their reply only by electronic mode to the the public prosecutor only, through such dedicated e-mail of the public prosecutor i.e. for onwards filing in this court e-mail made for this purpose.
 - 4.1. It is made clear that no reply be sent by the IO/SHO directly to this court. It is stated at the cost of repetition that same be filed through learned public prosecutor through electronic mode only till further order by Hon'ble High Court.
 - 4.2. Further, concerned IO/SHO to file such reply through

FIR No.: 221/2016

PS: Civil Lines

State v. Nadeem @ Furqan s/o Shahbuddin

U/S: 392, 397, 411, 34 IPC

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electronic mode through learned PP well in advance as per the order passed in particular case, and in any case a day before of the day of hearing.

5. Further, as and when such reply of IO/public prosecutor through e-mail is received from their e-mail ID chiefprosecutorcentral@gmail.com to the e-mail created for this court for this purpose, the concerned court staff on duty to supply a copy thereof to the learned counsel for accused/accused online through electronic mode.

6. **Accordingly, put up for compliance on 28.07.2020.**

7. **In view of such order passed in this case, which is to be adopted till further order by Hon'ble High Court, a copy of this order be sent to (i) learned DCP(Central), (ii)DCP (North), (iii) Incharge (EOW), (iv)DCP (Crime Branch-Central), DCP(Railway), for their information and compliance and for onwards intimation to the concerned SHOs/IOs under them as well as to concerned Jail Superintendent.**

8. **In the meanwhile, interim bail is extended till next date of hearing only as it is stated that same is expiring today itself.**

NAVEEN KUMAR
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(Naveen Kumar Kashyap)
ASJ-04/Central/25.07.2020

**FIR No.: 130/2005
PS: Kamla Market
State v. Sanjay Sharma
U/s: 307, 34 IPC &
25,27,54,59 Arms Act.**

25.07.2020

File taken up today in terms of order No. Endst. No. 1734-66/DHC/2020 dated 27.06.2020 r/w other order passed from time to time as this case is pending at the stage of final arguments.

It is stated by Reader of this court that when he contacted Ld. counsel Sh. Hemant Chaudhary (**mobile no. 9891384449**) for accused (Amit Kumar @ Badshal and Sanjay Sharma) over phone for the purpose of hearing through VC and Sh. Rashid Hasmi (Mobile no. 9810052681), counsel for accused Aas Mohd @ Aasu submitted that case files are not with them and requested for next date.

As such, matter could not be proceeded further on merits through VC .

Parties are directed to download Webex and get familiar with the same by NDOH so that hearing can be held through Webex/electronic mode.

Put up for purpose fixed/arguments in terms of previous orders for 25.09.2020.

NAVEEN KUMAR
KASHYAP

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KUMAR KASHYAP
Date: 2020.07.25 13:31:06
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**(Naveen Kumar Kashyap)
ASJ-04/Central/25.07.2020**

: 1 :

State Vs.: Sahajada Irfan
FIR No.27/2014
PS: Jama Masjid
U/s.: 364A, 368, 394, 397, 412 IPC & 25, 27 Arms Act

25.07.2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State
through VC

File is taken up today in view of the order dated 17/07/2020
passed by this court.

As per order dated 17/07/2020, accused was directed to be
produced through VC, however, he has not been produced. In any case,
such matter is already adjourned en-block for 25/09/2020.

As such, issue production warrant for accused Sahjada Irfan
for the next date of hearing i.e. **25/09/2020** through VC.

NAVEEN KUMAR KASHYAP Digitally signed by NAVEEN KUMAR
KASHYAP
Date: 2020.07.25 14:42:58 +05'30'
(Naveen Kumar Kashyap)
ASJ-04/Central/THC
Central District/25.07.2020

: 1 :

Interim Bail Application

State Vs.:Sunil @ Kalu
FIR No.303/2014
PS:Subzi Mandi
U/s.:302, 307, 34 IPC

25.07.2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State
through VC
Mr. Naveen Gaur, learned counsel for accused through VC.

This is an application for grant of interim bail filed on behalf of applicant / accused on merit.

Put up for reply by the IO including regarding medical conditions of the mother of the accused by the next date of hearing.

Put up for reply, arguments and appropriate order for
29/07/2020.

NAVEEN KUMAR KASHYAP Digitally signed by NAVEEN KUMAR KASHYAP
Date: 2020.07.25 14:43:38 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
Central District/25.07.2020

: 1 :

Bail Application

State Vs Varun Bhardwaj
FIR No.303/2014
PS:Subzi Mandi
U/s.: 302, 307, 120B, 34 IPC

25.07.2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State
through VC.
Mr. Mukesh Kumar, learned counsel for the applicant /
accused through VC.

This is an application for grant of regular bail filed through
learned counsel for the applicant.

Put up for reply by the IO, arguments and appropriate order
with file through electronic mode for **29/07/2020**.

NAVEEN KUMAR KASHYAP Digitally signed by NAVEEN KUMAR KASHYAP
Date: 2020.07.25 14:46:50 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
Central District/25.07.2020