

25.09.2020

Joined through Video conferencing at 10.45 am.

The undersigned is looking after the work of Link Court of Sh. Visvesh Kumar, Ld. MM.

This is an application for grant of bail U/s 437 Cr.P.C. moved on behalf of accused Saurabh.

Present : Mr. Pankaj Gulia, Ld. Substitute APP for the State joined the video conferencing through Cisco Webex.

Mr. Ashish Laroia, Ld. Counsel for applicant/accused joined through Cisco Webex.

This is an application for grant of bail to the applicant/accused. Ld. Counsel for accused has argued that applicant/accused is in J/C since 18.09.2020. Ld. Counsel argued that accused has been falsely implicated in the present case. It is further argued that accused is not involved in any other case and investigation of the present case is almost complete. Therefore, it has been prayed that accused be released on bail.

Reply of IO has been filed electronically. Copy of same has been sent to Ld. Counsel for applicant. Perusal of reply shows that motorcycle got recovered from the possession/at the instance of 3 accused persons.

Submissions heard. Perused.

Considering that recovery has already been effected and trial will take time. So, no purpose would be served by keeping the accused behind bars. Hence, accused is admitted to bail subject to furnishing of bail bond in the sum of Rs. 15,000/- with one surety of like amount subject to the following conditions:-

1. That the accused person(s) shall join investigation as and when called.
2. That the accused person(s) shall attend the Court as per conditions of bond to be executed.
3. That the accused person(s) shall not commit similar offence and;
4. That the accused person(s) shall not directly/indirectly induced,

give threat, or in any way dissuade the witnesses/persons acquainted with the facts of the case and also shall not tamper with the evidence.

Accordingly, the present application is disposed off.

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

**MANOJ
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(MANOJ KUMAR)

MM-06(C)/THC/Delhi/25.09.2020

FIR No. 266/20
PS – Civil Lines
U/s 420 IPC
State Vs Abdul Karim Rana

25.09.2020

Joined through Video conferencing at 10.30 am.

The undersigned is looking after the work of Link Court of Sh. Visvesh Kumar, Ld. MM.

This is an application for grant of bail U/s 437 Cr.P.C. moved on behalf of accused Abdul Karim Rana.

Present : Mr. Pankaj Gulia, Ld. Substitute APP for State has joined the meeting through Cisco Webex.

Mr. Fahim Alam, Ld. Counsel for applicant/accused has joined the meeting through Cisco Webex.

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

At this stage, Ld. Counsel for accused wants to withdraw the present application.

Heard. Request is allowed. Application is disposed off as withdrawn.

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

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(MANOJ KUMAR)
MM-06(C)/THC/Delhi/25.09.2020

FIR No. 196/20
PS – Sadar Bazar
U/s 25 Arms Act
State Vs Vipin

25.09.2020

Joined through Video conferencing at 11.00 am.

The undersigned is looking after the work of Link Court of Sh. Visvesh Kumar, Ld. MM.

This is an application for grant of bail U/s 437 Cr.P.C. moved on behalf of accused Vipin.

Present : Mr. Pankaj Gulia, Ld. Substitute APP for the State joined the video conferencing through Cisco Webex.

Mr. Sunil, ld. Counsel for applicant/accused joined through Cisco Webex.

This is an application for grant of bail to the applicant/accused. Ld. Counsel for accused has argued that applicant/accused is in J/C since 17.09.2020. Ld. Counsel argued that accused has been falsely implicated in the present case. It is further submitted by Ld. Counsel for accused that in the month of February, an anticipatory bail application was filed wherein police had reported that no such case is registered against the accused in the PS. However, thereafter, in the month of September, one country made pistol was implanted upon the accused. Therefore, it has been prayed that accused be released on bail.

Reply of IO has been filed electronically. Copy of same has been sent to Ld. Counsel for the applicant/accused. Perusal of reply shows that one country made pistol and cartridge were recovered from the possession of accused. Accused is a BC of the area.

Submissions heard. Perused.

Considering the fact that accused is a BC of the area and recovery has been effected from the possession of accused and he is involved in several other cases. So, this Court is not inclined to grant bail at this stage. Hence, bail application of accused stands dismissed.

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

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MM-06(C)/THC/Delhi/25.09.2020

25.09.2020

Joined through Video conferencing at 11.30 am.

The undersigned is looking after the work of Link Court of Sh. Visvesh Kumar, Ld. MM.

This is an application for releasing of vehicle bearing no. DL 4S DD 7893 on superdari filed by applicant/ registered owner electronically.

Present: Mr. Pankaj Gulia, Ld. Substitute APP for State has joined the meeting through Cisco Webex.

Mr. Om Prakash, ld. Counsel for applicant joined meeting through Cisco Webex.

Reply filed by the IO electronically. As per which, the vehicle is no more required for the purpose of investigation.

Instead of releasing the vehicle on superdari, I am of the considered view that the vehicle has to be released as per directions of Hon'ble Supreme Court in case titled as "**Sunder Bhai Ambalal Desai Vs. State of Gujrat, AIR 2003 SC 638.**"

The view of the Hon'ble Supreme Court has been reiterated by Hon'ble High Court of Delhi in case titled as "**Manjit Singh Vs. State in Crl. M.C. No. 4485/2013 dated 10.09.2014.**"

Considering the facts and circumstances and law laid down by higher courts, vehicle bearing registration No. **DL 4S DD 7893** be released to the applicant/registered owner on furnishing security bond/indemnity bond as per valuation report of the vehicle. IO is directed to get the valuation done of the vehicle prior to releasing the same to the applicant/registered owner as per directions of Hon'ble Supreme Court. Coloured photographs and punchnama of vehicle in question be conducted as per above mentioned judgments.

Punchnama alongwith photographs, valuation report etc shall be filed in the Court alongwith final report.

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

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Date: 2020.09.25

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MM-06(C)/THC/Delhi/25.09.2020

FIR No. 153/20
PS – Sadar Bazar
U/s 408/411 IPC
State Vs Manav

25.09.2020

Joined through Video conferencing at 11.45 am.

The undersigned is looking after the work of Link Court of Sh. Visvesh Kumar, Ld. MM.

This is an application for depositing FDR moved electronically by applicant/accused.

Present : Mr. Pankaj Gulia, Ld. Substitute APP for State has joined the meeting through Cisco Webex.

Mr. B.L. Madhukar, Ld. Counsel for applicant/accused has joined the meeting through Cisco Webex.

It is submitted by Ld. Counsel for accused that the applicant/accused preferred an anticipatory bail application before Ld. Sessions Court and vide order dated 15.09.2020, Ld. Sessions Court directed the applicant/accused to deposit an FDR for a sum of Rs. 1,00,000/- (rupees one lac only) in the name of Court.

Heard. Perused.

Application stands allowed. Applicant/accused is directed to deposit an FDR in the name of Court physically to the Ahlmad of the Court.

Application stands accordingly disposed off.

One copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of Ld. Counsel for applicant. The printout of the application and the order be kept for records and be tagged with the final report.

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MM-06(C)/THC/Delhi/25.09.2020

25.09.2020

Joined through Video conferencing at 11.15 am.

The undersigned is looking after the work of Link Court of Sh. Visvesh Kumar, Ld. MM.

This is an application for releasing of mobile of make Realme U-1 superdari filed by applicant electronically.

Present : Mr. Pankaj Gulia, Ld. Substitute APP for State has joined the meeting through Cisco Webex.

None for the applicant joined the meeting despite intimation.

Reply filed by the IO electronically. It is submitted by the IO that he has no objection in releasing the mobile to the rightful owner. The mobile of make **Realme U-1** is no more required for the purpose of investigation. Instead of releasing the said mobile on superdari, I am of the considered view that the aforesaid mobile has to be released as per directions of Hon'ble Supreme Court in case titled as "**Sunder Bhai Ambalal Desai Vs. State of Gujrat, AIR 2003 SC 638**", which has been reiterated by Hon'ble High Court of Delhi in case titled as "**Manjit Singh Vs. State**".

Considering the facts and circumstances and law laid down by higher courts, mobile of make **Realme U-1** be released to the applicant on furnishing security bond/indemnity bond as per valuation report of the aforesaid mobile. Accordingly, IO is directed to get the valuation done of the mobile phone prior to releasing the same to the applicant, as per directions of Hon'ble Supreme Court. Coloured photographs of the mobilephone be also taken as per rules.

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

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(MANOJ KUMAR)

MM-06(C)/THC/Delhi/25.09.2020

25.09.2020

Joined through Video conferencing at 11.30 am.

The undersigned is looking after the work of Link Court of Sh. Visvesh Kumar, Ld. MM.

This is an application for calling the status report.

Present: Mr. Pankaj Gulia, Ld. Substitute APP for State has joined the meeting through Cisco Webex.

Mr. Om Prakash, ld. Counsel for applicant joined meeting through Cisco Webex.

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

It is submitted by Ld. Counsel for applicant that he is not satisfied with the investigation conducted by IO. He further argued that no substantial investigation conducted by IO despite request. He further submitted that statement of victims/ LRs of deceased has not been recorded by IO. He further submitted that there were CCTV camera installed at the spot but IO intentionally not preserving CCTV camera footage.

Heard. Perused.

Let fresh notice be issued to IO with direction to fairly investigate the matter by considering the issues/objections of the applicant and file the fresh report by 12.10.2020.

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

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(MANOJ KUMAR)
MM-06(C)/THC/Delhi/25.09.2020

25.09.2020

Joined through Video conferencing at 10.35 am.

The undersigned is looking after the work of Link Court of Sh. Visvesh Kumar, Ld. MM.

This is an application for releasing of vehicle bearing no. HR-06-AT-0548 on superdari filed by applicant/ registered owner electronically.

Present: Mr. Pankaj Gulia, Ld. Substitute APP for State has joined the meeting through Cisco Webex.

Mr. Bindeshwar Kumar, Ld. Counsel for applicant has joined the meeting through Cisco Webex.

Reply filed by the IO electronically as per which, the vehicle is no more required for the purpose of investigation.

Instead of releasing the vehicle on superdari, I am of the considered view that the vehicle has to be released as per directions of Hon'ble Supreme Court in case titled as "**Sunder Bhai Ambalal Desai Vs. State of Gujrat, AIR 2003 SC 638.**

The view of the Hon'ble Supreme Court has been reiterated by Hon'ble High Court of Delhi in case titled as "**Manjit Singh Vs. State in Crl. M.C. No. 4485/2013 dated 10.09.2014.**

Considering the facts and circumstances and law laid down by higher courts, vehicle bearing registration No. **HR-06-AT-0548** be released to the applicant/registered owner on furnishing security bond/indemnity bond as per valuation report of the vehicle. IO is directed to get the valuation done of the vehicle prior to releasing the same to the applicant/registered owner as per directions of Hon'ble Supreme Court. Coloured photographs and punchnama of vehicle in question be conducted as per above mentioned judgments. Punchnama alongwith photographs, valuation report etc shall be filed in the Court alongwith final report.

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

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MM-06(C)/THC/Delhi/25.09.2020