

Bail Application No. 1376/2020
FIR No. 164/2020
PS: Sadar Bazar
U/s: 307/ 34 IPC
State Vs. Kunal Soni

05.10.2020

This is an application u/s 439 Cr.PC seeking regular bail moved on behalf of applicant/accused.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
IO / SI Jitender Joshi is also present.
Sh. Jitendra Sethi, Advocate for applicant/accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant electronically.

Arguments heard. Record perused

After referring to the allegations appearing in the FIR, counsel for applicant / accused has argued that the applicant is totally innocent and he has been falsely implicated in this case; he is having clean antecedents and he is in custody since after his arrest in this case. It is further argued that the applicant is young boy aged just above 18 years and he is having bright future as he has already represented the State in National Level Wrestling and won gold medal in the year 2017. It is further argued that injured has already been discharged from the hospital and the motive attributed to the applicant that he wanted to kill the complainant Pawan, as Pawan had committed murder of his uncle in the year 1993, is per se false in as much as the present applicant was born in the year 2001. It is further argued that the necessary ingredients constituting the offence under Section 307 IPC are lacking in this case. It is further argued that recovery of alleged weapon has already been effected and investigation qua present applicant is complete and therefore, he deserves to be released on bail. It is also argued that the complainant himself is B.C. of the area and he was out on Parole in a murder case. In support of aforesaid submissions, counsel for applicant / accused has also relied upon decision of Hon'ble Apex Court in the case of '**Bhagirath Singh Vs. The State of Gujrat**' reported at **1984 C.C. Cases 17(SC)**, wherein it is held that accused should not be detained by way of punishment.

VIDYA
PRAKASH

Digitally
signed by
VIDYA
PRAKASH
Date:
2020.10.05
17:25:03
+0530

Contd.....2

- 2 -

Per contra, the bail application is strongly opposed by Ld. Addl. PP on the ground that the allegations against the applicant are grave and serious. It is argued that the present applicant fired towards complainant / injured Pawan with intention to kill him and the bullet hit the abdomen of another victim namely Laxman @ Sonu while touching the neck of victim Pawan. It is further argued that opinion regarding nature of injury is yet to be received on the MLC of victim Laxman and the entire incident was captured in CCTV Cameras and CCTV footages have already been seized. It is further submitted that investigation is still going in this case and the applicant may intimidate the complainant / witnesses in the event of grant of bail to him. It is, therefore, urged that the bail application may be dismissed.

In brief, it is alleged that complainant Pawan and victim Laxman@ Sonu and one Sam Paul James were sitting in Gali Church Wali on 23.08.2020 at around 5.30 p.m. when this applicant and his associates came on one black colour motorcycle. The present applicant while sitting a pillion rider, fired a bullet towards complainant Pawan and the bullet while touching the neck of Pawan, hit the abdomen of Victim Laxman @ Sonu. Weapon of offence i.e. desi katta alongwith one used cartridge were allegedly recovered from the possession of the present applicant. The firing incident is stated to have been recorded in CCTV Cameras showing the involvement of the present applicant in the commission of crime.

Apart from above, the present applicant is shown to have been correctly identified in his judicial TIP by injured Laxman @ Sonu on 28.09.2020. IO has submitted before the Court that victim Laxman had also undergone surgery due to bullet injury in his stomach and result on his MLC is yet to be received. He has also filed fresh reply of bail application in this regard. The investigation is still going on in this case. The motorcycle allegedly used during commission of crime, is also claimed to have been recovered at the instance of this applicant.

The above noted authority relied by counsel for applicant/accused, is entirely distinguishable on the facts and circumstances of the present case. Moreover, it is well settled law that there cannot be any straight jacket formula which can be laid down for deciding the bail applications and each bail application has to be decided on the basis of facts and circumstances of each individual case.

VIDYA
PRAKASH

Digitally
signed by
VIDYA
PRAKASH
Date:
2020.10.05
17:25:17
+0530

Contd.....3

Bail Application No. 1376/2020
FIR No. 164/2020
PS: Sadar Bazar
U/s: 307/ 34 IPC
State Vs. Kunal Soni

- 3 -

After considering the overall facts and circumstances of the case including nature of allegations, gravity of offences and the role allegedly played by present applicant and the discussion made herein above, the Court is of the view that no ground is made out at this stage for grant of bail to the present applicant. Consequently, the present bail application is dismissed.

Copy of this order be given dasti to both the sides electronically, as per rules.

VIDYA
PRAKASH

Digitally signed
by VIDYA
PRAKASH
Date:
2020.10.05
17:25:28 +0530

(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
05.10.2020

Bail Application No. 1378/2020
FIR No. 200/2020
PS: Pahar Ganj
U/s: 308/34 IPC
State Vs. Tarun

05.10.2020

This is an application u/s 439 Cr.PC seeking regular bail moved on behalf of applicant/accused.

Present: Sh. Bailbir Singh, Ld. APP for the State.
IO ASI Abhay Raj is also present.
Sh. Manoj Sharma, Ld. counsel for complainant.
Sh. Naveen Gaur, Advocate for applicant/ Accused

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant/accused electronically.

Arguments heard. Reply perused.

After referring to the allegations appearing in the FIR, counsel for applicant / accused has argued that the applicant is totally innocent and he has been falsely implicated in this case; he is having clean antecedents and he is in custody since 24.08.2020. It is further argued that no role whatsoever has been assigned to this applicant and it was the complainant who had beaten up the applicant one day prior to the date of incident in question. It is further argued that nature of injury sustained by complainant is simple on his MLC and even Section 308 IPC is not attracted in this case. It is further argued that the present FIR was registered under the influence of DCP Meena and the applicant who is young boy aged 22 years old, is no more required for the purpose of investigation and useful purpose would be served by keeping him behind the Jail. It is, therefore, urged that the applicant may be released on bail.

VIDYA
PRAKASH

Digitally
signed by
VIDYA
PRAKASH
Date:
2020.10.05
17:25:50
+0530

Contd.....2

Bail Application No. 1378/2020
FIR No. 200/2020
PS: Pahar Ganj
U/s: 308/34 IPC
State Vs. Tarun

- 2 -

Per contra, the bail application is opposed by Ld. Addl. PP durly assisted by counsel of complainant, on the ground that allegations against the applicant are grave and serious. It is argued that similar bail applications of three other co-accused persons have already been dismissed by Sessions Court and another co-accused namely Kalu is absconding in this case. It is further argued by counsel of complainant that victim Lokesh remained hospitalised for five days and the incident was also captured in CCTV Camera, whereby the presence of this applicant at the spot is duly established. It is further argued that the families of victims are receiving threats from the associates of present applicant and of co-accused persons and they apprehend risk to their lives. It is, therefore, urged that the bail application may be dismissed.

During the course of arguments, IO has verified that the presence of this applicant at the spot is established from the CCTV Footage seized during investigation. He has pointed out that result on MLCs of both the victims is opined to be simple. However, he has informed the Court, on being asked, that victim Lokesh remained admitted in hospital from 24.08.2020 till 28.08.2020. IO has also produced MLCs of both the victims namely Lokesh and Man Singh and both of them are shown to have sustained multiple wounds on their vital parts including parietal area and occipital region. In MLC of victim Man Singh, the alleged history of being beaten up by stone and rod by five-six people in neighbourhood on 24.08.2020 at 10.00 a.m is recorded. Not only this, IO has also produced statements under Section 161 Cr.P.C. of both the victims, as well as that of one independent witness namely Smt. Suman, wherein they have specifically named the present applicant to be one amongst the offenders involved in the commission of crime. The investigation is shown to be at crucial stage and one of the co-accused persons is still absconding in this case.

VIDYA
PRAKASH

Digitally
signed by
VIDYA
PRAKASH
Date:
2020.10.05
17:26:31
+0530

Contd.....3

Bail Application No. 1378/2020
FIR No. 200/2020
PS: Pahar Ganj
U/s: 308/34 IPC
State Vs. Tarun

- 3 -

After considering the overall facts and circumstances of the case including nature of allegations, gravity of offences, the role allegedly played by present applicant and the discussion made herein above, the Court is of the view that no ground is made out at this stage for grant of bail to the present applicant. Consequently, the present bail application is dismissed.

Copy of this order be given dasti to both the sides electronically, as per rules.

VIDYA
PRAKASH

Digitally signed
by VIDYA
PRAKASH
Date:
2020.10.05
17:26:41 +0530

(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
05.10.2020

Bail Application No. 1379/2020
FIR No. 316/2019
PS: Pahar Ganj
U/s: 420/ 376/354/ 506/34/ 174 A IPC
State Vs. Shabir Dandoo

05.10.2020

This is IInd application u/s 439 Cr.PC seeking regular bail moved on behalf of applicant/accused.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
IO /Insp. Rita Amrohi of DIU, Central Distt. is also present.
None is present on behalf of complainant/ prosecutrix.
Sh. Shiv Kumar, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application already filed. Copy thereof already supplied to Id. Counsel of applicant/accused electronically.

IO has informed the Court that complainant/ prosecutrix since already left India, has been duly informed about the present bail application and it's hearing before this Court for today telephonically as well as through Whatsapp.

Arguments on the bail application heard. Reply perused.

At the outset, Ld. Addl. PP on instructions of IO has informed the Court that the present applicant has failed to surrender himself before the Jail Authority after expiry of period of his interim bail in terms of order dt. 08.07.2020 passed in Bail Applicant No. 1611/2020 by Hon'ble Delhi High Court. He has, therefore, submitted that the present bail application is liable to be dismissed on this very ground itself.

Counsel of applicant / accused while not disputing the aforesaid submission, made by Ld. Addl. PP, has submitted that the applicant is held up in Jammu & Kashmir due to COVID 19 and, that is why, he could not surrender himself before the Jail Authority. However, he has fairly conceded that applicant did not seek extension of his interim bail from Hon'ble Delhi Court after passing of order dt. 08.07.2020 (Supra).

VIDYA
PRAKASH

Digitally signed
by VIDYA
PRAKASH
Date:
2020.10.05
17:26:57 +0530

contd.....2

Bail Application No. 1379/2020
FIR No. 316/2019
PS: Pahar Ganj
U/s: 420/ 376/354/ 506/34/ 174 A IPC
State Vs. Shabir Dandoo

- 2 -

It may be noted here that the present applicant was initially granted interim bail by Sessions Court vide order dt. 23.05.2020. However, his application for extension of interim bail was dismissed by Sessions Court vide order dt. 04.07.2020, whereafter he approached Hon'ble Delhi High Court seeking extension of interim bail/ regular bail. Copy of order dt. 08.07.2020 (Supra), passed by Hon'ble Delhi High Court which is annexed alongwith the present bail application, would show that the said application was dismissed as withdrawn with liberty to the applicant to file application for regular bail. However, his interim bail was extended for three days by Hon'ble High Court and he was directed to positively surrender before the concerned Jail Superintendent on or before 11.07.2020. It is an undisputed fact that the applicant has failed to surrender before the Jail Authority and rather, he has approached the Sessions Court for grant of regular bail to him. In this back drop, Court is of the considered opinion that the entire conduct of the applicant/ accused is malafide, which disentitles him to seek the concession of bail from the Court of Law. Accordingly, the present bail application is hereby dismissed.

Copy of this order be given dasti to both the sides electronically, as per rules.

VIDYA
PRAKASH

Digitally signed
by VIDYA
PRAKASH
Date:
2020.10.05
17:27:09 +0530

(Vidya Prakash)

Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
05.10.2020

05.10.2020

This is an application u/s 439 Cr.PC seeking regular bail moved on behalf of applicant/accused.

Present: Sh. Bailbir Singh, Id. APP for the State.
IO /SI Pawan Vats is also present.
Sh. Rakesh Kumar Giri, Advocate for applicant/accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application already been filed. Copy thereof already supplied electronically to the counsel for accused.

Arguments heard. Reply perused.

The applicant /accused is charged with offence punishable under Section 308 / 34 IPC on the allegations that he alongwith co-accused persons gave beatings to the complainant/ victim namely Mohd. Tayyeb and his friend Aleem on 22.09.2020 at about 11.45 p.m. The role attributed to this applicant, who is shown to be in custody since 23.09.2020 in this case, is that he had given fist and kick blows to the victims.

During the course of arguments, IO has produced MLCs of both the aforesaid victims, which show that both the victims were discharged from the hospital on the same day. The nature of injury on MLC of victim Aleem is opined to be simple, whereas nature of injury on MLC of other victim is yet to be opined, as per the submissions of IO. However, Court has gone through the MLC of other victim as well, as produced by IO. The applicant /accused is not shown to be previously found involved in any other criminal case. His custodial interrogation was neither sought nor same is shown to be required in this case. Trial is not likely to be completed in near future due to pandemic situation and thus, no purpose would be served by keeping the applicant behind the Jail.

VIDYA
PRAKASH

Digitally signed
by VIDYA
PRAKASH
Date:
2020.10.05
17:27:25
+0530

Contd.....2

Bail Application No. 1380/2020
FIR No. 421/2020
PS: Kotwari
U/s: 308/ 34 IPC
State Vs. Ajeet Kumar

- 2 -

After considering the overall facts and circumstances of the case including nature of offence charged against the present applicant/ accused, the role allegedly played by him and in the light of discussion made herein above, applicant/ accused namely Ajeet Kumar is admitted to bail subject to furnishing personal bond in the sum of Rs.15,000/- with one surety in the like amount to the satisfaction of Duty MM/ Link MM and shall be subject to the following conditions:

1. During the period of bail, the accused/ applicant shall not try to contact or influence, directly or indirectly, either the victim or any other witness of the present case.
2. The accused shall not misuse the benefit of bail by indulging in commission of similar offences in future.
3. The applicant shall join the investigation as and when directed to do so and
4. The applicant shall intimate the Court in case of change of his address.

It is hereby made clear that in the event of violation of any of the bail conditions as detailed above, it shall be open for the complainant/ IO/ State to seek cancellation of bail being granted to the present applicant.

With these directions, the present bail application stands disposed of accordingly.

Copy of this order be given dasti to both the sides electronically, as per rules.

Attested copy of this order be sent to concerned Jail Superintendent on his official e-mail ID for being delivered to the applicant/ accused and for necessary compliance.

VIDYA
PRAKASH

Digitally signed
by VIDYA
PRAKASH
Date:
2020.10.05
17:27:37 +0530

(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
05.10.2020

05.10.2020

This is an application u/s 439 Cr.PC seeking regular bail moved on behalf of applicant/accused

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
IO ASI Suresh Chand is also present.
Sh. Pradeep Chaudhary, Advocate for applicant / accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant electronically.

Arguments on bail application heard. Reply perused.

The applicant/ accused is charged with offences punishable u/s 379/411/34 IPC on the allegations that she along with co-accused Mohd. Sameer were found in possession of stolen scotty of the present case at the time of their arrest in case E-FIR No. 152/2020 under Section 379/356/411/34 IPC of PS Jama Masjid.

Apart from present applicant, Mohd. Sameer who is husband of present applicant, is also stated to be in custody. The present applicant is shown to be in custody in this case since 30.08.2020. It is argued on her behalf that the applicant is having minor child and there is no one in the family to look after the said child. Alleged recovery has already been effected in this case and applicant is no more shown to be required for the purpose of investigation.

After considering the overall facts and circumstances of the case including nature of offences charged against the present applicant/ accused and in the light of discussion made herein above, applicant/ accused namely Nabiya is admitted to bail subject to furnishing personal bond in the sum of Rs.10,000/- with one **local surety** in the like amount to the satisfaction of Id. MM/ Id. Duty MM/ Id. Link MM and shall be subject to the following conditions:

VIDYA
PRAKASH

Digitally signed
by VIDYA
PRAKASH
Date:
2020.10.05
17:30:57 +0530

contd... 2

Bail Application No. 1388/2020
FIR No. 19231/20
PS: Jama Masjid
U/s: 379 IPC
State Vs. Nabiya

- 2 -

1. During the period of bail, the accused/ applicant shall not try to contact or influence, directly or indirectly, either the victim or any other witness of the present case.
2. The accused shall not misuse the benefit of bail by indulging in commission of similar offence in future.
3. The applicant shall join the investigation as and when directed to do so and
4. The applicant shall intimate the Court in case of change of his address.

The present bail application stands disposed of accordingly.

Copy of this order be given dasti to both the sides electronically, as per rules.

Attested copy of this order be sent to concerned Jail Superintendent on his official e-mail ID for being delivered to the applicant/ accused and for necessary compliance.

VIDYA
PRAKASH
(Vidya Prakash)

Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
05.10.2020

Digitally signed
by VIDYA
PRAKASH
Date:
2020.10.05
17:31:08
+0530

05.10.2020

This is an application u/s 439 Cr.PC seeking regular bail moved on behalf of applicant/accused.

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
IO ASI Adesh Kumar is also present.
Sh. M.C.Sharma, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant/accused electronically.

Arguments heard. Reply perused.

After referring to the allegations appearing in the FIR, counsel for applicant / accused has argued that the applicant is totally innocent and he has been falsely implicated in this case; he is not previously convicted in any case and he is in custody since 27.07.2020. It is further argued that charge sheet against co-accused has already been filed. It is further argued that alleged recovery of robbed mobile phone has already been effected and the investigation qua this applicant is already completed and thus, he is not required for the purpose of investigation. It is further argued that the applicant is having twelve year old minor child, who is presently being looked after by his mother as his wife has already left his company. It is, therefore, urged that the bail application may be allowed.

Per contra, the bail application is opposed by Ld. Addl. PP on the ground that allegations against the applicant are grave and serious. It is argued that present applicant alongwith co-accused had committed robbery of mobile phone of the victim, which mobile phone is recovered at his instance. It is further argued that the present applicant is also identified by the victim to be one amongst the offenders and he is habitual offender found previously involved in several criminal cases as per the details mentioned in the list of previous involvements filed alongwith reply by the IO. It is, therefore, urged that the bail application may be dismissed.

VIDYA
PRAKASH

Digitally
signed by
VIDYA
PRAKASH
Date:
2020.10.05
17:28:39
+0530

Contd.....2

Bail Application No.1284/2020
FIR No. 142/20
PS: DBG Road
U/s: 392/34 IPC
State Vs. Gunjan

- 2 -

During the course of arguments, IO has informed the Court that present applicant/ accused was correctly identified by complainant Sahil Chopra at Police Station itself on 25.07.2020 to be one amongst the offenders involved in the commission of robbery of his mobile phone. He has also produced supplementary statement under Section 161 CrP.C. dt. 25.07.2020 of complainant, wherein complainant has duly identified this applicant to be the assailant who was driving the scotty at the time of commission of crime. He also identified his robbed mobile phone allegedly recovered from the possession of present applicant. Moreover, the present applicant is shown to be habitual offender involved in more than eight criminal cases. Investigation qua him is stated to be still going on in this case.

After considering the overall facts and circumstances of the case including nature of allegations, gravity of offences and in the light of discussion made herein above, Court is of the view that no ground is made out at this stage for grant of bail to the present applicant. Consequently, the present bail application is dismissed.

Copy of this order be given dasti to both the sides electronically, as per rules.

VIDYA
PRAKASH

Digitally signed
by VIDYA
PRAKASH
Date:
2020.10.05
17:28:49 +0530

(Vidya Prakash)

Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
05.10.2020

Bail Application No.2760/2020
FIR No. 17/18
PS: Economic Offence Wing
U/s: 420/409/467/468/477-A/471/120B IPC
State Vs. Dinesh Kumar

05.10.2020

This is an application u/s 439 Cr.PC seeking regular bail moved on behalf of applicant/accused

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
Ms. Sima Gulati, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Neither any reply of the bail application has been filed on behalf of concerned IO/ Inspector Incharge nor concerned IO has joined the hearing through Video Conferencing today.

Ld. Addl PP submits that for want of reply and without assistance of IO, he is not in a position to advance the arguments on behalf of State today.

In view of the aforesaid facts and circumstances, let the aforesaid conduct on the part of concerned IO and Inspector Incharge of the concerned Section of PS EOW be brought to the notice of concerned DCP EOW for taking appropriate departmental action against them and to submit Action Taken Report before the Court on or before next date of hearing. He is further directed to ensure that the concerned IO joins the hearing through V/C positively on the next date.

In the meantime, TCR be also called through ROB KAR for next date of hearing.

Put up on 09.10.2020 for arguments on the bail application.

Digitally signed
by VIDYA
PRAKASH
Date:
2020.10.05
17:29:15
+0530

(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
05.10.2020

Bail Application No.2764/2020
FIR No. 73/20
PS: Nabi Karim
U/s: 307/323/34 IPC
State Vs. Ashwani

05.10.2020

This is an application u/s 439 Cr.PC seeking interim bail moved on behalf of applicant/accused

Present: Sh. Balbir Singh, Id. Addl. PP for the State.
Sh. Arvind Kumar, Advocate for applicant/ accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant electronically.

Heard on the bail application. Reply perused.

After addressing brief arguments, counsel for the accused/applicant seeks permission to withdraw the present application with liberty to file regular bail application before appropriate forum at appropriate stage.

In view of the facts and circumstances of the case and the aforesaid submissions made by counsel for applicant/accused, the present bail application is dismissed as withdrawn, with liberty as prayed.

Copy of this order be given dasti to both the sides electronically, as per rules.

VIDYA
PRAKASH
Digitally signed
by VIDYA
PRAKASH
Date:
2020.10.05
17:29:43 +0530

(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
05.10.2020

Bail Application No. 1329/20
FIR No. 231/2020
PS: DBG Road
State Vs. Harjot Singh

05.10.2020

This is an application u/s 438 Cr.PC seeking anticipatory bail moved on behalf of applicant/accused.

Present: Sh. Bailbir Singh, Id. APP for the State.
Complainant is present alongwith IO ASI Pawan Kumar
Sh. Bhuneshwar Tyagi, Advocate for applicant/accused.

Matter is taken up through Video Conferencing on account of COVID-19 lockdown.

Reply of bail application filed. Copy thereof supplied to Id. Counsel of applicant electronically.

Arguments on the bail application heard. Reply perused.

After referring to the allegations appearing the FIR, counsel for applicant/accused has argued that the present applicant is totally innocent having no concern with the alleged crime and he has been got falsely implicated in this case by complainant with ulterior motive as her husband is in illegal possession of second floor of the property of the applicant, for which mother of applicant has already lodged police complaint with Police Authority in the year 2018. It is further argued that the applicant is having clean antecedents and kalandra under Section 107/150 Cr.PC. was also prepared against both the parties about six months prior to the alleged incident, which clearly shows that the dispute between the parties is basically of civil nature regarding unauthorised occupation of part of the property of present applicant. It is further argued that there is delay in registration of FIR as the alleged incident occurred on 03.09.2020 whereas FIR has been registered only on 20.09.2020. It is submitted that applicant is ready to join the investigation if so required but since he apprehends his arrest in this case, he may be protected.

Per contra, the bail application is strongly opposed by Ld. Addl. PP on the ground that the allegations against the applicant are grave and serious and also on the ground that the applicant is not joining the investigation and since both the parties are residing in the same premises, the present applicant may repeat the same act in future as well. It is further argued that the complainant has corroborated the allegations of FIR even in her statement under Section 164 Cr.P.C. It is, therefore, urged that the bail application may be dismissed.

VIDYA
PRAKASH

Digitally
Signed by
VIDYA
PRAKASH
Date:
2020.10.05
17:24:17
+0530

Contd.....2

- 2 -

In brief, it is alleged in the FIR that on 03.09.2020, the present applicant alongwith his family members i.e. mother and his sister went to complainant and her husband on 03.09.2020 at about 9.30 a.m. and extended threat to kill them. They all gave beatings to complainant as well as her husband. It is also alleged that the present applicant pressed breast of complainant and they all fled away from there when PCR was made from the side of the complainant.

As per reply of IO, call vide DD no. 28 A regarding quarrel was received in PP Shidipura on 03.09.2020, which was marked to concerned police officer, who went to the spot and after enquiry, it was revealed that there was only a verbal spat between the complainant and sister of the present applicant /accused on the issue of hanging of clothes on the roof and no quarrel had taken place.

On query, IO has informed the Court that the aforesaid PCR call was filed vide GD No. 0060A dt. 04.09.2020 by SI Praveen Kumar. Copy of said GD entry is also produced by IO, which shows that the aforesaid PCR call was filed on the joint requests made on behalf of both the sides that they had entered into compromise and did not want any action by the police.

It may be noted that the alleged incident occurred on 03.09.2020 but the FIR in question came to be registered only on 20.09.2020 i.e. after a delay of about 17 days, for which no explanation whatsoever is forthcoming from the side of the complainant. It is an undisputed fact that the complainant gave written complaint at concerned PS only on 20.09.2020, which led to the registration of present FIR.

On query, IO has informed the Court that there is no MLC of either complainant or of her husband and no visible injury mark was found noticed on any of their body parts at any point of time including on the day of alleged incident. IO has also affirmed the fact that Kalandra under Section 107/150 Cr.P.C. was previously prepared against both the parties, vide DD No. 76 A dt. 27.03.2019 at PS DBG Road. Copy of notice under Section 107 / 111 CrPC. Is filed by the applicant alongwith the present bail application. It is not in dispute that the complainant and her husband are residing in portion of the property belonging to applicant and his family members after death of his father. The applicant /accused is not shown to be required for the purpose of his custodial interrogation in any manner and he is stated to be having clean antecedents.

VIDYA
PRAKASH

Digitally
signed by
VIDYA
PRAKASH
Date:
2020.10.05
17:24:33
+0530

Contd....3

Bail Application No. 1329/20

FIR No. 231/2020

PS: DBG Road

State Vs. Harjot Singh

- 3 -

After considering the facts and overall circumstances of the present case, including the fact that custodial interrogation of the applicant/ accused is not required and prima facie, there seems to be property dispute between the parties and in the light of discussion made herein above, the Court is of the view that the applicant /accused has made out a ground for grant of pre-arrest bail to him. Accordingly, the present bail application is hereby allowed and it is hereby ordered that in the event of his arrest, the applicant/ accused namely **Harjot Singh** shall be released on bail subject to furnishing personal bond in the sum of Rs.15,000/- with one surety in the like amount to the satisfaction of IO/ SHO/ Arresting Officer and subject to the conditions that he shall join the investigation as and when so required and shall co-operate with the investigating agency.

Copy of this order be given dasti to both the sides electronically, as per rules.

VIDYA
PRAKASH

Digitally signed
by VIDYA
PRAKASH
Date:
2020.10.05
17:24:45 +0530

(Vidya Prakash)
Addl. Sessions Judge (Electricity)
Central District/ THC/Delhi
05.10.2020