

16.09.2020

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State.

None has joined meeting through webex.

This is an application for calling status report from PS Civil Lines.

Reply of IO has been filed.

Ld. Counsel for applicant telephonically informed the Reader that he cannot join the video conferencing today.

At request, be put up for arguments, if any/FP On 17.09.2020.

Copy of order be uploaded on Delhi District Court website.

**MANOJ  
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Date:  
2020.09.16  
19:51:58 +0530

**(MANOJ KUMAR)**

MM-06(C)/THC/Delhi/16.09.2020

16.09.2020

**Through Video conferencing at 10:20 am.**

*This is an application for releasing articles i.e. one mixer machine, one amplifier, one speaker, one bag with led, eight boards, eight mat stand base, carpet, iron stairs and iron pipe.*

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State.

Sh. Rajender Kumar, Ld. Counsel on behalf of applicants Rajbir Singh and Vinod

Giri has joined through Cisco Webex.

IO has filed his reply. Copy of same supplied to Ld. Counsel electronically.

Instead of releasing the articles on superdari, this Court is of the view that the articles has to be released as per directions of **Hon'ble High Court of Delhi** in matter of "**Manjit Singh Vs. State**" in CrI. M.C. No. 4485/2013 dated 10.09.2014.

**Hon'ble High Court of Delhi** in above-said judgment/order while relying upon the judgments of **Hon'ble Supreme Court of India** in matter of "**Sunderbhai Ambalal Desai Vs. State of Gujarat**", AIR 2003 SUPREME COURT 638, "**General Insurance Council & Ors. Vs. State of Andhra Pradesh & Ors.**" Writ Petition (C) No.14 of 2008 decided on 19.04.2010 and "**Basavva Kom Dyamangouda Patil Vs. State of Mysore**", (1977) 4 SCC 358 has held : -

*"59. The valuable articles seized by the police may be released to the person, who, in the opinion of the court, is lawfully entitled to claim such as the complainant at whose house theft, robbery or dacoity has taken place, after preparing detailed panchnama of such articles, taking photographs of such articles and a security bond.*

*60. The photographs of such articles should be attested or countersigned by the complainant, accused as well as by the person to whom the custody is handed over. Whenever necessary, the court may get the jewellery articles valued from a government approved valuer.*

*61. The actual production of the valuable articles during the trial should not be insisted upon and the photographs along with the panchnama should suffice for the purposes of evidence.*

Considering the facts and circumstances and law laid down by **Hon'ble High Court of Delhi**, articles in question as per reply be released to the applicants on furnishing security bond as per valuation report of the articles and after preparation of panchnama and taking photographs of articles as per directions of **Hon'ble High of Delhi** in above cited paragraphs. IO is directed to get the valuation done of the articles prior to the release the same to the applicant as per directions of **Hon'ble High Court of Delhi**. Panchnama, photographs, valuation report and security bond shall be filed along-with final report.

Copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of SHO PS Civil Lines. The printout of the applications, 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/16.09.2020

16.09.2020

**Through Video conferencing at 10:05 am.**

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State.

Sh. S.R. Kamat, Ld. Counsel on behalf of applicant joined through Cisco

Webex.

Report on behalf of IO filed. Copy of same supplied to Ld. Counsel for applicant. Perusal of the report shows that 2 days time is required to verify the RC of the vehicle.

At request, be put up on 18.09.2020.

Issued notice to IO with direction to file fresh report on 18.09.2020.

Copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of SHO PS Civil Lines. The printout of the applications, 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/16.09.2020

16.09.2020

**Through Video conferencing at 11:05 am.**

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State.  
Sh. Chanderkant Tyagi, Ld. Counsel on behalf of applicant Pawan Tyagi has joined through Cisco Webex.

Report on behalf IO/SI Deepak Lochab filed. Copy of same supplied to Ld. Counsel for applicant electronically.

Ld. Counsel for applicant argued that police officials of PS Civil Lines have been regularly filing false report before the Court. In today's report, IO submitted that they have received the copy of order dated 09.09.2020 on 11.09.2020. He further submitted that yesterday, he filed the report stating that earlier IO/SI Robin was on leave. However, earlier IO/SI Robin has been transferred from the PS. Ld. Counsel for applicant further submitted that despite specific order of this Court, CCTV footages have not been preserved by the concerned DCP. He further submitted that direction was issued to the DCP for preservation of the CCTV footage/cameras, but report has not been filed on behalf of DCP. Ld. Counsel for applicant/accused made specific allegations against the concerned IO and SHO regarding handling of the present case and filing of false and misleading reports before the Court. He further submitted that SHO and IO deliberately delaying preservation of CCTV footages so that crucial evidence may vanish due to lapse of time.

Heard. Perused.

Perusal of the report of IO shows that they have received the notice regarding preservation of CCTV footage/cameras on 11.09.2020. However, the order passed by this Court on 09.09.2020 and same has been electronically sent to the concerned DCP and SHO on the same day. Moreover, the reply filed by the IO is evasive as he has not stated anything about preservation of CCTV footages. IO reiterated the entire facts of the case which was not sought by this Court. It seems that IO malafidely misleading the Court and not filing proper report before the Court.

Thus, considering the urgency in the matter, let notice be issued to concerned DCP with direction to file detailed report electronically regarding compliance of order dated 09.09.2020 on 17.09.2020.

Copy of order be uploaded on Delhi District Court website. Copy be also sent to concerned DCP and SHO electronically.

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**(MANOJ KUMAR)**

MM-06(C)/THC/Delhi/16.09.2020

16.09.2020

*This is an application for releasing articles i.e. 12 boxes of sleepers.*

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State.

Applicant Sandeep Mittal has not the joined the meeting despite intimation.

IO has filed his reply. Copy of same supplied to applicant electronically.

Instead of releasing the articles on superdari, this Court is of the view that the articles has to be released as per directions of *Hon'ble High Court of Delhi* in matter of "*Manjit Singh Vs. State*" in CrI. M.C. No. 4485/2013 dated 10.09.2014.

*Hon'ble High Court of Delhi* in above-said judgment/order while relying upon the judgments of *Hon'ble Supreme Court of India* in matter of "*Sunderbhai Ambalal Desai Vs. State of Gujarat*", AIR 2003 SUPREME COURT 638, "*General Insurance Council & Ors. Vs. State of Andhra Pradesh & Ors.*" Writ Petition (C) No.14 of 2008 decided on 19.04.2010 and "*Basavva Kom Dyamangouda Patil Vs. State of Mysore*", (1977) 4 SCC 358 has held : -

*"59. The valuable articles seized by the police may be released to the person, who, in the opinion of the court, is lawfully entitled to claim such as the complainant at whose house theft, robbery or dacoity has taken place, after preparing detailed panchnama of such articles, taking photographs of such articles and a security bond.*

*60. The photographs of such articles should be attested or countersigned by the complainant, accused as well as by the person to whom the custody is handed over. Whenever necessary, the court may get the jewellery articles valued from a government approved valuer.*

*61. The actual production of the valuable articles during the trial should not be insisted upon and the photographs along with the panchnama should suffice for the purposes of evidence.*

Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, articles in question as per reply be released to the applicant on furnishing security bond as per valuation report of the articles and after preparation of panchnama and taking photographs of articles as per directions of *Hon'ble High of Delhi* in above cited paragraphs. IO is directed to get the valuation done of the articles prior to the release the same to the applicant as per directions of *Hon'ble High Court of Delhi*. Panchnama, photographs, valuation report and security bond shall be filed along-with final report.

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. The printout of the applications, 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/16.09.2020

16.09.2020

**Through Video conferencing at 10:45 am.**

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State.  
Sh. Anil Kumar, Ld. Counsel on behalf of applicant/accused Jitender has  
joined through Cisco Webex.

This is an application under Section 437 Cr. PC for grant of bail of applicant/accused wherein it has been submitted that applicant/accused has been falsely implicated and he is in JC since 03.09.2020. Ld. Counsel argued that recovery has already been effected. He further argued that TIP of accused not got conducted and there is no identification of recovered money. Therefore, he should be granted bail in this matter.

Reply of IO has been filed. Copy of same supplied to Ld. Counsel electronically. Perusal of the same shows that out of the stolen amount of Rs.1 lakh, Rs.65,000/- got recovered from the possession/at the instance of applicant/accused. The co-accused still to be arrested. The applicant/accused is a habitual offender and involved in several other cases.

Submissions of both sides heard.

Recovery has been effected from applicant/accused and he is involved in several other cases. So, considering the seriousness of the allegations and antecedent of applicant/accused, this court is not inclined to grant bail to the applicant/accused and the present bail application is hereby rejected.

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. The printout of the applications, reply and the order be kept for records and be tagged with the final report.

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MM-06(C)/THC/Delhi/16.09.2020

16.09.2020

**Through Video conferencing at 10:15 am.**

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State.

Sh. C.D. Rai, Ld. Counsel on behalf of accused Yashwant Singh has joined through Cisco Webex.

Be put up for purpose already fixed/FP on 07.01.2021.

Copy of order be uploaded on CIS.

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MM-06(C)/THC/Delhi/16.09.2020

16.09.2020

Through Video conferencing at 10:25 am.

*This is an application for releasing article i.e mobile phone.*

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State.

Applicant Shruti Verma has joined through Cisco Webex.

IO has filed his reply. Same is taken on record.

Instead of releasing the articles on superdari, this Court is of the view that the articles has to be released as per directions of *Hon'ble High Court of Delhi* in matter of "*Manjit Singh Vs. State*" in CrI. M.C. No. 4485/2013 dated 10.09.2014.

*Hon'ble High Court of Delhi* in above-said judgment/order while relying upon the judgments of *Hon'ble Supreme Court of India* in matter of "*Sunderbhai Ambalal Desai Vs. State of Gujarat*", AIR 2003 SUPREME COURT 638, "*General Insurance Council & Ors. Vs. State of Andhra Pradesh & Ors.*" Writ Petition (C) No.14 of 2008 decided on 19.04.2010 and "*Basavva Kom Dyamangouda Patil Vs. State of Mysore*", (1977) 4 SCC 358 has held : -

*"59. The valuable articles seized by the police may be released to the person, who, in the opinion of the court, is lawfully entitled to claim such as the complainant at whose house theft, robbery or dacoity has taken place, after preparing detailed panchnama of such articles, taking photographs of such articles and a security bond.*

*60. The photographs of such articles should be attested or countersigned by the complainant, accused as well as by the person to whom the custody is handed over. Whenever necessary, the court may get the jewellery articles valued from a government approved valuer.*

*61. The actual production of the valuable articles during the trial should not be insisted upon and the photographs along with the panchnama should suffice for the purposes of evidence.*

Considering the facts and circumstances and law laid down by *Hon'ble High Court of Delhi*, article in question i.e. mobile phone be released to the applicant on furnishing security bond as per valuation report of the article and after preparation of panchnama and taking photographs of article including IMEI number as per directions of *Hon'ble High of Delhi* in above cited paragraphs. IO is directed to get the valuation done of the article prior to the release the same to the applicant as per directions of *Hon'ble High Court of Delhi*. Panchnama, photographs, valuation report and security bond shall be filed along-with final report.

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. The printout of the applications, reply and the order be kept for records and be tagged with the final report.

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MM-06(C)/THC/Delhi/16.09.2020



FIR No. 153/20  
PS – Sadar Bazar

16.09.2020

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State.

None has joined meeting through Cisco Webex.

This is an application of the applicant/accused for release of articles seized during jamatalashi as mentioned in the application.

Wrong reply has been filed by IO.

Let, notice be issued to IO with direction to file fresh report on the application of applicant/accused on **17.09.2020**.

Copy of order be uploaded on Delhi District Court website. Copy of order be also sent to the e-mail of SHO PS Civil Lines.

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Date: 2020.09.16  
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MM-06(C)/THC/Delhi/16.09.2020

16.09.2020

**Through Video conferencing at 10:10 am.**

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State.

Sh. P.K. Garg, Ld. Counsel on behalf of applicant/accused Ricky has joined through Cisco Webex.

This is 2<sup>nd</sup> application under Section 437 Cr. PC for grant of bail of applicant/accused wherein it has been submitted that applicant/accused has been falsely implicated and he is in JC since 25.08.2020. Ld. Counsel argued that recovery has already been effected and there is no previous involvement of applicant/accused. He further argued that applicant/accused is very poor and there is no one in the family of applicant/accused to look after his family. He further argued that he has withdrawn the earlier bail application on 04.09.2020. Therefore, he should be granted bail in this matter.

Reply of IO has been filed. Copy of same supplied to Ld. Counsel electronically. Perusal of the same shows that Rs.2,000/- got recovered from the possession/at the instance of applicant/accused.

Submissions of both sides heard.

There is specific allegations against applicant/accused. The FIR got registered under Section 392 IPC. Section 392 IPC entails imprisonment upto 10 years. Considering the specific allegations and the gravity of the offence, this court is not inclined to grant bail to the applicant/accused and the present bail application is hereby rejected.

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. The printout of the applications, 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/16.09.2020

16.09.2020

**Through Video conferencing at 10:55 am.**

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State.  
Sh. S. Haque, Ld. Counsel on behalf of applicant/accused Sonu @ Vishal has  
joined through Cisco Webex.

This is an application under Section 437 Cr. PC for grant of bail of applicant/accused wherein it has been submitted that applicant/accused has been falsely implicated and he is in JC since 30.08.2020. Ld. Counsel argued that recovery has been effected from co-accused/CCL. He further argued that at present, no other case is pending against applicant/accused. The first bail application of applicant/accused was dismissed on 07.09.2020.

Reply of IO has been filed. Copy of same supplied to Ld. Counsel electronically. Perusal of the same shows that Rs.1 lakh was recovered from the possession of CCL. The present applicant/accused was arrested on the basis of secret information and identification by witness Shakeeb. CCTV footage of the area was also checked wherein present applicant/accused and co-accused were seen running from the spot and witness Shakeeb was chasing them. As per police record, applicant/accused is involved in one another FIR bearing No.0260/16 PS Sadar Bazar.

Submissions of both sides heard.

There is specific allegation against applicant/accused. The applicant/accused has been apprehended and identified by witness Shakeeb. There is CCTV footage of the area showing the presence of applicant/accused at the spot. So, considering the specific allegation and the gravity of the offence, this court is not inclined to grant bail to the applicant/accused and the present bail application is hereby rejected.

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. The printout of the applications, reply and the order be kept for records and be tagged with the final report.

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Date: 2020.09.16  
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**(MANOJ KUMAR)**

MM-06(C)/THC/Delhi/16.09.2020

16.09.2020

**Through Video conferencing at 10:00 am.**

*This is an application for releasing article i.e mobile phone.*

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State.

Sh. Karan Soni, Ld. Counsel on behalf of applicant Ghanshyam has joined through Cisco Webex.

IO has filed his reply. Same is taken on record.

Instead of releasing the articles on superdari, this Court is of the view that the articles has to be released as per directions of **Hon'ble High Court of Delhi** in matter of "**Manjit Singh Vs. State**" in CrI. M.C. No. 4485/2013 dated 10.09.2014.

**Hon'ble High Court of Delhi** in above-said judgment/order while relying upon the judgments of **Hon'ble Supreme Court of India** in matter of "**Sunderbhai Ambalal Desai Vs. State of Gujarat**", AIR 2003 SUPREME COURT 638, "**General Insurance Council & Ors. Vs. State of Andhra Pradesh & Ors.**" Writ Petition (C) No.14 of 2008 decided on 19.04.2010 and "**Basavva Kom Dyamangouda Patil Vs. State of Mysore**", (1977) 4 SCC 358 has held : -

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*60. The photographs of such articles should be attested or countersigned by the complainant, accused as well as by the person to whom the custody is handed over. Whenever necessary, the court may get the jewellery articles valued from a government approved valuer.*

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Considering the facts and circumstances and law laid down by **Hon'ble High Court of Delhi**, article in question i.e. mobile phone be released to the applicant on furnishing security bond as per valuation report of the article and after preparation of panchnama and taking photographs of article including IMEI number as per directions of **Hon'ble High of Delhi** in above cited paragraphs. IO is directed to get the valuation done of the article prior to the release the same to the applicant as per directions of **Hon'ble High Court of Delhi**. Panchnama, photographs, valuation report and security bond shall be filed along-with final report.

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MM-06(C)/THC/Delhi/16.09.2020