B.A.No. FIR No. 219/2017 PS Pahar Ganj State v.Shivam @ Prashant U/s 394/397 IPC

01.07.2021

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

videoconferencing.

Sh.HukamChand, Ld.LAC for accused-applicant

throughvideoconferencing.

Hearing is conducted through videoconferencing.

This is an application u/s 439 Cr.P.C. for grant of interim bail for 90 days under HPC guidelines dated 04.05.2021on behalf of accused-applicantShivam in case FIR No.219/2017 filed through DLSA received from Jail Superintendent.

Reply is filed. Copy supplied to Ld. LAC.

Ld. LAC submits that interim bail is being sought under HPC guidelines dated 04.05.2021. That accused-applicant is in JC since 30.07.2017 and case pertains to the offence under Section 394/397/34 IPC.

Ld. Addl. PP submits that accused-applicant besides the present case has two previous involvement and therefore he is not entitled to the benefit under HPC guidelines.

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

(NeeloferAbidaPerveen) SpecialJudge-02, NDPS/ ASJ, (Central), THC/Delhi 01.07.2021

# At 4 pm ORDER

This is an application u/s 439 Cr.P.C. for grant of interim bail for 90 days under HPC guidelines dated 04.05.2021on behalf of accused-applicant Shivam in case FIR No.219/2017 filed through DLSA received from Jail Superintendent.

Ld. LAC submits that submits that present application is filed through DLSA and is received from the Jail Superintendent concerned alongwith custody certificate and conduct report and that the application may be considered under guidelines of HPC dated 04.05.2021 and that the accused-applicant fulfills the criteria as laid down under Clause (v) of the guidelines dated 04.05.2021 as the case pertains to the commission of offence under Section 394/397/34 IPC.

Ld. Addl. PP submits that accused-applicant is not entitled to the benefit of the guidelines as the accused-applicant besides the present case FIR is also involved in two other criminal cases.

Heard

High Powered Committee of Hon'ble High Court in its Minutes of Meeting dated 04.05.2021 laid down following

#### guidelines regarding grant of interim bail to the under trials:-

"Members of the Committee discussed and deliberated upon the proposed category of prisoners, who may be considered for grant of interim bail for 90 days in view of the circumstances in which we are in, preferably on Personal Bond:

- (i) Inmates undergoing Civil Imprisonment;
- (ii) Under trial prisoners (UTPs) who are facing trial in a case which prescribes a maximum sentence of 7 years or less wherein he/she is in custody for a period of 15 days or more;
- (iii) Under trial prisoners (UTFs/Remand Prisoners (with respect to whom, Charge sheets are yet to be filed), who are in custody for 15 days or more, facing trial in a case which prescribes a maximum sentence of 7 years or less;
- (iv) Under trial prisoners (UTPs), who are senior citizens more than 60 years of age and are in custody for three months or more, facing trial in a case which prescribes a maximum sentence of 10 years or less:
- (v) Under trial prisoners (UTPs), who are less than 60 years of age and are in custody for six months or more, facing trial in a case which prescribes a maximum sentence 10 years or less subject to the condition that he should not be involved in any other case which prescribes punishment of more than 7 years
- (vi) Under trial prisoners (UTPs), who are suffering from HIV, Cancer, Chronic Kidney Dysfunction (UTPs requiring Dialysis), Hepatitis B or C, Asthma, and TB and are in custody, facing trial in a case which prescribes maximum sentence of 10 years or less and are not involved in multiple cases:
- (vii) Under trial prisoners (UTPs) who are suffering from HIV, Cancer, Chronic Kidney Dysfunction (UTPs requiring Dialysis), Hepatitis B or C, Asthma, and TB and are in custody for a period of three months or more and facing trial in a case which prescribes punishment of 10 years upto life

- imprisonment and are not involved in multiple cases.
- (viii) Under trial prisoner (UTPs) facing trial for offence under Section 304 IPC and are in jail for more than six months with no involvement in any other case;
- (ix) Under trial prisoners (UTPs) facing trial in a case under Section 307 IPC and are in jail for more than six months; subject to the condition that he should not be involved in any other case which prescribes punishment of more than 7 years;
- (x) Under trial prisoners (UTPs) (who are related as spouse of the deceased) facing trial for a case under 304B IPC and are in jail for more than one year with no involvement in any other case,
- (xi) Under trial prisoners (UTPs) (who are related as father-in-law, mother-in-law, brothers-in-law, sisters-in-law of the deceased) acing trial for offence under Section 304B IPC and are in jail for more than six years with no involvement in any other case.

Thereafter vide MOM dated 11.5.2021, the following clause (xii) was also added:

(xii) Under trial prisoner (UTPs) facing trial for a case under Section 302 IPC and are in jail for more than two years with no involvement in any other case;

Further accepting the concern raised by the Commissioner of Police in the course of the meeting of the committee held on 11.5.2021, that the benefit of the criteria laid down should not be extended to habitual offenders in those having multiple cases against them the High Powered Committee has further resolved as follows:

If, the Under Trial Prisoner falling in one of the eleven

criteria laid down by this Committee in the Minutes of Meeting dated 4<sup>th</sup> May, 2021 and/or in any of the two criteria laid down toady hereinabove has three or more criminal cases pending against him, then his case shall not be considered for grant of interim bail.

The case of the accused-applicant does not qualify for consideration under the guidelines as the accused-applicant besides the present case under Section 394/397/34 IPC is also involved in 02 other criminal cases, ie FIR No.191/17 and FIR No. 257/17, he being a habitual offender for the purposes of the guidelines. The application is therefore dismissed.

Copy of order be forwarded to DLSA and the Jail Superintendent concerned through electronic mode, copy of order shall be served upon the accused-applicant through the Jail Superintendent concerned.

(NeeloferAbidaPerveen) SpecialJudge-02, NDPS/ ASJ, (Central), THC/Delhi

Neeloferm

B.A.No. FIR No.88/2019 PS NDRS State v.Abhishek U/s 363/365/342/384/394/397 IPC

01.07.2021

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

videoconferencing.

Sh. Sunil Kumar, Ld.counsel for accused-applicant

throughvideoconferencing.

Hearing is conducted through videoconferencing.

This is an application u/s 439 Cr.P.C. for grant of interim bail for 90 days under HPC guidelineson behalf of accused-applicant Abhishek in case FIR No. 88/2019.

Custody certificate and custody report is received from Jail Superintendent.

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

(NeeloferAbidaPerveen) SpecialJudge-02, NDPS/

ASJ, (Central), THC/Delhi

01.07.2021

Contd...

### At 4 pm ORDER

This is an application u/s 439 Cr.P.C. for grant of interim bail for 90 days under HPC guidelineson behalf of accused-applicant Abhishek in case FIR No. 88/2019 filed through DLSA received from Jail Superintendent.

Ld. counsel submits that submits that present application may be considered under guidelines of HPC dated 04.05.2021 and that the accused-applicant fulfills the criteria as laid down under Clause (v) of the guidelines dated 04.05.2021 as the case pertains to the commission of offence under Section 363/365/342/384/394/397/323/34 IPC. Ld. counsel for accused-applicant submits that besides the guidelines the accused-applicant also seeks interim bail on the ground of illness of his father, being the only son. That father of accused-applicant is suffering from various ailments. That accused-applicant is in JC since one year and five months.

Ld. Addl. PP submits that accused-applicant is not entitled to the benefit of the guidelines as the accused-applicant besides the present case FIR is also involved in two other criminal cases i.e. FIR No. 1277/2019 PS Patparganj and C. C. No.200/2013 ST No. 124/2014 PS Chandi Nagar, Baghpat, UP.That the conduct of the accused-applicant in custody is reported to be paid and he has been awarded one punishment.

Heard.

High Powered Committee of Hon'ble High Court in its Minutes of Meeting dated 04.05.2021 laid down following guidelines regarding grant of interim bail to the under trials:-

"Members of the Committee discussed and deliberated upon the proposed category of prisoners, who may be considered for grant of interim bail for 90 days in view of the circumstances in which we are in, preferably on Personal Bond:

- (xii) Inmates undergoing Civil Imprisonment;
- (xiii) Under trial prisoners (UTPs) who are facing trial in a case which prescribes a maximum sentence of 7 years or less wherein he/she is in custody for a period of 15 days or more;
- (xiv) Under trial prisoners (UTFs/Remand Prisoners (with respect to whom, Charge sheets are yet to be filed), who are in custody for 15 days or more, facing trial in a case which prescribes a maximum sentence of 7 years or less;
- (xv) Under trial prisoners (UTPs), who are senior citizens more than 60 years of age and are in custody for three months or more, facing trial in a case which prescribes a maximum sentence of 10 years or less:
- (xvi) Under trial prisoners (UTPs), who are less than 60 years of age and are in custody for six months or more, facing trial in a case which prescribes a maximum sentence 10 years or less subject to the condition that he should not be involved in any other case which prescribes punishment of more than 7 years
- (xvii) Under trial prisoners (UTPs), who are suffering from HIV, Cancer, Chronic Kidney Dysfunction (UTPs requiring Dialysis), Hepatitis B or C, Asthma, and TB and are in custody, facing trial in a case which prescribes maximum sentence of 10 years or less and are not involved in multiple cases;
- (xviii) Under trial prisoners (UTPs) who are suffering from HIV, Cancer, Chronic Kidney Dysfunction

(UTPs requiring Dialysis), Hepatitis B or C, Asthma, and TB and are in custody for a period of three months or more and facing trial in a case which prescribes punishment of 10 years upto life imprisonment and are not involved in multiple cases.

- (xix) Under trial prisoner (UTPs) facing trial for offence under Section 304 IPC and are in jail for more than six months with no involvement in any other case;
- (xx) Under trial prisoners (UTPs) facing trial in a case under Section 307 IPC and are in jail for more than six months; subject to the condition that he should not be involved in any other case which prescribes punishment of more than 7 years;
- (xxi) Under trial prisoners (UTPs) (who are related as spouse of the deceased) facing trial for a case under 304B IPC and are in jail for more than one year with no involvement in any other case,
- (xxii) Under trial prisoners (UTPs) (who are related as father-in-law, mother-in-law, brothers-in-law, sisters-in-law of the deceased) acing trial for offence under Section 304B IPC and are in jail for more than six years with no involvement in any other case.

Thereafter vide MOM dated 11.5.2021, the following clause (xii) was also added:

(xii) Under trial prisoner (UTPs) facing trial for a case under Section 302 IPC and are in jail for more than two years with no involvement in any other case;

Further accepting the concern raised by the Commissioner of Police in the course of the meeting of the committee held on 11.5.2021, that the benefit of the criteria laid down should not be extended to habitual offenders ie those having multiple cases against them the High Powered Committee has further resolved as follows:

If, the Under Trial Prisoner falling in one of the eleven

criteria laid down by this Committee in the Minutes of Meeting dated 4<sup>th</sup> May, 2021 and/or in any of the two criteria laid down toady hereinabove has three or more criminal cases pending against him, then his case shall not be considered for grant of interim bail.

The case of the accused-applicant does not qualify for consideration under the guidelines as the accused-applicant, as per the custody certificate, besides the present case FIR No. 88/2019, under Section 363/365/342/384/394/397/324/34 IPC, is running in custody and facing trial in02 other criminal cases, ie FIR No.1277/2019 and CC No.200/2013, ST No. 124/2014, u/s 420/413 IPC PS Chandi Nagar Bhagpat, he being a habitual offender for the purposes of the guidelines. The application is therefore dismissed.

Copy of order be forwarded to Ld. counsel for accusedapplicant and the Jail Superintendent concerned through electronic mode, copy of order shall be served upon the accusedapplicant through the Jail Superintendent concerned.

> (NeeloferAbidaPerveen) SpecialJudge-02, NDPS/

Neelofum

ASJ, (Central), THC/Delhi

B.A.No. FIR No. 99/2019 PS Timarpur State v.Jishan U/s 302 IPC 01.07.2021

Present:

Sh. K.P. Singh, Ld Addl. PP for State through

videoconferencing.

Sh. Jitender Kumar Tiwari, Ld. Counsel for accused-

applicant through videoconferencing.

Hearing is conducted through videoconferencing.

This is an application u/s 439 Cr.P.C. for grant of regular bail on behalf of accused-applicant Jishan in case FIR No.99/2019.

Reply is filed. Copy supplied.

Ld. counsel for the accused-applicant in the course of arguments has sought to refer to documents from the chargesheet.

Let the chargesheet be forwarded electronically on the email ID of the Court.

For record and consideration, put up on 13.07.2021.

Copy of order be forwarded to Ld.Counsel for accusedapplicant through electronic mode.

> (NeeloferAbidaPerveen) SpecialJudge-02, NDPS/

Neelofum

ASJ, (Central), THC/Delhi

B.A.No. FIR No.308/2018 PS Crime Branch State v.Sobhe Ram U/s 20 NDPS Act

01.07.2021

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

videoconferencing.

Sh. Sumit Sharma, Ld. Counsel for accused-applicant

through videoconferencing.

Hearing is conducted through videoconferencing.

This is an application u/s 439 Cr.P.C. for grant of regular bailon behalf of accused-applicantSobhe Ram in case FIR No. 308/2018.

Arguments heard. For orders, put up on 03.07.2021.

Copy of order be forwarded to Ld.Counsel for accusedapplicant through electronic mode.

> (NeeloferAbidaPerveen) SpecialJudge-02, NDPS/ ASJ, (Central), THC/Delhi

B.A.No. 166/2021 FIR No. 209/2017 PS Karol Bagh State v.Madan U/s 380/392/395/482/419/120B/34 IPC

01.07.2021

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

videoconferencing.

None for accused-applicant through video

conferencing.

Hearing is conducted through videoconferencing.

This is an application u/s 439 Cr.P.C. for grant of interim bailon behalf of accused-applicant Madan in case FIR No. 206/2017.

Supplementary report is filed. Copy be supplied to Ld. counsel for accused-applicant.

None has joined webex hearing on behalf of the accused-applicant. In the interest of justice, for consideration, put up on 13.07.2021.

Copy of order be forwarded to Ld.Counsel for accusedapplicant through electronic mode.

> (NeeloferAbidaPerveen) SpecialJudge-02, NDPS/

Neeloferm

ASJ, (Central), THC/Delhi

B.A.No. FIR No. 117/2018 PS Crime Branch State v.Jaswinder U/s 18/29 NDPSAct

01.07.2021

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

videoconferencing.

Sh.SumitSharma, Ld. Counsel for accused-

applicant through videoconferencing.

Hearing is conducted through videoconferencing.

This is an application u/s 439 Cr.P.C. for extension of interim bailon behalf of accused-applicant Jaswinder in case FIR No. 117/2018.

Ld. counsel for the accused-applicant submits that after being release on interim bail was able to find the buyer and agreement to sell has been executed in respect of the immovable property on 28.06.2021 and part payment has been received and that remaining payment is to be made on 09.07.2021 whereupon the registry shall be got done and that agreement to sell and receipt of the part consideration amount be verified by the IO. Ld. counsel for accused-applicant also seeks benefit of the Full Bench order dated 20.04.2021 passed in writ petition (C) No. 4921/2021 Court on its own Motion v. State of GNCT of Delhi.

Let documents annexed with the application be

verified.

For report and consideration, put up on **06.07.2021**. Interim bail is extended till then on the same terms and conditions.

Copy of order be forwarded to Ld.Counsel for accusedapplicant through electronic mode.

> (NeeloferAbidaPerveen) SpecialJudge-02, NDPS/

ASJ, (Central), THC/Delhi 01.07.2021 M.A.No. FIR No. 122/2019 PS Crime Branch State v.Vijay Majhi U/s 20/25/29 NDPS Act

01.07.2021

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

videoconferencing.

Sh. Pradeep Kumar, Ld. Counsel for accused-

applicant through videoconferencing.

Hearing is conducted through videoconferencing.

This is an application of reduction of surety on behalf of accused-applicant Vijay Majhi in case FIR No. 122/2019.

Ld. counsel for the accused-applicant submits that the accused-applicant has been granted bail vide order dated 07.06.2021 subject to furnishing personal bond in the sum of Rs.50,000/- with one local surety in the like amount. It is submitted that accused-applicant belongs to weaker section of the society and is not able to arrange surety in the amount of Rs.50,000/- and that surety amount may kindly be reduced.

Heard.

In view of the fact that accused-applicant has been granted bail on 07.06.2021 and till date has not been able to arrange surety and that accused-applicant belongs to weaker section of the society, application is allowed and order dated

07.06.2021 is modified to the extent that accused-applicant released on bail subject to furnishing personal bond in the sum of Rs. 20,000/- with one surety in the like amount and subject to the further condition that he shall mark his presence before the SHO of concerned PS on 1<sup>st</sup> and 15<sup>th</sup> of each calendar month. Rest of the conditions shall remain same as mentioned in the order dated 07.06.2021.

Application stands disposed of.

Copy of order be forwarded to Ld.Counsel for accusedapplicant through electronic mode.

> (NeeloferAbidaPerveen) SpecialJudge-02, NDPS/ ASJ, (Central), THC/Delhi 01.07.2021

FIR No. 29/2019 PS Crime Branch State v.Vinay U/s 21/29 NDPS Act

01.07.2021

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

videoconferencing.

Sh. Adil Malik, Ld. Counsel for accused-applicant

through videoconferencing.

Hearing is conducted through videoconferencing.

This is an application of case FIR No. 29/2019 for directions to the Jail Superintendent for supplying medical documents of accused-applicant Vinay..

Ld. counsel for the accused-applicant submits that accused-applicant is suffering from acute abdomen pain and was admitted in DDU Hospital on 24.6.2021, and as per information received, he is suffering from stone in his kidney, that there is improvement in his condition despite treatment being provided to him from Jail Dispensary andthat the Jail Superintendent may be directed to supply the medical documents to the accused-applicant or his family members so that he can obtain second opinion.

Ld Counsel has been called upon to assist the Court as to under what provision of law such directions for supply of medical record can be passed, Ld. Counsel is not in a position to rely upon any provision of Law. Taking into consideration the contents of the application, let medical health status report however be sought for in respect of the accused-applicant.

For Report, put up on 14.7.2021.

Copy of order be forwarded to Ld.Counsel for accusedapplicant through electronic mode.

> (NeeloferAbidaPerveen) SpecialJudge-02, NDPS/ ASJ, (Central), THC/Delhi

Neelgerm

FIR No. 307/2021 PS Kashmere Gate State v.Bohad Singh etc. U/s 22 NDPS Act

01.07.2021

Present: Sh. K.P. Singh, Ld Addl. PP for State with IO through videoconferencing.

Accused Bohad Singh, Sewak Singh, Naved @ Naveen, Vinod, Gaurav Kala, Naved @ Naveen and Narender @ Pintu are produced from JC through video conferencing. Accused

Sh. Yatinder Kumar, Remand Advocate through videoconferencing.

Hearing is conducted through videoconferencing.

This is an application for grant of JC remand of the accused persons for 14 days.

IO submits that accused Bohad Singh, Sewak Singh & Vinod in case FIR No. 307/2021 were arrested on 3.6.21 as 42000 tramadol tablets were recovered from their possession. Upon further query of the Court the IO stated that the three accused were travelling in one Ola Car and one bag was recovered from the said Ola car containing 42000 tramadol tablets and that the three accused, who were passengers in the Ola Car were not able to provide any invoice in respect of huge quantity of tramadol and nor

were able to give any satisfactory reply upon which they were arrested in the present case. That the Ola Car driver is a public witness who has been joined in the investigation and that upon the disclosures made by the three accused, the source of the recovered tramadol has also been exposed and apprehended. That investigation is pending in respect of the Pharma company that manufactured the drugs.

IO submits that accused Naved @ Naveen had booked Ola car and had handed over the bag containing Tramadol to the accused from whose possession Tramadol was recovered and that Naved @ Naveen had purchased the recovered Tramadol from Gaurav accused. That Gaurav accused had procured the said Tramadol from Narender @ Pintu accused who runs a chemist shop and had obtained the recovered Tramadol from the manufacturing pharmaceutical i.e. Horizon company Pharmaceutical, Kala Amb, HP and that investigation is pending into the aspect of involvement of officials of said pharmaceutical company. That the said pharma is already under the scanner as there are FIR's registered in Punjab and in Himachal state in respect of several irregularities in its functioning and several raids have already been conducted at the premises of the said pharmaceutical company by the Punjab Police. The role of the officials of said pharmaceutical is yet to be examined in connection with the present recovery. That usually accused Narender @

Pintu used to procure the medicines form the said pharmaceutical company, however, he could not produce any bill/invoice for the purchase of Tramadol.

Investigation is still pending on the aspect that as to from whereaccused Narender @ Pintu had procured the said Tramadol.

In view thereof, JC remand of accusedBohad Singh, Sewak Singh, Vinod, Naved @ Naveen, Gaurav Kala and Narender @ Pintu is extended till **13.07.2021**.

Copy of order be forwarded to Ld.Counsel for accusedapplicant through electronic mode.

> (NeeloferAbidaPerveen) SpecialJudge-02, NDPS/ ASJ, (Central), THC/Delhi

# FIR No.32/2019 PS Prasad Nagar State v.Ashu Sagar

01.07.2021

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

videoconferencing.

Ld. Counsel for accused-applicant with surety through

videoconferencing.

Hearing is conducted through videoconferencing.

Report in respect of verification of Surety received.

Mobile number of the surety be also mentioned on the bonds.

Intimation be sent to the RTO in respect of the vehicle of the surety.

In view of the report, bail bonds are accepted.

Personal bond be sent to jail for attestation alongwith release warrants.

(NeeloferAbidaPerveen) SpecialJudge-02, NDPS/ ASJ, (Central), THC/Delhi

## FIR No.97/2019 PS Crime Branch State v. Sarfaraz

01.07.2021

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

videoconferencing.

Sh. Anwar Ahmed Khan, Ld.Counselfor accused-

applicant with sureties through videoconferencing.

Hearing is conducted through videoconferencing.

Report in respect of verification of Surety received.

In view of the report, bail bonds are accepted. FDRs of the sureties be retained on record. Mobile numbers of the sureties be also mentioned on the bonds.

Personal bond be sent to jail for attestation alongwith release warrants.

(NeeloferAbidaPerveen) SpecialJudge-02, NDPS/

ASJ, (Central), THC/Delhi

FIR No.05/2014
PS Special Cell
State v. Tamanna etc.

01.07.2021

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

Accused Tamanna and Kurban produced from JC through video conferencing.

Sh. Prasanna, counsel for Kurban through video conferencing.

Sh. R. K. Tyagi, Counsel for accused Nuhu Sheik through videoconferencing.

Accused Nuhu Sheikh on bail is not present through VC. Hearing is conducted through videoconferencing.

An application for exemption from personal appearance is filed on behalf of accused Nuhu Sheikh on the ground that the accused is a resident of remote Village Murgitola, District Rajmahal in Jharkhand and the state is in lockdown till 24 June 2021 and as such he has not been able to travel to Delhi. Being neither educated/technology savvy nor having access to quality internet available to him, he shall not be able to appear today through Video Conference also. That the applicant/accused had appeared physically before this Court when final arguments were being addressed on behalf of other accused to instruct his counsel. For

the reasons mentioned in the application, same is allowed for today only.

Ld. counsel for accused Nuhu Shiekh submits that written submissions are already forwarded on email ID of the Court in terms of previous order.

For further arguments, put up on 07.07.2021.

(NeeloferAbidaPerveen) SpecialJudge-02,NDPS/

ASJ,(Central),THC/Delhi

## C.A.No.441/2019 Shyambir Singh v State

01.07.2021

Present: None for appellant.

Sh. K.P. Singh, Ld Addl. PP for State-respondent

through videoconferencing.

Hearing is conducted through videoconferencing.

Ld. counsel for appellant when contacted on phone submitted that he requires physical hearing for the purpose of arguments in the matter and requests for longer date.

At the request of Ld. counsel for appellant, for arguments, put up on **25.08.2021.** 

(NeeloferAbidaPerveen) SpecialJudge-02, NDPS/ ASJ, (Central), THC/Delhi