

16.01.2021

Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, the cases are being taken up through Video Conferencing today.

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

Joined through Video Conferencing on Cisco Webex.

The present application for grant of bail U/s 437 Cr.P.C. has been moved on behalf of applicant/accused Rahul s/o Sh. Umesh Ram.

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State (through V.C.).
Mr. Ajesh Kumar Sharma, Ld. Counsel for applicant/accused (through V.C).

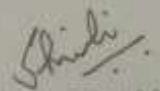
Reply of IO has been filed electronically. Copy of same has been sent to Ld. Counsel for the applicant/accused electronically.

Ld. Counsel for applicant/accused has placed on record a copy of AADHAR card of applicant/accused alongwith the present application. On perusal of the AADHAR card, it has come to notice of this Court that the date of birth of applicant/accused is 08.01.2005 i.e. age of applicant/accused is 16 years.

Accordingly, since the matter requires urgent attention, let notice be issued to IO ASI Pramod Kumar to appear in person before Ld. Duty MM as per prevailing Duty Roster on 17.01.2021 at 12.00 pm alongwith age verification documents of applicant/accused.

Ahlmad is directed to place the present application before Ld. Duty MM as per prevailing duty roster on 17.01.2021.

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.


(SHIVLI TALWAR)
MM-06(C)/THC/Delhi/16.01.2021

Received copy of order
2/1/21
ASI Pramod
PS - Civil Lines
dt 16-1-21

16.01.2021

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

This is an application for releasing of vehicle bearing No. DL-14-SL-9415 on superdari filed by applicant/ registered owner Sh. Vipin Rana.

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

Sh. Tushar Srivastava, Ld. Counsel for applicant joined through V.C.

Reply filed by the IO. Same is take on record. As per the reply of IO, he has no objection in releasing the same to the applicant as it is stated that the vehicle in question 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-14-SL-9415** be released to the applicant/rightful owner/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/rightful owner/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.

Copy of this order be given dasti to the applicant. Punchnama alongwith photographs, valuation report etc shall be filed in the Court alongwith final report. One copy of order be uploaded on CIS. Copy of order be also sent to the e-mail of SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant/applicant.



(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/16.01.2021

State Vs. Pankaj @ Nonu
e-FIR No. 023397/20
PS Sadar Bazar
U/s 379/411 IPC

16.01.2021

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

Joined through Video Conferencing on Cisco Webex.

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State (through V.C.).
Sh. Prakash Sharma, Ld. Counsel for applicant.

An application for supplying of copy of FIR has been filed on behalf of applicant.

Copy of FIR has been filed physically by IO in Court. Same is taken on record.

Copy of FIR has been sent to Ld. Counsel for applicant electronically.

In view of same, the present application stands 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 SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant/ applicant.



(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/16.01.2021

State Vs. Nitin @ Kamal @ Bagga
e-FIR No. 000382/20
PS Sadar Bazar
U/s 379/411 IPC

16.01.2021

Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, the cases are being taken up through Video Conferencing today.

File taken up today on the application for grant of bail U/s 437 Cr.P.C. moved on behalf of applicant/accused Nitin @ Kamal @ Bagga s/o Sh. Kale Ram.

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State through V.C.
Sh. Vikas Agrawal, Ld. LAC for applicant/accused through V.C.

It is submitted by Ld. LAC for applicant/accused that applicant/accused is innocent and has been falsely implicated in the present case. It is further submitted that no recovery has been made from or at the instance of the applicant/accused and the alleged recovery has been planted by the police. It is further submitted that the applicant/accused is in J/C since 12.09.2020 and investigation qua him is already complete and charge-sheet has already been filed in the present matter and further custodial interrogation of the applicant/accused is no more required. It is further submitted that the applicant/accused belongs to a very poor family, he is a labourer by profession and is the sole bread earner of his family. It is further submitted that applicant/accused is a permanent resident of Delhi. Therefore, it has been prayed that the applicant/accused be released on bail.

Reply of IO has been filed electronically. Copy of same has been sent to Ld. LAC for the applicant/accused electronically. Perusal of the same reveals that a part of stolen amount i.e. Rs. 500/- out of the total stolen amount of Rs. 1000/- was recovered from the possession of applicant/accused. It is further stated that applicant/accused is a BC of the area of PS Sadar Bazar and involved in many other criminal cases.

Ld. substitute APP for the State has opposed the bail application on the ground that a part of stolen amount i.e. Rs. 500/- out of the total stolen

Shinde

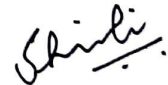
amount of Rs. 1000/- was recovered from the possession of applicant/accused. It is submitted that the applicant/accused is a habitual offender and has previous involvement in many criminal cases and he may commit similar offences again, if released on bail.

I have given thoughtful consideration to the facts and circumstances of the case and carefully perused the record in light of submissions made before me.

Perusal of previous involvement report filed by IO reveals that applicant/accused is a habitual offender and has been involved in multiple other cases of a similar nature. Hence, there is strong likelihood that applicant/accused may commit similar offences again, if released on bail. Thus, considering the antecedents of applicant/accused, this Court is not inclined to grant bail to the applicant/accused at this stage. Hence, bail application of applicant/accused stands dismissed.

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.



(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/16.01.2021

FIR No.07/21
PS Civil Lines

16.01.2021

Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, the cases are being taken up through Video Conferencing today.

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

This is an application for releasing of mobile make Oppo A-53 on superdari filed by applicant Ms. Simran.

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State (through V.C.).

Ms. Simran, applicant (daughter of registered owner) through V.C.

Reply on behalf of IO filed electronically.

The applicant has filed a copy of bill of mobile phone on record, perusal of which shows that the name of owner of mobile phone is Dhani Ram (father of applicant). Applicant is the complainant in the present FIR and submits that she is the AR of owner of mobile phone. On query made by the Court, the applicant has stated her age to be 17 years. Accordingly, the said mobile phone cannot be released to her as she is a minor.

The present application stands dismissed. Owner of mobile phone is at liberty to move a fresh application seeking release of the said mobile phone on superdari.

Copy of this order be given dasti to the applicant. 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/applicant.



(SHIVI TALWAR)

MM-06(C)/THC/Delhi/16.01.2021

16.01.2021

Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, the cases are being taken up through Video Conferencing today.

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

This is an application for releasing of vehicle bearing No. DL-2SQ-5264 on superdari filed by applicant/ registered owner Sh. Mohd. Afzal.

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

Sh. Shiva Nand Sharma, Ld. Counsel for applicant joined through V.C.

Reply filed by the IO. Same is take on record. As per the reply of IO, he has no objection in releasing the same to the applicant as it is stated that the vehicle in question 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-2SQ-5264** be released to the applicant/rightful owner/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/rightful owner/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.

Copy of this order be given dasti to the applicant. Punchnama alongwith photographs, valuation report etc shall be filed in the Court alongwith final report. One copy of order be uploaded on CIS. Copy of order be also sent to the e-mail of SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant/ applicant.


(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/16.01.2021

State Vs. Vijay @ Mikka
FIR No. 15/21
PS Civil Lines
U/s 25/54/59 Arms Act

16.01.2021

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

Joined through Video Conferencing on Cisco Webex.

The present application for grant of bail U/s 437 Cr.P.C. has been moved on behalf of applicant/accused Vijay @ Mikka s/o Sh. Umesh Ram.

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State (through V.C.).

Mr. Ajesh Kumar Sharma, Id. Counsel for applicant/accused (through V.C).

It is submitted by Ld. Counsel for applicant/accused that applicant/accused is innocent and has been falsely implicated in the present case. It is further submitted that no recovery has been made from or at the instance of the applicant/accused and the alleged recovery has been planted by the police. It is further submitted that the past antecedents of the applicant/accused are clean and he is not a previous convict. It is further submitted that the applicant/accused is in J/C since 12.01.2021 and investigation qua him is already complete and he is no more required for any custodial interrogation. It is further submitted that the applicant/accused is the sole bread earner of his family. Therefore, it has been prayed that the applicant/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 electronically. Perusal of the same reveals that one desi katta and one live bullet were recovered from the possession of applicant/accused. It is further stated that the applicant/accused has not been previously involved in any other case, however, the bail application is opposed on the ground that his family has no control over him and he may abscond, if released on bail.



Ld. Substitute APP for the State has opposed the bail application on the ground that one desi katta and one live bullet have been recovered from the possession of the applicant/accused. It is further submitted that since family of applicant/accused has no control over him, the applicant/accused may abscond and commit similar offence again, if enlarged on bail.

I have given thoughtful consideration to the facts and circumstances of the case and carefully perused the record in light of submissions made before me.


Applicant/accused is a first time offender. Recovery has already been effected. Thus, this Court is of the considered view that no fruitful purpose would be served by keeping the applicant/accused behind bars. Hence, applicant/accused is admitted to bail subject to furnishing of personal bond in the sum of Rs. 15,000/- with one surety of like amount, to the satisfaction of Id. Duty MM as per prevailing duty roster, 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 induce, 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.


(SHIVLI TALWAR)

MM-06(C)/THC/Delhi/16.01.2021

16.01.2021

Vide Office Order No. 1417/25841-991 DJ(HQ)/Covid Lockdown/ Physical Courts Roster/ 2020 dated 23.12.2020, the cases are being taken up through Video Conferencing today.

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This is an application for releasing of vehicle bearing No. DL-10-SS-6297 with the permission for disposal with liberty of sale has been filed by applicant/AR

Mohd. Basharat Ali.

Present : Sh. Pankaj Gulia, Ld. Substitute APP for the State (through V.C.).

Sh. Vijender Kumar, Id. Counsel for applicant has joined through
V.C.

File taken up today on application for releasing of above said vehicle with the permission for disposal / sale moved by the applicant AR of the HDFC Ergo, GIC Company Ltd.

Issue notice of the present application upon the owner of vehicle namely, Karan Kumar s/o Sh. Ram Dass to appear in person before the Court on **22.01.2021.**

One copy be given to the applicant. One copy of order be uploaded on CIS. Copy of order be also sent to the e-mail of SHO PS Civil Lines/Sadar Bazar and Ld. Counsel for the applicant/applicant.



(SHIVLI TALWAR)
MM-06(C)/THC/Delhi/16.01.2021