

State vs. Ashish @ Ashu

FIR No. 25/2020

Under Section 376/366/363 IPC & 6 POCSO Act

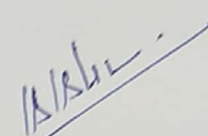
PS Burari

31.05.2021

Proceedings convened through Video Conferencing.

Present : Mr. J.S. Malik, Ld. Addl. PP for the State.
Mr. Mohit Kaushik, Proxy Advocate for Mr. Arvind Vats,
Advocate for the accused, namely, Ashish @ Ashu.
IO SI Pushpendra alongwith the prosecutrix is present.

As requested by Ld. Proxy Advocate for the applicant, the bail application be put up before the Court of Sh. Sushant Chagotra, Ld. ASJ/FTSC/POCSO-01, Central District, Tis Hazari Courts, Delhi on **07.06.2021**. IO shall appear alongwith the prosecutrix.


Sanjay Sharma-II
Vacation Judge
ASJ-03, Central District,
Tis Hazari Courts, Delhi
31.05.2021

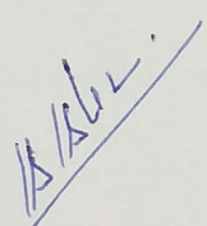
NK

State vs. Gurumukh Singh
FIR No. 81/2016
Under Section 392/397/414/411/34 IPC
PS Gulabi Bagh
31.05.2021

Proceedings convened through Video Conferencing.

Present : Mr. J.S. Malik, Ld. Addl. PP for the State.
Mr. Manoj Kumar and Mr. Ajay Prakash Chahar, Advocates
for the accused, namely, Gurumukh Singh.

Arguments heard. Ld. Counsel for the applicant submitted that the applicant was released on interim bail for 45 days on the basis of criteria laid down by Hon'ble High Powered Committee in 2020. He submitted that the applicant surrendered on expiry of the said interim bail. Issue notice to the concerned Jail Superintendent to furnish report as to why the applicant, namely, Gurumukh Singh is not released, in terms of minutes of meeting dated 11.05.2021, directing release of the inmates who were released on interim bail in 2020. A copy of the order be sent to the concerned Jail Superintendent. To come up for report and order on **03.06.2021.**


Sanjay Sharma-II
Vacation Judge
ASJ-03, Central District,
Tis Hazari Courts, Delhi
31.05.2021

State vs. Luv Tyagi

FIR No. 193/2020

Under Section 392/411/34 IPC

PS Wazirabad

31.05.2021

Proceedings convened through Video Conferencing.

Present : Mr. J.S. Malik, Ld. Addl. PP for the State.
Mr. Chetan Pangasa, Proxy Advocate for the accused,
namely, Luv Tyagi.

Fresh reply filed. Copy already sent to Ld. Counsel for the
accused. Ld. Proxy Advocate for the accused requested for
adjournment on the ground of non-availability of Ld.
Counsel for the accused. As requested, to come up for
arguments on **07.06.2021**.


Sanjay Sharma-II
Vacation Judge
ASJ-03, Central District,
Tis Hazari Courts, Delhi
31.05.2021

State vs. Makhan Singh

FIR No. 399/2020

Under Section 376/506 IPC

PS Burari.

31.05.2021

Proceedings convened through Video Conferencing.

Present : Mr. J.S. Malik, Ld. Addl. PP for the State.
Mr. Arvind Kumar, Advocate for the accused, namely,
Makhan Singh.

ORDER

1. This is an application under Section 439 of '*The Code of Criminal Procedure, 1973*' (*Hereinafter referred to as 'the Cr.P.C.'*) for seeking regular bail in respect of the accused, namely, Makhan Singh (*Hereinafter referred to as 'the applicant'*).
2. Arguments heard.
3. Ld. Counsel for the applicant submitted that there is delay of one year in lodging of FIR. He submitted that there is no evidence that the applicant had ever threatened the complainant. He submitted that besides contradictory statements of the complainant, there is no independent witness or corroboration from ocular or medical evidence. He submitted that the incident, as projected by the complainant, is highly improbable.
4. On perusal of record, it is seen that an application under Section 439 of the Cr.P.C. for grant of regular bail was dismissed by the Court of Sh. Deepak Dabas, Ld. ASJ (Central), Tis Hazari Courts, Delhi on 16.01.2021.

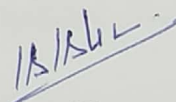
18/6/21
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5. The arguments raised by Ld. Counsel for the applicant are subject matter of the trial. There is no change in circumstance warranting any interference by this Court.

6. Accordingly, the application under Section 439 of the Cr.P.C. for seeking regular bail in respect of the applicant, namely, Makhan Singh is dismissed.

7. A copy of the present order be sent to Ld. Counsel for the applicant and IO / SHO on their *WhatsApp*. A copy of the order be sent to the concerned Jail Superintendent for information.

8. Bail application alongwith the present order be sent to the concerned Court for placing it on the judicial file.


Sanjay Sharma-II
Vacation Judge
ASJ-03, Central District,
Tis Hazari Courts, Delhi
31.05.2021

NK

State vs. Md. Muzaffar @ Amir

FIR No. 347/2016

Under Section 302/34 IPC

PS Kotwali

31.05.2021

Proceedings convened through Video Conferencing.

Present : Mr. J.S. Malik, Ld. Addl. PP for the State.
Mr. Himanshu Saxema, Advocate for the accused, namely,
Md. Muzaffar @ Amir.

Reply filed. Copy supplied. However, the application is neither supported by affidavit of the *parokar* nor any family member of the applicant or *vakalatnama* of the applicant. Let the deficiencies be made good. To come up for arguments on **05.06.2021**. At this stage, Ld. Counsel for the accused stated that he wishes to withdraw the present application. Accordingly, the application under Section 439 Cr.P.C. is dismissed as withdrawn. A copy of the present order be sent to Ld. Counsel for the applicant and IO / SHO on their *WhatsApp*. A copy of the order be sent to the concerned Jail Superintendent for information. Bail application alongwith the present order be sent to the concerned Court for placing it on the judicial file.

15/5/21

Sanjay Sharma-II
Vacation Judge
ASJ-03, Central District,
Tis Hazari Courts, Delhi
31.05.2021

State vs. Moinuddin

FIR No. 18/2020

Under Section 376/506 IPC

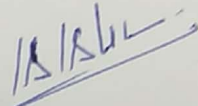
PS Kashmere Gate

31.05.2021

Proceedings convened through Video Conferencing.

Present : Mr. J.S. Malik, Ld. Addl. PP for the State.
Mr. Mohan Kaushik, Advocate for the accused, namely,
Moinuddin.
Mr. Neeraj Chauhan, Advocate for the prosecutrix.

Arguments heard. During the course of arguments, Ld. Counsel for the accused referred FIR, statement of the complainant and testimony of the complainant. Accordingly, charge-sheet be summoned. To come up for order on the application under Section 439 Cr.P.C. on **03.06.2021**.


Sanjay Sharma-II
Vacation Judge
ASJ-03, Central District,
Tis Hazari Courts, Delhi
31.05.2021

NK

State vs. Nitin Chhabra
Bail Application No. 10 & 17
FIR No. 240/2018
Under Section 302/201/120B/34 IPC
PS Timarpur
31.05.2021

Proceedings convened through Video Conferencing.

Present : Mr. J.S. Malik, Ld. Addl. PP for the State.
Mr. Praveen Aggarwal, Legal Aid Counsel for the accused,
namely, Nitin Chhabra and Mr. Anil Kumar Kamboj,
Advocate for the accused, namely, Nitin Chhabra.
IO SI Lalit Chauhan is present.

ORDER

1. The two separate applications, one by a private counsel and another by a legal Aid Counsel, filed under Section 439 of '*The Code of Criminal Procedure, 1973*' (*Hereinafter referred to as 'the Cr.P.C.'*) for seeking interim bail for 90 days in respect of the accused, namely, Nitin Chhabra (*Hereinafter referred to as 'the applicant'*).
2. Arguments heard.
3. Ld. Counsel for the applicant submitted that the case of the applicant is squarely covered under criteria laid down by Hon'ble High Powered Committee for grant of interim bail for 90 days. He submitted that the applicant is in judicial custody since 31.10.2018. He submitted that the applicant is not involved in any other criminal case.
4. IO has confirmed that the co-accused, namely, Manu Wadhwa is already admitted on interim bail, *vide* order dated 19.05.2021, on the basis of criteria formulated by Hon'ble High Powered Committee.

5. Accordingly, the applications under Section 439 of the Cr.P.C. for seeking interim bail for 90 days filed by the applicant, namely, Nitin Chhabra are allowed and the applicant be released on interim bail for 90 days on furnishing personal bond in the sum of Rs. 10,000/- to the satisfaction of the concerned Jail Superintendent.

6. A copy of the present order be sent to Ld. Counsel for the applicant and IO / SHO on their *WhatsApp*. A copy of the order be sent to the concerned Jail Superintendent for appropriate action at his end.

7. Bail application alongwith the present order be sent to the concerned Court for placing it on the judicial file.

15/5/21

Sanjay Sharma-II
Vacation Judge
ASJ-03, Central District,
Tis Hazari Courts, Delhi
31.05.2021

State vs. Rohit @ Hathi
FIR No. 129/2020
Under Section 392/397/411/34 IPC & 25/27/54/59 Arms Act
PS Sadar Bazar
31.05.2021

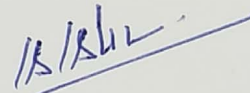
Proceedings convened through Video Conferencing.

Present : Mr. J.S. Malik, Ld. Addl. PP for the State.
Mr. Hukam Chand, Advocate for the accused, namely, Rohit
@ Hathi.
IO SI Nishant is present.

ORDER

1. This is an application under Section 439 of '*The Code of Criminal Procedure, 1973*' (*Hereinafter referred to as 'the Cr.P.C.'*) for seeking interim bail for 90 days in respect of the accused, namely, Rohit @ Hathi (*Hereinafter referred to as 'the applicant'*).
2. Reply filed. Copy supplied. Arguments heard.
3. Ld. Counsel for the applicant submitted that the applicant is in judicial custody since 13.06.2020. He is seeking interim bail for 90 days on the basis of criteria formulated by Hon'ble High Powered Committee.
4. The applicant is involved in as many as 11 criminal cases. The case of the applicant is not covered under the criteria formulated by Hon'ble High Powered Committee.
5. Accordingly, the application under Section 439 of the Cr.P.C. for seeking interim bail for 90 days in respect of the applicant, namely, Rohit @ Hathi is dismissed.

6. A copy of the present order be sent to Ld. Counsel for the applicant and IO / SHO on their *WhatsApp*. A copy of the order be sent to the concerned Jail Superintendent for information.
7. Bail application alongwith the present order be sent to the concerned Court for placing it on the judicial file.



Sanjay Sharma-II
Vacation Judge
ASJ-03, Central District,
Tis Hazari Courts, Delhi
31.05.2021

State vs. Samim
FIR No. 98/2019
Under Section 364A/395/412/34 IPC
PS Gulabi Bagh
31.05.2021

Proceedings convened through Video Conferencing.

Present : Mr. J.S. Malik, Ld. Addl. PP for the State.
Mr. Piyush Pahuja, Advocate for the accused, namely,
Samim.

ORDER

1. This is an application under Section 439 of '*The Code of Criminal Procedure, 1973*' (*Hereinafter referred to as 'the Cr.P.C.'*) for seeking interim bail in respect of the accused, namely, Samim (*Hereinafter referred to as 'the applicant'*).
2. Reply filed. Copy supplied. Arguments heard.
3. Ld. Counsel for the applicant submitted that the applicant is covered under the criteria formulated by Hon'ble High Powered Committee. He submitted that the applicant is not previously involved in any other criminal case.
4. The applicant is facing trial for *offence* of kidnapping for ransom, *dacoity* and retaining the robbed property. The case of the applicant is not covered under any of the clauses governing the criteria formulated by Hon'ble High Powered Committee.

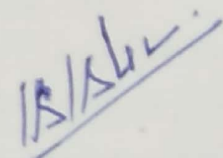
5. In Minutes of Meeting dated 31.07.2020 at Item No. 6 on "Consideration of the Representations received" Hon'ble High Powered Committee while dealing with a similar situation observed as under:

"It is pertinent to mention here that this Committee in its meeting dated 18.05.2020 had recommended release of, "Under trial prisoners (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", for grant of interim bail for a period of 45 days. It is apparent that that applicant in the present FIR is facing trial for an additional offence U/s 397 IPC besides offence U/s 302 IPC. Members of the Committee while laying down the criteria on 18.05.2020 had intentionally omitted such like offences i.e. dacoity, robbery, kidnapping for ransome etc. The said class/category of cases and sections of IPC, therefore, were not mentioned in the minutes while laying down criteria in meeting dated 18.05.2020."

6. Accordingly, the application under Section 439 of the Cr.P.C. for seeking interim bail in respect of the applicant, namely, Samim is dismissed.

7. A copy of the present order be sent to Ld. Counsel for the applicant and IO / SHO on their WhatsApp. A copy of the order be sent to the concerned Jail Superintendent for information.

8. Bail application alongwith the present order be sent to the concerned Court for placing it on the judicial file.


Sanjay Sharma-II
Vacation Judge
ASJ-03, Central District,
Tis Hazari Courts, Delhi
31.05.2021

State vs. Sanjay Bhalla

FIR No. 322/2020

Under Section 302/308/323/34 IPC

PS Burari

31.05.2021

Proceedings convened through Video Conferencing.

Present : Mr. J.S. Malik, Ld. Addl. PP for the State.
Mr. Sonu Jha, Advocate for the accused, namely, Sanjay Bhalla.
IO Insp. Ashok Kumar is present.

Heard. Ld. Counsel for the accused wishes to withdraw the present application under Section 439 Cr.P.C. for seeking interim bail for 60 days in respect of the accused, namely, Sanjay Bhalla. Accordingly, the application under Section 439 Cr.P.C. for seeking interim bail for 60 days in respect of the accused, namely, Sanjay Bhalla is dismissed as withdrawn. A copy of the present order be sent to Ld. Counsel for the applicant and IO / SHO on their *WhatsApp*. A copy of the order be sent to the concerned Jail Superintendent for information. Bail application alongwith the present order be sent to the concerned Court for placing it on the judicial file.

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Sanjay Sharma-II
Vacation Judge
ASJ-03, Central District,
Tis Hazari Courts, Delhi
31.05.2021

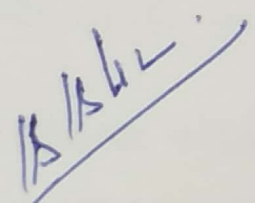
NK

State vs. Shiv Kumar
FIR No. 491/2017
Under Section 302/323/341/34 IPC
PS Timarpur
31.05.2021

Proceedings convened through Video Conferencing.

Present : Mr. J.S. Malik, Ld. Addl. PP for the State.
Mr. Sandeep Gupta, Legal Aid Counsel for the accused,
namely, Shiv Kumar.

Reply filed. Copy supplied. Arguments heard. As per reply, the accused is already released on interim bail. Accordingly, the application under Section 439 Cr.P.C. for seeking interim bail for 90 days is dismissed as *infructuous*. A copy of the present order be sent to Ld. Counsel for the accused and IO / SHO on their *WhatsApp*. A copy of the order be sent to the concerned Jail Superintendent for information. Bail application alongwith the present order be sent to the concerned Court for placing it on the judicial file.


Sanjay Sharma-II
Vacation Judge
ASJ-03, Central District,
Tis Hazari Courts, Delhi
31.05.2021

State vs. Upender @ Mental
FIR No. 756/2015
Under Section 302/34 IPC
PS Roop Nagar
31.05.2021

Proceedings convened through Video Conferencing.

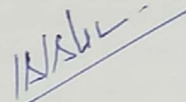
Present : Mr. J.S. Malik, Ld. Addl. PP for the State.
Mr. Sandeep Gupta, Legal Aid Counsel for the accused,
namely, Upender @ Mental.
IO SI Sanjay Kaushik is present.

ORDER

1. This is an application under Section 439 of '*The Code of Criminal Procedure, 1973*' (Hereinafter referred to as '*the Cr.P.C.*') for seeking interim bail for 90 days in respect of the accused, namely, Upender @ Mental (Hereinafter referred to as '*the applicant*').
2. Reply filed. Copy supplied. Arguments heard.
3. Ld. Counsel for the applicant submitted that the case of the applicant is squarely covered under criteria laid down by Hon'ble High Powered Committee for grant of interim bail for 90 days. He submitted that the applicant is in judicial custody since 30.11.2015. He submitted that the applicant is not involved in any other criminal case.
4. IO, in his reply, has stated that the applicant has no permanent address / relative. He stated that the applicant would become untraceable, if he released on bail.
5. As per report received from Tihar Jail, the conduct of the applicant in jail is unsatisfactory. Besides flight risk, the conduct of the applicant is sufficient to disentitle him from grant of interim bail.

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6. Accordingly, the application under Section 439 of the Cr.P.C. for seeking interim bail for 90 days in respect of the applicant, namely, Upender @ Mental is dismissed.
7. A copy of the present order be sent to Ld. Counsel for the applicant and IO / SHO on their *WhatsApp*. A copy of the order be sent to the concerned Jail Superintendent for information.
8. Bail application alongwith the present order be sent to the concerned Court for placing it on the judicial file.



Sanjay Sharma-II
Vacation Judge
ASJ-03, Central District,
Tis Hazari Courts, Delhi
31.05.2021

NK

State vs. Yasin @ Gilli
FIR No. 195/2017
Under Section 302/201/120B/34 IPC
PS Subzi Mandi
31.05.2021

Proceedings convened through Video Conferencing.

Present : Mr. J.S. Malik, Ld. Addl. PP for the State,
Mr. Sandeep Gupta, Legal Aid Counsel for the accused,
namely, Yasin @ Gilli,
IO Insp. Rajesh Kumar is present.

ORDER

1. This is an application under Section 439 of '*The Code of Criminal Procedure, 1973*' (*Hereinafter referred to as the Cr.P.C.*) for seeking interim bail for 90 days in respect of the accused, namely, Yasin @ Gilli (*Hereinafter referred to as 'the applicant'*).
2. Reply filed. Copy supplied. Arguments heard.
3. Ld. Counsel for the applicant is seeking interim bail on the basis of criteria formulated by Hon'ble High Powered Committee.
4. IO stated that the application for interim bail on the said ground was already dismissed by this Court on 29.05.2021.
5. Accordingly, the application under Section 439 of the Cr.P.C. for seeking interim bail for 90 days in respect of the applicant, namely, Yasin @ Gilli is dismissed.
6. A copy of the present order be sent to Ld. Counsel for the applicant and IO / SHO on their WhatsApp.

7. A copy of the order be sent to the concerned Jail Superintendent for information.
8. Bail application alongwith the present order be sent to the concerned Court for placing it on the judicial file.


Sanjay Sharma-II
Vacation Judge
ASJ-03, Central District,
Tis Hazari Courts, Delhi
31.05.2021