Bail Application No.2012/21 FIR No.325/2021 P.S. Subzi Mandi U/s 341/324/308 IPC State Vs. Nazim

03.08.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad through Video Conferencing Mode.

This is an application moved for accused Nazim under HPC guidelines for grant of bail.

Present:

Sh. Balbir Singh, Ld. Addl. PP for State through VC. Sh. Shorab Khan, Ld. Counsel for accused/applicant through VC.

Reply of Jail Superintendent has been received.

Ld. Counsel for applicant/accused seeks adjournment for leading arguments on the aspect of maintainability of the application. At request, list for arguments on the application on 04.08.2021.

(Arul Varma)

Bail Application No.2044/21 FIR No.745/2015 P.S. Roop Nagar U/s 380/451/34 IPC State Vs. Roshan Singh

03.08.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad through Video Conferencing Mode.

This is an application moved for accused Roshan Singh under Section 439 Cr.P.C., for grant of interim bail for the period of 90 days as per HPC guidelines.

Present:

Sh. Balbir Singh, Ld. Addl. PP for State through VC. Sh. Shiv Kumar, Ld. Counsel for accused/applicant through VC.

Let reply of the application be called from IO/SHO specifically with regard to medical condition of mother of the accused for NDOH.

List for arguments on the application on 12.08.2021.

(Arul Varma)

Bail Application No.903/2021 FIR No.809/2015 P.S. Burari U/s 420/467/468/471/34 IPC State Vs. Brahm Prakash

03.08.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad through Video Conferencing Mode.

This is an application moved for accused Brahm Prakash under Section 438 Cr.P.C., for grant of anticipatory bail.

Present:

Sh. Balbir Singh, Ld. Addl. PP for State through VC.

IO/SI Satnder Singh through VC.

None for accused.

IO submits that accused was arrested in this matter, was sent to J/C, and thereafter enlarged on bail by the Court of Ms. Neha Gupta Singh, Ld. MM (Central), THC. IO SI Satender submits that he would also be sending bail order through email of this Court today itself. Ahlmad is directed to attach the copy of the bail order alongwith the present bail application. Under these circumstances, since the accused was already arrested, anticipatory bail is hereby disposed off being infractuous.

Copy of order be uploaded on the website.

(Arul Varma) ASJ/Special Judge, Electricity

Court No. 02, Central Tis Hazari/Delhi/03.08.2021

Bail Application No.1962/21 FIR No.543/21 P.S. Burari U/s 308/341/506/34 IPC State Vs. Pankaj Kumar

03.08.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad through Video Conferencing Mode.

This is an application moved for accused Pankaj Kumar under Section 439 Cr.P.C., for grant of bail.

Present:

Sh. Balbir Singh, Ld. Addl. PP for State through VC. Sh. Kashmir Singh, Ld. Counsel for accused/applicant

through VC.

IO/ASI Sanjeev Kumar in person. Complainant Aman Pandey in person. Injured Munshi Ram through VC.

This Court has interacted with the complainant and injured, and both of them have submitted that accused persons are known to them, and that they have compromised the matter. Since the complainant and injured have no objection, if bail application of accused herein is allowed, this Court is of the considered view that no purpose would be served in keeping the accused in custody any longer. Accordingly, the accused Pankaj Kumar is admitted on bail on furnishing bail bond and surety bond of Rs.10,000/- with one surety of like amount to the satisfaction of Ld CMM/Ld. MM/Ld. Link MM/Ld. Duty MM as the

Contd....2

case may be, subject to the following conditions:

- i. He shall not establish any contact with the complainant or any other witness, nor try threaten influence, intimidate etc. any witness.
- ii. He shall not hamper the trial or investigation in any manner.
- iii. He shall furnish his present and permanent address with supporting documents alongwith affidavit/undertaking to inform about any change qua the same, without any delay, to the IO/Court.
- iv. He shall join the investigation/attend trial without default.

Needless to say, the abovementioned observations are predicated solely on the facts as alleged, and brought forth at this juncture, and are not findings on merits, and would also have no bearing on the merits of the case. With these conditions, and observations, the bail application stands disposed off.

Copy of the order be uploaded on the website of the District Court.

(Arul Varma)

Mis. application No.328/21 FIR No.36/21 P.S. Bara Hindu Rao U/s 392/394/411 IPC State Vs.Asif @ Lamboo

03.08.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad through Video Conferencing Mode.

This is an application moved for accused Asif @ Lamboo for reducing surety amount.

Present:

Sh. Balbir Singh, Ld. Addl. PP for State through VC.

Sh. Narender Kumar, Ld. Counsel for accused/applicant

through VC.

Ld. Counsel for applicant submitted that applicant/accused was granted bail by this Court vide order dated 28.07.2021 subject to furnishing of bail bond in the sum of Rs.20,000/- with one surety of like amount. He further submitted that accused is a poor person working as a Beldar, he is only the earning members of his family, and due to financial constrains, he could not furnish his surety bond. Therefore, the surety amount may be reduced.

Order dated 28.07.2021 perused.

Considering the submissions made by Ld. Counsel for applicant/accused and the financial constrains as submitted by ld. Counsel for applicant, the surety amount is reduced from Rs.20,000/- to Rs.10,000/-. Remaining contents in the order dated 28.07.2021 are unchanged. Today's order be read as part of order dated 28.07.2021.

With the above observations, application stands disposed off. Copy of this order be uploaded on the website.

(Arul Varma)

Bail Application No. 2034/21 FIR No. 204/21 U/s 308/452/323/506/34 IPC P.S. Timarpur State Vs. Rahul Kumar

03.08.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad Video Conferencing Mode.

# Present application u/s 438 Cr.P.C. has been filed on behalf of accused Rahul Kumar for grant of anticipatory bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.

Sh. Pratap Sharma, Ld. Counsel for applicant through VC.

IO/ASI Bhushan is present through VC.

Report of IO received.

#### ORDER ON ANTICIPATORY BAIL APPLICATION

- 1. Vide this order, this Court shall adjudicate upon the anticipatory bail application filed on behalf of the applicant. Arguments were heard *in extenso*, the gist whereof is discussed hereunder.
- 2. Ld. Counsel for applicant /accused submitted that applicant was also injured in the melee. Further, it was submitted that after 2010, the applicant has a clean record and is living a peaceful life with his family. It was also contended that since applicant was also injured, there is no question of him

absconding.

- 3. *Per contra*, Ld Addl. PP for the State alongwith the IO, vehemently opposed the anticipatory bail application as per law. It was submitted that applicant is the main perpetrator and had caused injures with rods and dandas to the complainant. It was submitted that the complainant received injuries on his head and has even got stitches thereon.
- 4. Before adverting to the rival contentions of the parties, the facts of the present case, as alleged by the prosecution, are hereby succinctly recapitulated: It is alleged by the complainant that one Rahul (applicant herein) went to the mobile shop of complainant Prince at old market Timarpur to get it repaired. Being busy in repairing another phone, complainant asked him to wait for a while. When applicant insisted to attend him first, there started an argument leading to the scuffle. Applicant allegedly slapped the complainant and hit him with a rod and also extended threat to kill him. Thereafter, when complainant reached home, he saw applicant beating his father. On seeing him, applicant fled away from there but returned armed alongwith his associates and entered in the house of the complainant. He gave beatings to the complainant, his younger brother Anuj and his father Sanjay Singh. During the scuffle applicant also received injuries. They were also taken to the hospital and their MLCs were prepared. Moreover, it was brought on record that applicant is absconding and rod and danda are yet to be recovered.
- 5. A perusal of record reveals that, as per the version of the prosecution, it was applicant Rahul who is the main accused in the matter. During the course of arguments it was brought to the fore that it was applicant Rahul who went to the house of the complainant and hit his father, and thereafter again applicant gathered with other co-accused and caused injuries to the

complainant. A perusal of the reply of the IO would reveal that the applicant has been absconding and has not joined the investigation.

6. Since the issue of non-joining in investigation was raised by the IO during the course of arguments, it would be apposite to reproduce the following extracts of *Bhadresh Bipin Bhai Sheth Vs. State of Gujarat & Anr.*, (2016) 1 Supreme Court Cases 152:-

"The principles for grant of anticipatory bail can be summarised as follows:-

- (i).....
- (ii).....
- (iii) It is imperative for the courts to carefully and with meticulous precision evaluate the facts of the case. The discretion to grant bail must be exercised on the basis of the available material and the facts of the particular case. In cases where the court is of the considered view that the accused has joined the investigation and he is fully cooperating with the investigating agency and is not likely to abscond, in that event, custodial interrogation should be avoided. A great ignominy, humiliation and disgrace is attached to arrest. Arrest leads to many serious consequences not only for the accused but for the entire family and at times for the entire community. Most people do not make any distinction between arrest at a pre-conviction stage or post-conviction stage....."
- 7. Under these circumstances, taking into the account the gravity of the offence, severity of the punishment that the offence entails, factum of the applicant not joining or cooperating with the investigation and the role attributed to the applicant herein, this Court is of the opinion that the accused ought not to be granted anticipatory bail at this juncture. Accordingly, the present anticipatory bail application is hereby dismissed.
- 8. Needless to say, the abovementioned observations are predicated solely on the facts as alleged, and brought forth at this juncture, and are not findings

on merits, and would also have no bearing on the merits of the case. With these conditions, and observations, the anticipatory bail application stands disposed off.

9. Copy of the order be uploaded on the website of the District Court.

Bail Application No. 1920/21 FIR No. 136/21 U/s 392/394/34 IPC P.S. Roop Nagar State Vs. Sonu @ Suraj

03.08.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad Video Conferencing Mode.

Present application u/s 439 Cr.P.C. has been filed on behalf of accused Sonu @ Suraj for grant of regular bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.

Sh. Akhiltarun Goel, Ld. Counsel for the applicant through VC.

IO/ASI Om Prakash is present through VC.

Report of IO received.

As per the SCRB report filed by the IO there are about 41 cases pending against the present applicant. Ld. Counsel for applicant submits that applicant is on bail in 40 cases. However, a perusal of the SCRB nowhere reflects this fact, as the status column has been left blank.

Time and again this Court has noticed that the SCRBs being filed are incomplete in material particulars.

At this juncture, it would be apposite to peruse the judgment titled *Ravi Kumar* @ *Shooter Vs. State (NCT of Delhi), 2020 SCC Online Del* 1871 wherein Hon'ble Mr. Justice Anup Jairam Bhambani has held as thus:-

"14. It requires no emphasis that an accurate and credible SCRB report is of vital significance to proceedings before any criminal court. SCRB reports presented before a court, whether in the course of Contd.....

bail proceedings or trial or in any other matter, are taken to be authentic, credible and are presumed to reflect the upto-date position of all criminal involvements of any accused/convict. The court ordinarily considers such reports as sacred. If therefore, as in the present case, it is found that reports generated from the SCRB database are even inter se discrepant, it shakes the confidence of the court and leaves it wondering if it can rely blindly on the SCRB reports produced before it.

#### 15. This is certainly not a desirable state of affairs."

It was further observed in the said order as follows:-

"21. Mr. Bhagat further points-out that pursuant to certain observations made by this court in BAIL APPL. 1057/2020 titled Kunwar Manoj Bhatia @ Bunty vs. State of NCT of Delhi, directions have already been issued by the Special Commissioner of Police vidé communication dated 17.07.2020 to all Investigating Officers to follow a certain procedure to update the involvement sheet of accused/convicts before filing it in judicial proceedings, in the following terms:

"It is hereby ordered that henceforth, the Investigation officers shall follow the following procedure to update involvement sheet of criminals before using especially for filing it before Hon'ble Courts in Judicial Proceedings:

a.Check/verify involvement/status from ICJS i.e. http://icjs.gov.in. (Credentials created and staff trained in all PSs). b.Check/verify information from concerned Police Station records, if not traced above.

DCsP of the districts/units as well as other supervisory officer shall ensure that all the Investigation Officers shall submit Involvement Sheet with latest update of status column against each criminal involvement. They may also be advice to update the status in the source application i.e. CCTNS, CCIS, Dossier, etc. for future reference."

Contd....

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It is apparent that prima facie the DCP concerned has not adhered to the directions issued above. Accordingly, issue notice to DCP concerned to explain this lapse on the NDOH, and also to file the correct SCRB report on NDOH, under his signatures. Accordingly, copy of this order be sent to DCP concerned for necessary action and filing compliance report on the next date of hearing.

Put up on 05.08.2021.

Order be uploaded on the website.

Bail Application No. 2030/21 FIR No. 204/21 U/s 308/452/323/506/34 IPC P.S. Timarpur State Vs. Rohit @ Chunchun

03.08.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad Video Conferencing Mode.

Present application u/s 439 Cr.P.C. has been filed on behalf of accused Rohit @ Chunchun for grant of regular bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.

Sh. Hari Kishan, Ld. Counsel for the applicant through VC.

IO/ASI Bhushan is present through VC.

Report of IO received.

A perusal of the SCRB report filed by the IO reveals that applicant is involved in 11 cases, however the status column has been left blank.

Time and again this Court has noticed that the SCRBs being filed are incomplete in material particulars.

At this juncture, it would be apposite to peruse the judgment titled *Ravi Kumar* @ *Shooter Vs. State (NCT of Delhi), 2020 SCC Online Del* 1871 wherein Hon'ble Mr. Justice Anup Jairam Bhambani has held as thus:-

"14. It requires no emphasis that an accurate and credible SCRB report is of vital significance to proceedings before any criminal court. SCRB reports presented before a court, whether in the course of Contd.....

bail proceedings or trial or in any other matter, are taken to be authentic, credible and are presumed to reflect the upto-date position of all criminal involvements of any accused/convict. The court ordinarily considers such reports as sacred. If therefore, as in the present case, it is found that reports generated from the SCRB database are even inter se discrepant, it shakes the confidence of the court and leaves it wondering if it can rely blindly on the SCRB reports produced before it.

## 15. This is certainly not a desirable state of affairs."

It was further observed in the said order as follows:-

"21. Mr. Bhagat further points-out that pursuant to certain observations made by this court in BAIL APPL. 1057/2020 titled Kunwar Manoj Bhatia @ Bunty vs. State of NCT of Delhi, directions have already been issued by the Special Commissioner of Police vidé communication dated 17.07.2020 to all Investigating Officers to follow a certain procedure to update the involvement sheet of accused/convicts before filing it in judicial proceedings, in the following terms:

"It is hereby ordered that henceforth, the Investigation officers shall follow the following procedure to update involvement sheet of criminals before using especially for filing it before Hon'ble Courts in Judicial Proceedings:

a.Check/verify involvement/status from ICJS i.e. http://icjs.gov.in. (Credentials created and staff trained in all PSs). b.Check/verify information from concerned Police Station records, if not traced above.

DCsP of the districts/units as well as other supervisory officer shall ensure that all the Investigation Officers shall submit Involvement Sheet with latest update of status column against each criminal involvement. They may also be advice to update the status in the source application i.e. CCTNS, CCIS, Dossier, etc. for future reference."

Contd.....

-3-

It is apparent that prima facie the DCP concerned has not adhered to the directions issued above. Accordingly, issue notice to DCP concerned to explain this lapse on the NDOH, and also to file the correct SCRB report on NDOH, under his signatures. Accordingly, copy of this order be sent to DCP concerned for necessary action and filing compliance report on the next date of hearing.

Put up on 06.08.2021.

Order be uploaded on the website.

Bail Application No. 2031/21 FIR No. 166/21 U/s 406/420/467/468/471/120B IPC P.S. Roop Nagar State Vs. Renu Kalra

03.08.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad Video Conferencing Mode.

# Present application u/s 439 Cr.P.C. has been filed on behalf of accused Renu Kalra for grant of regular bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.

Sh. Neeraj Sood, Ld. Counsel for the applicant.

Complainant is also present in the Court who has been identified by his counsel.

Sh. Sanjay Bhargava, Ld. Counsel for complainant through VC.

Ld. Counsel for applicant submitted that applicant and complainant have settled the matter. Court has also interacted with the complainant who is physically present in the Court, he also stated that they have settled the matter.

Ld. Counsel for applicant has given an amount of Rs. 11 lakhs by way of DD No. 154894 dated 02.08.2021 drawn at IDFC First Bank towards part payment of the settlement. Ld. Counsels for complainant and applicant both submit that they would be approaching the court concerned to refer the matter to Mediation Centre.

Contd....

Since it has been brought to the fore that both the parties have amicably settled the matter, and since the complainant has no objection if the applicant is given interim bail, accordingly, applicant is hereby granted interim bail for 15 days from the date of her release on furnishing bail bond and surety bond of Rs. 20,000/- with one surety of like amount to the satisfaction of Ld. CMM/Ld. MM/Ld.Duty MM as the case may be, subject to the conditions that:

- a) The accused shall surrender herself on expiry of the period of 15 days from date of release, by 10.00 am in Tihar Jail with report in writing alongwith an affidavit through her counsel, to be filed in the court on the same day by 4:00 pm, regarding such compliance.
- b) The applicant/accused is directed not to leave the country without prior permission of the Court.
- c) The accused/applicant shall join investigation as and when called for.
- d) The accused is directed to give all her mobile numbers to the Investigating Officer and keep them operational at all times.
- e) The accused shall give her address to the IO and if she changes the address she shall intimate the same to the IO.
- f) The accused shall not, directly or indirectly, contact or pressurize, complainant or any other witness. In case any complaint is received from the complainant that the accused is trying to contact him/her and trying to put pressure on him / her then the protection granted by this Court shall stand cancelled.

Needless to say, the abovementioned observations are predicated solely on the facts as alleged, and brought forth at this juncture, and are not *Contd.....* 

-3-

findings on merits, and would also have no bearing on the merits of the case. With these conditions, and observations, the bail application stands disposed off.

Copy of this order be sent to the **Jail Superintendent through electronic mode**. Copy of the order be uploaded on the website of the District Court.

Bail Application No. 1902/21 FIR No. 71/2021 U/s 376/506 IPC P.S. Wazirabad State Vs. Amit Dedha

03.08.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad Video Conferencing Mode.

Present application u/s 438 Cr.P.C. has been filed on behalf of accused Amit Dedha for grant of anticipatory bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.

Sh. Ashwani Kumar, Ld. Counsel for the applicant through

VC.

More time is sought to approach Hon'ble High Court for quashing of the present FIR.

Under these circumstances, re-list on 10.08.2021 for further proceedings.

Order be uploaded on the website of Delhi District Courts.