

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

Bail Application No. 2114/21
FIR No. 212/20
U/s 336/120B/34 IPC
P.S. Wazirabad
State Vs. Hari Kishan

24.08.2021

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 for grant of regular bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.
Sh. Faheem Alam, Ld. Counsel for the applicant through VC.
IO/SI Anjani Kumar Singh present through VC.
Ms. Santwana Aggarwal, Ld. Counsel for complainant through VC.
Let TCR be requisitioned for 02.09.2021.
Order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/24.08.2021

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

Bail Application No. 2169/21
FIR No. 231/21
U/s 186/353/352/34 IPC
P.S. Gulabi Bagh
State Vs. Rohit Kumar

24.08.2021

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 for grant of anticipatory bail.

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

Sh. Omvir Singh, Ld. Counsel for the applicant through VC.

Report of IO received.

Ld. Counsel for applicant seeks adjournment on the grounds of connectivity issues from his side. Allowed.

Accordingly matter is adjourned for 25.08.2021 for physical hearing.

Order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/24.08.2021

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

Bail Application No. 2119/2021

FIR No. 4992/2020

U/s 379/411 IPC

P.S. Maurice Nagar

State Vs. Sagar

24.08.2021

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 Sagar for grant of regular bail.

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

Sh. Raja Pandit, Ld. Counsel for applicant through VC.

IO/ASI Surender Kumar present through VC.

Report of IO received.

ORDER ON BAIL APPLICATION

1. Vide this order, this Court shall adjudicate upon the bail application filed on behalf of the accused. Arguments were heard *in extenso*, the gist whereof is discussed hereunder.
2. Ld. Counsel for applicant / accused submitted that applicant is in J/C since 06.02.2021 and he is the only earning member in the family. It has been further submitted that in all the other cases pending against the applicant/accused Sagar, he has already been released /

discharged / acquitted.

3. *Per contra*, Ld Addl. PP for the State alongwith the IO vehemently opposed the bail application as per law. It was submitted that applicant is the habitual offender and that his address has not been verified.
4. There are a catena of judgments which lay down, in unequivocal terms, that bail is the rule and jail is the exception. The leitmotif discernible from a perusal of such judgments lead to an inference that the primary objective of bail is *inter alia* to secure presence of the applicant at the time of trial. Liberty of an individual is to be zealously guarded, and for this purpose Courts act as sentinels on the *qui vive*, ensuring undue incarceration is prevented. In this case too, this Court is of the perception that the continued incarceration of the applicant may not be in the interests of justice. The reasons are expounded in the subsequent paragraphs.
5. A perusal of record reveals that applicant / accused Sagar is in J/C since 06.02.2021. Charge sheet has already been filed in the matter. A perusal of record further reveals that in all the other matters pending against the applicant / accused he has been acquitted in 4 cases, released in 10 cases and is on bail in other matters.
6. Under these circumstances, this Court is of the considered view that no purpose would be served in keeping the applicant in custody any longer. Accordingly, applicant/accused Sagar is admitted on bail on furnishing bail bond and surety bond of Rs. 20,000/- with one local surety of like amount to the satisfaction of Ld CMM/Ld. MM/Ld. Link MM/Ld. Duty MM as the 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.
7. 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.
8. Copy of the order be uploaded on the website of the District Court.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/24.08.2021

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

Bail Application No. 2113/21

FIR No. 642/21

U/s 147/148/149/323/336/341/506/34 IPC & 25/27 Arms Act

P.S. Burari

State Vs. Karan @ Parmanand

24.08.2021

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 for grant of anticipatory bail.

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

Sh. Vijay Kumar, Ld. Counsel for applicant through VC.

IO/SI Satender Singh present through VC.

Reply of IO received.

ORDER ON BAIL APPLICATION

1. Vide this order, this Court shall adjudicate upon the anticipatory bail application filed on behalf of the accused. Arguments were heard *in extenso*, the gist whereof is discussed hereunder.
2. Ld. Counsel for applicant /accused submitted that no recovery has been effected from the possession of the applicant. He further

submitted that at the maximum case u/s 323/341 IPC is made out against the applicant. He further submitted that co-accused Akash has already been granted bail. He further submitted that it was co-accused Aslam who had fired. He further submitted that one toy gun was recovered from the possession of co-accused Rahul and one country made pistol was recovered from the possession of co-accused Aslam.

3. *Per contra*, Ld Addl. PP for the State alongwith with the IO, vehemently opposed the anticipatory bail application as per law. IO had submitted that in the CCTV footage weapon was in the hand of applicant Karan @ Parmanand. It was further submitted more weapons are yet to be recovered. It was submitted that applicant is involved in other cases also. It was submitted that applicant is a habitual offender. It was submitted that charge sheet is yet to be filed in this case.
4. Before advertng to the rival contentions of the parties, the facts of the present case, as alleged by the prosecution, are hereby succinctly recapitulated: It was alleged by the complainant that on 01.08.2021 at about 6.45 PM he alongwith his family were coming from market, in the meanwhile 3 – 4 boys came and obstructing them. When he asked the reason as to why they were beaten them and on raising the alarm they were fled away by firing in the air. During the investigation co-accused Rahul and Akash were arrested at the instance of the complainant. From co-

accused Rahul one toy gun and from co-accused Aslam one country made pistol were recovered. They tried to search applicant Karan @ Parmanand and co-accused Manoj but all in vain. Later on sections 147/148/149 IPC & 25 Arms Act were also added. Thus, the present FIR came to be registered.

5. Adverting to the rival contentions of both sides, a perusal of the record reveals that investigation is still underway in the present matter. The ground of parity cannot be claimed with co-accused Akash in as much as the present applicant has four previous involvements apart from the present case. Further, it was brought to the fore during the course of the arguments that accused herein was seen with a weapon in a CCTV footage and further weapons have yet to be recovered.
6. Under these circumstances, taking into the account the gravity of the offence, severity of the punishment that the offence entails and the role attributed to the accused herein and the fact that he is previously involved in 4 other cases, 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.
7. 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.

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

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/24.08.2021

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

Bail Application No. 2070/21
FIR No. 33/21
U/s 392/394/34 IPC
P.S. Burari
State Vs. Ritik Sisodia @ Gendu

24.08.2021

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 for grant of regular bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.
Sh. Akash Sharma, Ld. Counsel for applicant through VC.
IO/SI Satender Singh present through VC.
Report of IO received.

ORDER ON BAIL APPLICATION

1. Vide this order, this Court shall adjudicate upon the bail application filed on behalf of the accused. Arguments were heard *in extenso*, the gist whereof is discussed hereunder.
2. Ld. Counsel for applicant / accused submitted that charge sheet in this case has already been filed and no recovery has been effected.

He further submitted that wife of applicant is in advance stage of pregnancy and there is no one to look after him. Lastly, it was submitted that applicant is in J/C since 02.02.2021, and thus he ought to be granted bail.

3. *Per contra*, Ld Addl. PP for the State alongwith the IO vehemently opposed the bail application as per law. It was submitted that applicant has involved in other cases also. It was submitted that applicant has refused to participate in the TIP proceedings. It was further submitted that applicant was identified by the complainant.
4. There are a catena of judgments which lay down, in unequivocal terms, that bail is the rule and jail is the exception. The leitmotif discernible from a perusal of such judgments lead to an inference that the primary objective of bail is *inter alia* to secure presence of the applicant at the time of trial. Liberty of an individual is to be zealously guarded, and for this purpose Courts act as sentinels on the *qui vive*, ensuring undue incarceration is prevented. In this case too, this Court is of the perception that the continued incarceration of the applicant may not be in the interests of justice. The reasons are expounded in the subsequent paragraphs.
5. A perusal of the record reveals that charge sheet has been filed in the present case. Further, as per the report of IO regarding previous involvement of the applicant, he is shown to be involved in 7 cases, however out of seven cases he is on bail in 6 cases and

in one case he has already been discharged. Further as per the medical documents filed on record, wife of the applicant is in an advanced stage of pregnancy. The accused has already been in judicial custody since 02.02.2021.

6. Under these circumstances, this Court is of the considered view that no purpose would be served in keeping the applicant in custody any longer. Accordingly, the accused Ritik Sisodia @ Gendu 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 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.
7. 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.

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

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/24.08.2021

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

Bail Application No. 2163/21

FIR No. 643/20

U/s 323/354/354A/354B/447/427/379/506/509/34 IPC

P.S. Wazirabad

State Vs. Rajiv Kumar

24.08.2021

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

Present: Sh. Balbir Singh, Ld. Addl. PP for State through VC.
Sh. Gurmeet Singh, Ld. Counsel for applicant through VC.
Sh. Rambir Singh Chauhan, Ld. Counsel for complainant through VC.

ORDER ON BAIL APPLICATION

1. Vide this order, this Court shall adjudicate upon the anticipatory bail application filed on behalf of the accused. Arguments were heard *in extenso*, the gist whereof is discussed hereunder.
2. Ld. Counsel for applicant /accused has preferred third anticipatory bail application on behalf of applicant / accused. Ld. Counsel for

the applicant / accused has submitted that it was inadvertently brought on record that applicant / accused had not joined the investigation. However, Ld. Counsel for applicant / accused has placed reliance on the status report dated 03.08.2021 filed by the IO before the Hon'ble High Court of Delhi to contend that co-accused Rajiv Kumar had joined the investigation on 02.08.2021. Further, it was submitted by Ld. Counsel for the applicant / accused that as far as the previous involvement are concerned, applicant / accused has either been discharged or enlarged on bail in the said matters. Further, Ld. Counsel submitted that process u/s 82 Cr.P.C. was not executed against the applicant / accused on account of orders passed by the Ld. Sessions Court. Lastly, it was submitted that the present application is maintainable as there are change in circumstances, the circumstances being the fact that the correct and complete picture was not put before the Court.

3. *Per contra*, Ld Addl. PP for the State assisted by Ld. Counsel for complainant, vehemently opposed the anticipatory bail application as per law. It was submitted that successive anticipatory bail application ought not to be entertained. It was submitted that specific allegations were made against the applicant / accused Rajiv Kumar. Further, it was submitted that applicant / accused cannot claim parity, being a habitual offender.
4. This Court had passed detailed order dated 07.08.2021 vide which

second anticipatory bail application of applicant / accused Rajiv Kumar was dismissed. The reasons cited were *inter alia* non-joining of investigation and factum of previous involvements of the applicant/accused. It has now come on record that the applicant / accused did join the investigation on 02.08.2021, as is explicit from the perusal of status report dated 03.08.2021 filed in Writ Petition (Crl.) No. 584/21. However, it would be pertinent to peruse the following paragraphs of the said status report:-

“22. It is pertinent to mention here that prior to registration of FIR, an enquiry on the complaint of Sh. Sunil Nagar (Husband of Prosecutrix) was being carried out at PG Cell/North Distt. and the same has yet not been concluded. Both the parties are claiming the same plot but are having documents showing two different khasra numbers. However, during the pendency of the enquiry there, accused persons tried to dispossess the complainant from the subject plot by illegally trespassing in her plot by putting iron container in the intervening night of 02/03.12.2020 and consequently, FIR No. 638/2020 was registered. Investigation of FIR No. 638/2020 is also pending with PS Wazirabad. No documents from the side of accused Rajiv with respect of property has been provided in the investigation of above FIR.

23. During the investigation of the FIR No. 638/2020 demarcation of the plot in question was found to be part of khasra no. 134/17 as claimed by prosecutrix and not 16/2/2 as claimed by accused persons. Official report in this regard is yet to be received.”

5. Further, the factum of previous involvements of the applicant / accused herein cannot be overlooked by this Court albeit he is on bail in other matters. This Court is of the opinion that the applicant has not mended his recalcitrant ways and thus the applicant / accused

Rajiv Kumar ought not be granted anticipatory bail at this juncture.

6. Under these circumstances, taking into the account the nature of the offence, the role attributed to the accused herein and the fact that he is previously involved in other cases, 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.
7. 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.
8. Copy of the order be uploaded on the website of the District Court.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/24.08.2021