

**Bail Application No. R-
State vs. Javed
FIR No.11/2015
U/s.342/364A/395/412/120B IPC
PS : Crime Branch**

01.07.2020

The proceedings in this case are being done through video conferencing and the undersigned has conducted the proceedings through video conferencing from my residence.

Present : Sh. Dharam Chand, Addl. PP for State through VC.
Sh. R.S. Yadav, Counsel for the applicant/accused through VC.

As per fresh previous criminal involvement report in respect of the accused from the police received today, there were three other criminal cases against the accused.

Reply to the show cause notice issued to the Jail Superintendent received, as per which the conduct of the accused in jail is found to be satisfactory.

Earlier interim bail was granted to the applicant/accused on the ground of illness of his mother. After expiry of the interim bail, accused instead of surrendering has preferred an extension of interim bail on the ground of spread of COVID-19 pandemic. It is claimed by the accused that his case is covered under the guidelines of the High Powered Committee of the Hon'ble Delhi High Court as issued on 18.05.2020. On these submissions, the conduct report of the accused from the jail authorities and his previous criminal involvement report from the police were called.

Ld. Addl. PP has contended that vide Minutes of Meeting dated 20.06.2020, the High Powered Committee of the Hon'ble Delhi

High Court has clarified that it had intentionally and specifically not included the offences like u/s 364A IPC and dacoity etc in the category under which under trial prisoners would be entitled to an interim bail.

Therefore, I have perused those Minutes of Meeting and it is now very much clear that section 364A IPC has been specifically excluded. The accused is facing charges u/s 364A IPC and therefore, this case is not covered under the category which would entitle the accused to an interim bail on account of COVID-19 pandemic pursuant to the guidelines of the High Powered Committee of the Hon'ble Delhi High Court. The application is accordingly dismissed.

The accused shall surrender before the concerned jail authorities. Intimation in this regard be sent to the concerned Jail Superintendent.

Order be uploaded on the website of Delhi District Court.

(Parveen Singh)
ASJ-03/NDD/PHC/New Delhi
01.07.2020
(Through VC)

It is certified that Video Conferencing was held in an uninterrupted manner and during the proceedings, no objections were raised by either of the parties regarding the connectivity i.e. audio or visual quality.

Reader/01.07.2020

**Bail Application No. R-
State vs. Nikhil Rai Handa
FIR No.135/2018
U/s.302/201 IPC
PS : Naraina**

01.07.2020

The proceedings in this case are being done through video conferencing and the undersigned has conducted the proceedings through video conferencing from my residence.

Present : Sh. Dharam Chand, Addl. PP for State through VC.
Sh. Jaspreet Singh, Counsel for the complainant through VC.
Sh. K.K. Manan, Senior Advocate for the applicant/accused through VC.

This is an application u/s 439 Cr.PC for grant of interim bail moved on behalf of the applicant/accused.

Reply to the bail application received. Supplementary reply has also been received.

Conduct report and medical status report in respect of the accused have been received. As per conduct report, the conduct of the accused in jail was found good and as per medical status report the medical condition of inmate is stable and all prescribed medications are being provided to him from jail dispensary itself.

It has been conceded by Ld. Addl. PP that the case of the accused is covered under the guidelines of the High Powered Committee of the Hon'ble Delhi High Court as issued on 18.05.2020, however, he has contended that the accused cannot be granted interim bail because earlier there had been efforts on the part of the accused to influence the witnesses and a complaint in this regard had been made to the court. This submission has also been made by

the Ld. counsel for the complainant.

However, countering the same, Ld. Senior Advocate for the applicant/accused has contended that perhaps, the application has already been disposed of by the court and the court did not find any need to conduct any enquiry into the allegations of witnesses tampering made in that application.

In view of the situation, it becomes necessary for the court to go through the court record. As video conferencing hearing is conducted by me from my residence and the judicial record is not with me therefore, let the matter be relisted for 02.07.2020 when I have to go to the court for some urgent hearing.

Order be uploaded on the website of Delhi District Court.

(Parveen Singh)
ASJ-03/NDD/PHC/New Delhi
01.07.2020
(Through VC)

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Reader/01.07.2020

**Bail Application No. R-
State vs. Kamal Yadav @ Sachin
FIR No.134/2016
U/s.302/201/34 IPC & 25/27 Arms Act
PS : Vasant Kunj (North)**

01.07.2020

The proceedings in this case are being done through video conferencing and the undersigned has conducted the proceedings through video conferencing from my residence.

Present : Sh. Dharam Chand, Addl. PP for State through VC.
Sh. Anuj Arya, Counsel for the applicant/accused through VC.

This is an application u/s 439 Cr.PC for grant of interim bail moved on behalf of the applicant/accused.

The accused is facing trial for the offences u/s 302/201/34 IPC & 25/27 Arms Act in FIR no.134/2016, PS Vasant Kunj (North). The present interim bail has been sought on the ground that the case of the accused is covered under the guidelines of the High Powered Committee of the Hon'ble Delhi High Court as issued on 18.05.2020. In view of these submissions as accused had been in custody for more than two years, his conduct report from jail was called for and directions were also issued to the IO to send report with regard to previous criminal involvement of the accused.

According to the report of the IO, the accused does not have any other previous criminal involvement. However, as per the conduct report, the conduct of the accused is not satisfactory as he had earlier been awarded punishment.

In order to be eligible for grant of interim bail under the guidelines of the High Powered Committee of the Hon'ble Delhi

High Court, apart from the custody period, the accused also has to satisfy twin conditions of not having any previous criminal involvement and satisfactory conduct in jail.

As discussed above, the conduct of the accused as per the jail authorities is not satisfactory and thus, he failed to meet the twin conditions. The application for grant of bail is accordingly dismissed.

Order be uploaded on the website of Delhi District Court.

(Parveen Singh)
ASJ-03/NDD/PHC/New Delhi
01.07.2020
(Through VC)

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Reader/01.07.2020

**Bail Application No. R-
State vs. Rakesh Khatri @ Rinku
FIR No.134/2016
U/s.302/201/34 IPC
r/w 25/27/54/59 Arms Act
PS : Vasant Kunj (North)**

01.07.2020

The proceedings in this case are being done through video conferencing and the undersigned has conducted the proceedings through video conferencing from my residence.

Present : Sh. Dharam Chand, Addl. PP for State through VC.
Sh. Ajay Gaur, Counsel for the applicant/accused through VC.

This is an application u/s 439 Cr.PC for grant of interim bail moved on behalf of the applicant/accused.

Reply to the bail application has already been received.

Accused is facing trial for the offences u/s.302/201/34 IPC r/w 25/27/54/59 Arms Act in FIR no.134/2016, PS Vasant Kunj (North). The present interim bail has been sought on the ground of COVID-19 pandemic that the case of the applicant/accused is covered under the guidelines of the High Powered Committee of the Hon'ble Delhi High Court as issued on 18.05.2020 as the accused had been in custody for more than two years.

In consideration of these submissions, conduct report of the accused was sought from the jail authorities and his previous criminal involvement report was called from the IO.

As per the jail authorities, the conduct of the accused during his stay in jail has been satisfactory. However, as per the report of the IO, the accused has another involvement in a criminal matter in FIR no.347/2016, u/s 25 Arms Act, PS Vasant Vihar.

Ld. counsel for the accused has contended that the second FIR u/s 25 Arms Act cannot be considered as a previous involvement because it is the same weapon which was used in the present FIR.

Countering the same, Ld. Addl. PP has contended that FIR no.347/2016, PS Vasant Vihar, there are two accused and one country made pistol was recovered from each of the accused persons. However, the country made pistol recovered from this accused was not the weapon which was allegedly used in commission of offences which is the subject matter of the present case. Hence, it was the separate offence.

I have considered the rival contentions. As per the guidelines of the High Powered Committee of the Hon'ble Delhi High Court, apart from the custody period of the accused, to be entitled for an interim bail, the accused also has to satisfy the court that he had no previous criminal involvement and that his conduct in jail has been satisfactory. However, as the accused had been found to be involved in another criminal matter, this case is not covered under the category of persons entitled for interim bail. The application accordingly stands dismissed.

Order be uploaded on the website of Delhi District Court.

(Parveen Singh)
ASJ-03/NDD/PHC/New Delhi
01.07.2020
(Through VC)

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Reader/01.07.2020

**Bail Application No. R-
State vs. Sumit Mishra
FIR No.18/2018
U/s.392/394/396/397/302/324/34 IPC
PS : Tilak Marg**

01.07.2020

The proceedings in this case are being done through video conferencing and the undersigned has conducted the proceedings through video conferencing from my residence.

Present : Sh. Dharam Chand, Addl. PP for State through VC.
Sh. Ashok Kumar Tiwari, Counsel for the applicant/
accused through VC.

Present is the application for grant of interim bail for 45 days moved on behalf of the applicant/accused.

The interim bail has been sought by the accused on the ground that his case is covered under the guidelines of the High Powered Committee of the Hon'ble Delhi High Court as issued on 18.05.2020. The accused is facing charges for dacoity and murder. It was contended by Ld. counsel for the applicant/accused that maximum punishment for both the offences is life or death. As per the High Powered Committee of the Hon'ble Delhi High Court, an accused facing trial for murder is entitled to interim bail, on parity accused will also be entitled to an interim bail provided he fulfills other criteria.

Report from jail authorities was called, according to which the conduct of the accused in jail is satisfactory. However, as per the IO, the accused had three other involvements.

Countering the same, the Ld. counsel for the applicant/accused has contended that the accused had been acquitted in all those cases.

I have considered the rival contentions and I find that the case of the accused is not covered under the guidelines of High Powered Committee of the Hon'ble Delhi High Court because, the accused is facing trial for dacoity and it was during this alleged dacoity that the victim was murdered. The High Powered Committee of the Hon'ble Delhi High Court in Minutes of Meeting dated 20.06.2020 had observed that it had intentionally omitted the offence of dacoity for the category of cases where an under trial prisoner would be entitled to interim bail. I accordingly find that the case of the accused is not covered under the guidelines of High Powered Committee of the Hon'ble Delhi High Court and the bail application is accordingly dismissed.

Order be uploaded on the website of Delhi District Court.

(Parveen Singh)
ASJ-03/NDD/PHC/New Delhi
01.07.2020
(Through VC)

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Reader/01.07.2020

**Bail Application No. R-
State vs. Shalim @ Saleem @ Salim
FIR No.121/2019
U/s.186/353/307/34 IPC &
25/27/54/59 Arms Act
PS : Barakhamba Road**

01.07.2020

The proceedings in this case are being done through video conferencing and the undersigned has conducted the proceedings through video conferencing from my residence.

Present : Sh. Dharam Chand, Addl. PP for State through VC.
Sh. S.K. Pandey, Counsel for applicant/accused Shalim @ Saleem @ Salim s/o Mohd. Hasan @ Mohd. Mouseen @ Mohd. Ashfak through VC.

Present is the application u/s 439 Cr.PC for grant of interim bail moved on behalf of the applicant/accused.

Reply to the bail application filed.

The interim bail has been sought by the accused on two grounds, one is that his case is covered under guidelines of High Powered Committee of the Hon'ble Delhi High Court as issued on 18.05.2020 and second is, that the sister of accused is to get married on 09.07.2020.

As per the report of the IO, there are as many as 27 other criminal involvements of the accused and therefore, his case is not covered under guidelines of High Powered Committee of the Hon'ble Delhi High Court. However, as per the reply of the IO, it has been verified that the sister of the accused is to get married on 09.07.2020.

Considering the period of custody of the accused and the fact that his sister is to get married, I find that the accused is entitled to interim bail to attend that marriage. However, as the case of the

accused is not covered under guidelines of High Powered Committee of the Hon'ble Delhi High Court, he cannot be ordered to be released on furnishing personal bond only.

Applicant/accused Shalim @ Saleem @ Salim s/o Mohd. Hasan @ Mohd. Mouseen @ Mohd. Ashfak is accordingly admitted to interim bail for a period of 10 days from today on furnishing personal bond to the tune of Rs.30,000/- with one surety of the like amount to the satisfaction of this court/Duty M.M./concerned Jail Superintendent. The interim bail is granted subject to the condition that the applicant shall not leave the jurisdiction of the trial court without prior permission and shall not tamper with the evidence or threaten the witnesses.

The applicant/accused shall surrender before the concerned Jail Superintendent on 11.07.2020.

Copy of this order be sent to concerned Jail Superintendent for his information.

Order be uploaded on the website of Delhi District Court.

(Parveen Singh)
ASJ-03/NDD/PHC/New Delhi
01.07.2020
(Through VC)

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Reader/01.07.2020

Bail Application No. R-1256/2020
State vs. Gajender Singh @ Benner
FIR No.27/2009
U/s.174A IPC & 3 MCOC Act
PS : Special Cell, New Delhi

01.07.2020

The proceedings in this case are being done through video conferencing and the undersigned has conducted the proceedings through video conferencing from my residence.

Present : Sh. Dharam Chand, Addl. PP for State through VC.
Sh. Harsh Hardy, Counsel for the applicant/accused through VC

It is submitted by Ld. Addl. PP that a bail application is listed before the Hon'ble Delhi High Court. However, Ld. counsel for the applicant/accused submits that it is not the bail application but a petition has been filed before the Hon'ble Delhi High Court.

Therefore, the court has asked the Ld. counsel for the applicant/accused to file copy of that petition before this court.

Matter is accordingly adjourned to 02.07.2020.

Order be uploaded on the website of Delhi District Court.

(Parveen Singh)
ASJ-03/NDD/PHC/New Delhi
01.07.2020
(Through VC)

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Reader/01.07.2020

**Bail Application No. R-
State vs. Om Dutt Mishra
FIR No.1029/2015
U/s.302/201 IPC
PS : Vasant Kunj (North)**

01.07.2020

The proceedings in this case are being done through video conferencing and the undersigned has conducted the proceedings through video conferencing from my residence.

Present : Sh. Dharam Chand, Addl. PP for State through VC.

This is an application for extension of interim bail moved on behalf of applicant/accused Om Dutt Mishra.

Reply to the bail application application filed.

It is submitted in the bail application that on 09.06.2020 applicant/accused was released on interim bail for a period of 20 days and on 29.06.2020 at 5.00 p.m. the applicant/accused went to Rohini jail to surrender but the jail staff did not screening of the applicant and they refused to take him inside the jail and thereafter after waiting finally at about 9.00 p.m. jail officials after screening declared him COVID-19 case and refused to take him inside the jail and thereafter he came back to his house and since then he has made himself in home quarantine and still he is having the problem of coughing and breathlessness.

E-mail link was sent to Sh. Suresh Sisodia, Ld. counsel for the applicant/accused, to join video conferencing but he had not joined the video conferencing. On contacting his mobile phone, he stated that he is busy in some other court and is not available today.

Accordingly, matter is adjourned for 04.07.2020. Let a

report be called from the jail whether the accused had approached the jail authorities on 29.06.2020 to surrender and if he had, why and under what power they refused to accept his surrender.

Order be uploaded on the website of Delhi District Court.

(Parveen Singh)
ASJ-03/NDD/PHC/New Delhi
01.07.2020
(Through VC)

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