

FIR No. : 532/2020

PS : Bhajanpura

State Vs. Sittu @ Said

07.01.2021

Pr. : Shri Dinesh Singh, Counsel for applicant/accused.

An application has been moved on behalf of accused for release on personal bond averring that he has not been able to arrange a surety despite grant of bail dated 18.12.2020.

Submissions heard.

Record perused.

Considering the fact that long time has elapsed since grant of bail and accused has been unable to furnish a surety, application stands allowed.

Bail order dated 18.12.2020 stands modified to the extent that accused be released on furnishing a personal bond in the sum of Rs. 20,000/-.

Application is disposed off accordingly.



(Rupinder Singh Dhiman)

MM-01/NE/KKD/07.01.2021

FIR No. : 507/2020

PS : Bhajanpura

State Vs. Sittu @ Said

07.01.2021

Pr. : Shri Dinesh Singh, Counsel for applicant/accused.

An application has been moved on behalf of accused for release on personal bond averring that he has not been able to arrange a surety despite grant of bail dated 18.12.2020.

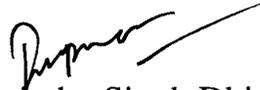
Submissions heard.

Record perused.

Considering the fact that long time has elapsed since grant of bail and accused has been unable to furnish a surety, application stands allowed.

Bail order dated 18.12.2020 stands modified to the extent that accused be released on furnishing a personal bond in the sum of Rs. 20,000/-.

Application is disposed off accordingly.



(Rupinder Singh Dhiman)

MM-01/NE/KKD/07.01.2021

State Vs. Shanu Khan

PS : Bhajanpura

Vehicle No. : DL-7SCK-5024 Scooty

U/s : 25/54/59 Arms Act

07.01.2021

This is an application for release of vehicle bearing no. DL-7SCK-5024 Scooty on superdari.

Pr. : None.

Reply filed by IO.

IO has filed report that he has no objection to the release of vehicle to the rightful owner.

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** wherein it has been held that,

“68. Vehicles involved in an offence may be released to the rightful owner after preparing detailed panchnama; taking photographs of the vehicle, valuation report, and a security bond.

69. The photographs of the vehicle should be attested countersigned by the complainant, accused as well as by the person to whom the custody is handed over.

70. The production of the vehicle should not be insisted upon during the trial. The panchnama and photographs along with the valuation report should suffice for the purposes of evidence.

71. Return of vehicles and permission for sale thereof should be the general norm rather than the exception.

72. If the vehicle is insured, the court shall issue notice to the owner

and the insurance company for disposal of the vehicle. If there is no response or the owner declines to take the vehicle or informs that it has claimed insurance/released its right in the vehicle to the insurance company and the insurance company fails to take possession of the vehicle, the vehicle may be ordered to be sold in auction.

73. If a vehicle is not claimed by the accused, owner, or the insurance company or by a third person, it may be ordered to be sold by auction.”

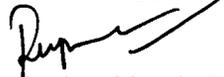
The view of the Hon'ble Supreme Court has been reiterated by Hon'ble Delhi High Court in case titled as **Manjit Singh Vs. State in Crl. M.C. No. 4485/2013 dated 10.09.2014.**

Considering the facts and circumstances and law laid down by higher courts, vehicle in question **bearing registration number DL-7SCK-5024 Scooty** be released to the applicant by the IO on his furnishing a superdaginama to the IO.

Coloured photographs and panchnama of vehicle in question be conducted as per above-mentioned judgments.

Panchnama shall be filed in the court along with charge sheet.

Copy of the order be given dasti to the applicant.



(Rupinder Singh Dhiman)

MM-01/NE/KKD/07.01.2021

FIR No. : 533/2020

PS : Bhajanpura

U/s : 379/411 IPC

Bail application of applicant/accused Mohan @ Manav

07.01.2021

Vide this order, I shall dispose off the bail application U/s 437 Cr.P.C. moved on behalf of applicant/accused Mohan @ Manav.

Pr. : Ms. Bornali Singh, Ld. LAC for the applicant accused.

Reply filed by IO.

Ld. Counsel for the applicant / accused submits that applicant is in JC since 20.06.2020 and he has been falsely implicated in the present case. He is the sole bread earner of his family. He is a youngster aged between 18 to 21 years. Bail has been prayed on these grounds.

In his reply, IO has opposed the bail.

Considering the fact that investigation is already complete and accused is in JC since 19.09.2020, therefore, no purpose would be served by keeping the accused in further detention. Accordingly, accused is hereby admitted to bail on his furnishing a personal bond in the sum of Rs. 10,000/- with one surety in the like amount.

Bail application is disposed off accordingly.

Copy be sent to the Jail Superintendent.



(Rupinder Singh Dhiman)

MM-01/NE/KKD/07.01.2021

State Vs. Fahim @ Chikna

PS : Bhajanpura

Vehicle No. : DL-5SCD-3767 TVS NTORQ 125

U/s : 25 Arms Act

07.01.2021

This is an application for release of vehicle bearing no. DL-5SCD-3767 TVS NTORQ 125 on superdari.

Pr. : Ld. Counsel Shri N.P. Sharma for the applicant through VC.

Reply filed by IO.

IO has filed report that he has no objection to the release of vehicle to the rightful owner.

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** wherein it has been held that,

“68. Vehicles involved in an offence may be released to the rightful owner after preparing detailed panchnama; taking photographs of the vehicle, valuation report, and a security bond.

69. The photographs of the vehicle should be attested countersigned by the complainant, accused as well as by the person to whom the custody is handed over.

70. The production of the vehicle should not be insisted upon during the trial. The panchnama and photographs along with the valuation report should suffice for the purposes of evidence.

71. Return of vehicles and permission for sale thereof should be the general norm rather than the exception.

72. If the vehicle is insured, the court shall issue notice to the owner

and the insurance company for disposal of the vehicle. If there is no response or the owner declines to take the vehicle or informs that it has claimed insurance/released its right in the vehicle to the insurance company and the insurance company fails to take possession of the vehicle, the vehicle may be ordered to be sold in auction.

73. If a vehicle is not claimed by the accused, owner, or the insurance company or by a third person, it may be ordered to be sold by auction.”

The view of the Hon'ble Supreme Court has been reiterated by Hon'ble Delhi High Court 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 in question **bearing registration number DL-5SCD-3767 TVS NTORQ 125** be released to the applicant by the IO on his furnishing a superdarinama to the IO.

Coloured photographs and panchnama of vehicle in question be conducted as per above-mentioned judgments.

Panchnama shall be filed in the court along with charge sheet.

Copy of the order be given dasti to the applicant.



(Rupinder Singh Dhiman)

MM-01/NE/KKD/07.01.2021

FIR No. : 400/2020

PS : Bhajanpura

U/s : 392/34 IPC

Bail application of applicant/accused Shoib

07.01.2021

Vide this order, I shall dispose off the bail application U/s 437 Cr.P.C. moved on behalf of applicant/accused Shoib.

Pr. : Ms. Bornali Singh, Ld. LAC for the applicant accused.

Reply filed by IO.

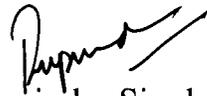
Ld. Counsel for the applicant / accused submits that applicant is in JC since 04.07.2020 and he has been falsely implicated in the present case. He belongs to a very poor background and is the only bread earner of his family. Bail has been prayed on these grounds.

In his reply, IO has opposed the bail.

Considering the fact that investigation is complete and chargesheet has already been filed and accused is in JC since 04.07.2020, accused is hereby admitted to bail on his furnishing a personal bond in the sum of Rs. 15,000/- with one surety in the like amount.

Bail application is disposed off accordingly.

Copy be sent to the Jail Superintendent.



(Rupinder Singh Dhiman)

MM-01/NE/KKD/07.01.2021

FIR No. : 000108/2020

PS : Bhajanpura

U/s : 379/411 IPC

Bail application of applicant/accused Rajesh

07.01.2021

Vide this order, I shall dispose off the bail application U/s 437 Cr.P.C. moved on behalf of applicant/accused Mohan @ Manav.

Pr. : Ms. Bornali Singh, Ld. LAC for the applicant accused.

Reply filed by IO.

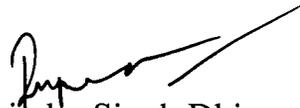
Ld. Counsel for the applicant / accused submits that applicant is in JC since 31.10.2020 and he has been falsely implicated in the present case. He is the sole bread earner of his family. He is a youngster aged 20 years. Alleged recovery has already been planted upon him. Bail has been prayed on these grounds.

In his reply, IO has opposed the bail.

Considering the fact that investigation is already complete and accused is in JC since 31.10.2020, chargesheet has already been filed, therefore, no purpose would be served by keeping the accused in further detention. Accordingly, accused is hereby admitted to bail on his furnishing a personal bond in the sum of Rs. 10,000/- with one surety in the like amount.

Bail application is disposed off accordingly.

Copy be sent to the Jail Superintendent.



(Rupinder Singh Dhiman)

MM-01/NE/KKD/07.01.2021

e. FIR No. : 27223/2020

PS : Bhajanpura

U/s : 379/411/482 IPC

Bail application of applicant/accused Rihan @ Sartaj

07.01.2021

Vide this order, I shall dispose off the bail application U/s 437 Cr.P.C. moved on behalf of applicant/accused Rihan @ Sartaj.

Pr. : Shri Javed, Counsel for the applicant.

Reply filed by IO.

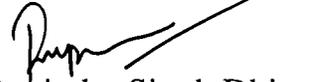
Ld. Counsel for the applicant / accused submits that applicant is in JC since 24.11.2020 and he has been falsely implicated in the present case. He belongs to a very poor background and is the only bread earner of his family. Bail has been prayed on these grounds.

In his reply, IO has opposed the bail.

Considering that accused is in JC since 24.11.2020 and recovery has already been effected, therefore, no purpose would be served by keeping the accused in detention. Accordingly, accused is admitted to bail on his furnishing a personal bond in the sum of Rs. 10,000/- with one surety in the like amount.

Bail application is disposed off accordingly.

Copy be sent to the Jail Superintendent.



(Rupinder Singh Dhiman)

MM-01/NE/KKD/07.01.2021

FIR No. : 507/2020

PS : Bhajanpura

U/s : 392/411/34 IPC

Bail application of applicant/accused Shabaj @ Sehbaj

07.01.2021

Vide this order, I shall dispose off the bail application U/s 437 Cr.P.C. moved on behalf of applicant/accused Shabaj @ Sehbaj.

Pr. : Ms. Bornali Singh, Ld. LAC for the applicant accused.

Reply filed by IO.

Ld. Counsel for the applicant / accused submits that applicant is in JC since 30.08.2020 and he has been falsely implicated in the present case. He belongs to a very poor background and is the only bread earner of his family. Bail has been prayed on these grounds.

In his reply, IO has opposed the bail.

Considering the fact that investigation is already complete and accused is in JC since 30.08.2020, chargesheet has already been filed, therefore, no purpose would be served by keeping the accused in detention. Accordingly, accused is hereby admitted to bail on his furnishing a personal bond in the sum of Rs. 10,000/- with one surety in the like amount.

Bail application is disposed off accordingly.

Copy be sent to the Jail Superintendent.



(Rupinder Singh Dhiman)

MM-01/NE/KKD/07.01.2021

State Vs. Unknown
PS : Bhajanpura
Vehicle No. : DL-5CP-0429 Car
U/s : 279/338 IPC
FIR No. : 707/2020

07.01.2021

This is an application for release of vehicle bearing no. DL-5CP-0429 Car on superdari.

Pr. : Applicant in person.

Reply filed by IO.

IO has filed report that he has no objection to the release of vehicle to the rightful owner.

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** wherein it has been held that,

“68. Vehicles involved in an offence may be released to the rightful owner after preparing detailed panchnama; taking photographs of the vehicle, valuation report, and a security bond.

69. The photographs of the vehicle should be attested countersigned by the complainant, accused as well as by the person to whom the custody is handed over.

70. The production of the vehicle should not be insisted upon during the trial. The panchnama and photographs along with the valuation report should suffice for the purposes of evidence.

71. Return of vehicles and permission for sale thereof should be the general norm rather than the exception.

72. If the vehicle is insured, the court shall issue notice to the owner and the insurance company for disposal of the vehicle. If there is no response or the owner declines to take the vehicle or informs that it has claimed insurance/released its right in the vehicle to the insurance company and the insurance company fails to take possession of the vehicle, the vehicle may be ordered to be sold in auction.

73. If a vehicle is not claimed by the accused, owner, or the insurance company or by a third person, it may be ordered to be sold by auction.”

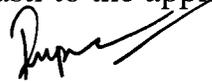
The view of the Hon'ble Supreme Court has been reiterated by Hon'ble Delhi High Court in case titled as **Manjit Singh Vs. State in Crl. M.C. No. 4485/2013 dated 10.09.2014.**

Considering the facts and circumstances and law laid down by higher courts, vehicle in question **bearing registration number DL-5CP-0429 Car** be released to the applicant by the IO on his furnishing a superdaginama to the IO.

Coloured photographs and panchnama of vehicle in question be conducted as per above-mentioned judgments.

Panchnama shall be filed in the court along with charge sheet.

Copy of the order be given dasti to the applicant.



(Rupinder Singh Dhiman)

MM-01/NE/KKD/07.01.2021

FIR No. : 414/19

PS : Bhajanpura

State Vs. Farid Ahmed

07.01.2021

Matter is fixed for arguments on the maintainability of the application.

Pr. : Shri Neeraj Thakur, Counsel for applicant alongwith applicant in person.

Applicant in person.

Counsel for applicant (enrollment no. D-3611/15) submits at bar that applicant wishes to withdraw the present application.

Submissions heard.

Request allowed.

Application stands dismissed as withdrawn.


(Rupinder Singh Dhiman)

MM-01/NE/KKD/07.01.2021

FIR No. : 614/2020

PS : Bhajanpura

U/s : 25/54/59 Arms Act and 102 Cr.P.C.

Bail application of applicant/accused Rajesh

07.01.2021

Vide this order, I shall dispose off the bail application U/s 437 Cr.P.C. moved on behalf of applicant/accused Rajesh.

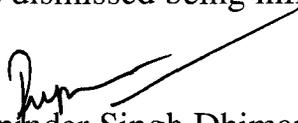
Pr. : Ms. Bornali Singh, Ld. LAC for the applicant accused.

Reply filed by IO.

Ld. Counsel for the applicant / accused submits that applicant is in JC since 30.10.2020 and he has been falsely implicated in the present case. He is the sole bread earner of his family. He is a youngster aged 20 years. Bail has been prayed on these grounds.

In his reply, IO has stated that accused has already been discharged in the present case.

Accordingly, application stands dismissed being infructuous.


(Rupinder Singh Dhiman)

MM-01/NE/KKD/07.01.2021