

State vs. Durjan Singh
FIR no. 166/2021
PS New Ashok Nagar

01.06.2021

Through Video Conference

The present matter has been taken up today through Video Conference according to the Office Order no. 5/R/RG/DHC/2021 dated 23.04.2021 as well as Office Order no. 6/R/RG/DHC/2021 dated 14.05.2021, issued by Hon'ble High Court of Delhi.

An application for release of vehicle having registration no. HR-38X-3533 (Truck) on superdari

Present.: Ld. APP for the State.

Applicant with counsel.

Submission heard. Reply of IO perused.

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 :

“Vehicle 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/re/eased 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 reply 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 CrI. M.C. No. 4485/2013 dated 10.09.2014.**

Considering the facts and circumstances and law laid down by higher courts, vehicle in question be released to the **registered owner as per RC after due identity verification to be conducted by IO/SHO concerned** and on furnishing security bond as per valuation report of the vehicle. After preparation of panchnama of the vehicle and furnishing of security bond as per directions of Hon'ble Supreme Court, the vehicle be released by the IO.

Panchnama and valuation report shall be filed in the court along with charge sheet/within one month.

Copy of this order be given dasti to applicant/his counsel.

(PANKAJ ARORA)
ACMM (EAST)/KKD/01.06.2021

State vs. Unknown
FIR no. EMVT-013571/21
PS New Ashok Nagar

01.06.2021

Through Video Conference

The present matter has been taken up today through Video Conference according to the Office Order no. 5/R/RG/DHC/2021 dated 23.04.2021 as well as Office Order no. 6/R/RG/DHC/2021 dated 14.05.2021, issued by Hon'ble High Court of Delhi.

An application for release of vehicle having registration no. DL-6S-AQ-7008 (Motor Cycle) on superdari

Present.: Ld. APP for the State.

Sh. Lokesh Kr. Mishra, ld. counsel for applicant.

Submission heard. Reply of IO perused.

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 :

“Vehicle 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/re/eased 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 reply 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 CrI. M.C. No. 4485/2013 dated 10.09.2014.**

Considering the facts and circumstances and law laid down by higher courts, vehicle in question be released to the **registered owner as per RC after due identity verification to be conducted by IO/SHO concerned** and on furnishing security bond as per valuation report of the vehicle. After preparation of panchnama of the vehicle and furnishing of security bond as per directions of Hon'ble Supreme Court, the vehicle be released by the IO.

Panchnama and valuation report shall be filed in the court along with charge sheet/within one month.

Copy of this order be given dasti to applicant/his counsel.

(PANKAJ ARORA)
ACMM (EAST)/KKD/01.06.2021

State vs. Vikas
FIR no. 144/2021
PS New Ashok Nagar

01.06.2021

Through Video Conference

The present matter has been taken up today through Video Conference according to the Office Order no. 5/R/RG/DHC/2021 dated 23.04.2021 as well as Office Order no. 6/R/RG/DHC/2021 dated 14.05.2021, issued by Hon'ble High Court of Delhi.

An application seeking correction in order dated 27.05.2021 regarding registration number of the vehicle

Present.: Ld. APP for the State.
Sh. Rishabh Pandey, ld. counsel for applicant.
Submission heard. Reply of IO perused.

As per the reply filed by the IO, the correct registration number of the vehicle in question is DL-7S-CG-2281.

Accordingly, order dated 27.05.2021 is hereby modified to the extent of registration number of the vehicle in question and now the vehicle registration number mentioned in the order dated 27.05.2021 passed by ld. Duty M.M shall be read as DL-7S-CG-2281 instead of DL-7S-CG-2288.

The application stands disposed of.

Panchnama and valuation report shall be filed in the court along with charge sheet/within one month.

Copy of this order be given dasti to applicant/his counsel.

(PANKAJ ARORA)
ACMM (EAST)/KKD/01.06.2021

State vs. Unknown
FIR no. 0036/2021
PS Preet Vihar

01.06.2021

Through Video Conference

The present matter has been taken up today through Video Conference according to the Office Order no. 5/R/RG/DHC/2021 dated 23.04.2021 as well as Office Order no. 6/R/RG/DHC/2021 dated 14.05.2021, issued by Hon'ble High Court of Delhi.

An application for release of vehicle having registration no. DL-14-SK-3389 (Scooty) on superdari

Present.: Ld. APP for the State.

Applicant with counsel.

Submission heard. Reply of IO perused.

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 :

“Vehicle 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/re/eased 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 reply 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 CrI. M.C. No. 4485/2013 dated 10.09.2014.**

Considering the facts and circumstances and law laid down by higher courts, vehicle in question be released to the **registered owner as per RC after due identity verification to be conducted by IO/SHO concerned** and on furnishing security bond as per valuation report of the vehicle. After preparation of panchnama of the vehicle and furnishing of security bond as per directions of Hon'ble Supreme Court, the vehicle be released by the IO.

Panchnama and valuation report shall be filed in the court along with charge sheet/within one month.

Copy of this order be given dasti to applicant/his counsel.

(PANKAJ ARORA)
ACMM (EAST)/KKD/01.06.2021

State vs. Mukesh
FIR no. 72/2021
PS Preet Vihar
U/s 408/420/120-B IPC

01.06.2021

Through Video Conference

The present matter has been taken up today through Video Conference according to the Office Order no. 5/R/RG/DHC/2021 dated 23.04.2021 as well as Office Order no. 6/R/RG/DHC/2021 dated 14.05.2021, issued by Hon'ble High Court of Delhi.

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

Present: Ld. APP for the State.
Sh. V.S. Sharma, ld. counsel for the applicant/accused.
IO SI Lokesh through VC.

It is submitted by ld. counsel for the applicant/accused that accused was granted interim bail for a period of 30 days vide order dated 03.05.2021 on the ground of illness of his family members and during his stay at home, the accused has also come into the contact of corona virus and is found Covid positive as per RT-PCR report dated 26.05.2021. It is further submitted that family members of the applicant/accused are still not well. Hence, it is prayed that keeping in view the aforesaid circumstances, the interim bail already granted to the applicant/accused may be further extended for a period of 90 days.

Bail application is not opposed by the ld. APP for the State on humanitarian ground, but he has opposed the bail application on merits of the case.

I have heard the submissions and perused the reply.

Considering the fact that Covid-19 Pandemic is still on, and also the illness of the applicant/accused and his family members, the interim bail granted to the applicant/accused vide order dated 03.05.2021 is hereby extended for another 45 days w.e.f. today, upon the personal bond already furnished by the applicant/accused to the Jail Superintendent concerned. The applicant/accused shall surrender before the Jail Superintendent concerned after expiry of interim bail period. With these observations, application stands disposed of.

Digitally signed copy of the order be sent to the to Jail Superintendent concerned, for necessary information and compliance, if any.

Copy be given dasti to the ld. defence counsel.

(PANKAJ ARORA)
ACMM (EAST)/KKD/01.06.2021

State vs. Sandeep Kumar Verma
FIR no. 72/2021
PS Preet Vihar
U/s 420/468/120-B IPC

01.06.2021

Through Video Conference

The present matter has been taken up today through Video Conference according to the Office Order no. 5/R/RG/DHC/2021 dated 23.04.2021 as well as Office Order no. 6/R/RG/DHC/2021 dated 14.05.2021, issued by Hon'ble High Court of Delhi.

This is a bail application u/s 167 (2) Cr.P.C moved on behalf of the applicant/accused for grant of default/statutory bail.

Present: Ld. APP for the State.
Sh. Sandeep Vashisht, ld. counsel for the applicant /accused.

Accused is stated to be in JC.

Submissions heard on the aforesaid statutory bail application. Reply perused.

It is submitted by ld. counsel for the applicant/accused that he is innocent and has been falsely implicated in the matter and he is in J.C since 20.03.2021. It is further submitted that at the time of registration of the FIR, only Sections 468/420/120-B IPC were invoked by the IO and the sentence prescribed for the said offences is only upto seven years. Further, the charge sheet in the matter has not yet been filed within the statutory period and as such, the applicant/accused is entitled for grant of statutory bail. It is

further submitted that applicant's case is fully covered as per the guidelines issued by the Hon'ble High Power Committee (HPC) vide minutes of meetings dated 04.05.2021 for effective implementation of directions issued by the Hon'ble Supreme Court of India in Suo Moto Petition no. 1/2020. Hence, it is prayed, that accused/ applicant may be granted interim bail.

Bail application is opposed by the ld. APP stating that as per the reply filed by the IO, Section 409 IPC has also been invoked in the present case, which is punishable for life imprisonment and as such, this application is not maintainable before this court and is liable to be dismissed.

I have heard rival submissions and perused the reply.

As per the reply to the bail application filed by the IO, Section 409 IPC has also been added in the matter on 11.05.2021, which is punishable for imprisonment for life. Therefore, in view of the Section 167 (2) Cr.P.C, time period for filing the charge sheet is 90 days from the date of arrest of the accused. Admittedly, the applicant/accused was arrested in the present matter on 20.03.2021 and therefore, he is not entitled for grant of statutory bail. **The bail application is hereby dismissed.**

Copy be given dasti to the ld. Defence counsel.

(PANKAJ ARORA)
ACMM (EAST)/KKD/01.06.2021

State vs. Vicky Kumar
FIR no. ED-NAN-000719/2020
PS New Ashok Nagar
U/s 379 IPC

01.06.2021

Through Video Conference

The present matter has been taken up today through Video Conference according to the Office Order no. 5/R/RG/DHC/2021 dated 23.04.2021 as well as Office Order no. 6/R/RG/DHC/2021 dated 14.05.2021, issued by Hon'ble High Court of Delhi.

This is an application for calling status report from the Jail Superintendent.

Present: Ld. APP for the State.
Sh. Binay Singh, ld. Counsel for the applicant/
accused.

Report from the concerned Jail Superintendent not received despite several reminders.

Let summons be issued to the Jail Superintendent concerned for 02.06.2021.

(PANKAJ ARORA)
ACMM (EAST)/KKD/01.06.2021