

State vs. Ashu
FIR no. 127/2021
PS New Ashok Nagar
U/s 356/379/411 IPC

12.05.2021

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, issued by Hon'ble High Court of Delhi.

This is a bail application u/s 437 Cr.P.C moved on behalf of the applicant/accused.

Present: Ld. APP for the State.
Sh. Yogesh Bhardwaj, ld. LAC for the applicant/
accused.

It is submitted by ld. LAC for the applicant/accused that he is innocent and has been falsely implicated in the matter and he is in J.C since 07.05.2021. It is submitted by ld. Counsel for the applicant/accused that nothing has been recovered from the applicant/accused, alleged recovery has been planted upon him, investigation qua the accused has also been completed, hence no fruitful purpose would be served by keeping the accused/applicant in custody. It is further submitted that applicant's case is fully covered in the first category of HPC and this application is also sent by the Jail authorities as per the recommendations made 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 bail.

Bail application is opposed by the ld. APP stating that applicant/accused is involved in multiple cases and it is prayed that bail application be dismissed.

I have heard rival submissions and perused the reply.

There is an allegation against the applicant/accused that he had snatched the mobile phone of a pedestrian complainant while riding on a motor-cycle. The accused was apprehended at the spot itself. The accused is found involved in 14 other similar cases, out of which, he has already been convicted in case FIR no. 017773/2018, PS Crime Branch. The allegations against the applicant/accused are quite serious in nature. No ground to grant bail/interim bail to the applicant/accused is made out at this stage. **The application is hereby dismissed.**

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

Copy be given dasti to the ld. Defence counsel.

(PANKAJ ARORA)
ACMM (EAST)/KKD/12.05.2021

State vs. Pawan Singh
E. FIR no. 000388/2021
PS New Ashok Nagar
U/s 454/380/411/34 IPC

12.05.2021

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, issued by Hon'ble High Court of Delhi.

This is a bail application u/s 437 Cr.P.C moved on behalf of the applicant/accused.

Present: Ld. APP for the State.
Sh. Gaurav Mittal, Ld. counsel for the applicant/
accused.

Accused is stated to be in JC.

It is submitted by ld. defense counsel for the applicant/accused that he is innocent and has been falsely implicated in the matter and he is in J.C since 08.04.2021. It is submitted by ld. Counsel for the applicant/accused that nothing has been recovered from the applicant/accused and investigation qua the accused has also been completed, hence no fruitful purpose would be served by keeping the accused/applicant in custody. Hence, it is prayed, that accused/applicant may be granted bail.

Bail application is opposed by the ld. APP stating that applicant/accused is a habitual offender and is involved in

many other cases and it is prayed that bail application be dismissed.

I have heard rival submissions and perused the reply.

There is an allegation against the applicant/accused that he was found in possession of one stolen mobile phone, which was stolen from the house of the complainant. There is also allegation against him that applicant/accused along with other co-accused persons had trespassed into the house of the complainant after breaking the locks. Remaining stolen articles are yet to be recovered. The investigation is still going on. The applicant/accused is also involved in 5 other similar cases. Under these circumstances, no ground to grant bail to the applicant/accused is made out at this stage. **The application is hereby dismissed.**

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

Copy be given dasti to the ld. Defence counsel.

(PANKAJ ARORA)
ACMM (EAST)/KKD/12.05.2021

State vs. Sunny
FIR no. 330/2021
PS New Ashok Nagar

12.05.2021

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, issued by Hon'ble High Court of Delhi.

This is an application u/s 437 Cr.P.C moved on behalf of the applicant/accused for grant of bail.

Present: Ld. APP for the State.

Sh. Yogesh Bhardwaj, ld. LAC for the
applicant/accused.

Reply not received.

Let B/W in a sum of Rs. 5,000/- be issued against
the SHO concerned for 13.05.2021.

(PANKAJ ARORA)
ACMM (EAST)/KKD/12.05.2021

State vs. Unknown
E. FIR no. 0012130/2021
PS Preet Vihar

12.05.2021

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, issued by Hon'ble High Court of Delhi.

An application for release of vehicle having registration no. DL-7S-BY-4089 (Scooty) on superdari

Present.: Ld. APP for the State.

Sh. Ramesh Chand Sagar, ld. counsel for the applicant/owner.

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 filing of charge sheet/within one month.

Copy of this order be given dasti to applicant.

(PANKAJ ARORA)
ACMM (EAST)/KKD/12.05.2021

State vs. Ram Prakash Singh
FIR no. 56/2021
PS Preet Vihar
U/s 420/120-B/34 IPC

12.05.2021

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, issued by Hon'ble High Court of Delhi.

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

Present: Ld. APP for the State.

Sh. Abhishek Sharma, ld. counsel for the applicant/accused.

Heard.

Due to some personal reason, I wish to recuse from passing any order in the aforesaid matter.

Let this application be put up before ld. CMM (East) on today at 2.30 pm.

(PANKAJ ARORA)
ACMM (EAST)/KKD/12.05.2021

State vs. Himanshu Jaiswal
FIR no. 58/2021
PS Preet Vihar
U/s 379/356/34 IPC

12.05.2021

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, issued by Hon'ble High Court of Delhi.

This is a bail application u/s 437 Cr.P.C moved on behalf of the applicant/accused.

Present: Ld. APP for the State.
Sh. Arvind Saxena, Id. counsel for the applicant/
accused.

Accused is stated to be in JC.

Submissions heard. Reply perused.

It is submitted by Id. counsel for the applicant/accused that he is innocent and has been falsely implicated in the matter and he is in J.C since 15.04.2021. It is submitted by Id. Counsel for the applicant/accused that nothing has been recovered from the applicant/accused, alleged recovery has been planted upon him, investigation qua the accused has also been completed, hence no fruitful purpose would be served by keeping the accused/applicant in custody. Hence, it is prayed, that accused/ applicant may be granted bail.

As per the reply sent by the IO, applicant/accused has not been arrested in the aforesaid case.

Under these circumstances, the **application stands dismissed being infructuous.**

Copy be given dasti to the ld. Defence counsel.

(PANKAJ ARORA)
ACMM (EAST)/KKD/12.05.2021