

State vs. Unknown FIR no, 00383/2020 PS New Ashok  
Nagar

14.12.2020 Through Video Conferencing  
Application for release the Mobile phone make Vivo on  
superdari

Pr.: Ld. APP for the State.

Sh. Kapil Singhla, Id. Counsel for the applicant.

Proceedings are conducted through VC.

Submission heard. Reply of IO perused.

Instead of releasing the mobile on superdari, I  
am of the considered view that the mobile 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, mobile phone in question be released to the owner as per invoice after due identity and IMEI No. verification to be conducted by IO/SHO concerned and on furnishing security bond as per valuation report of the mobile. After preparation of panchnama of the machine and furnishing of security

bond as per directions of Hon'ble Supreme Court, the mobile 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.  
Order be uploaded on the server.

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ACMM (EAST)/KKD/14.12.2020

State vs. unknown  
E. FIR no. 014173/2020  
PS New Ashok Nagar

14.12.2020  
Through Video Conferencing

Application for release the vehicle no. DL-13SA-2365 on  
superdari

Pr.: Ld. APP for the State.

Sh. Jagdish Prasad and Sh. Raj Kumar, Id. Counsels  
for the 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 machine 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.

Order be uploaded on the server.

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ACMM (EAST)/KKD/14.12.2020

State vs. unknown  
FIR no. 00101/20  
PS New Ashok Nagar

14.12.2020  
Through Video Conferencing

Application for release the vehicle no. DL-7S-BX-7061 on superdari

Pr.: Ld. APP for the State.

Sh. Anil Payal, Id. Counsels for the applicant.

Proceedings are conducted through VC.

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 machine 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.  
Order be uploaded on the server.

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ACMM (EAST)/KKD/14.12.2020

IN THE COURT OF A.C.M.M. -EAST KKD DELHI

FIR NO. 352/2020  
PS New Ashok Nagar  
State Vs. Mohit s/o Maan Singh  
U/s 379/356/411/34 IPC

14.12.2020

Through video conferencing

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

Present: Ld. APP for the State.  
Sh. Parmanand Jaint, Id. counsel for the applicant/accused.

Accused is stated to be in JC.

Submissions on bail application heard. Reply of IO 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 07.08.2020. It is submitted by Id. Counsel for the applicant/accused that the alleged recovery has been planted upon the applicant/accused and investigation qua him has already been completed. It is further argued that even as per the directions issued by HPC (High Powered Committed) constituted by Hon'ble

Supreme Court of India, the accused is entitled for grant of bail, Hence, it is prayed, that accused/applicant may be granted bail.

The bail application is opposed by the Ld. APP for the State.

I have heard the submissions and perused the reply.

The accused is shown to be in custody since 07.08.2020. Investigation in the matter has already been completed and charge sheet has also been filed. His custody is not required for further investigation. This is a period when there is need of decongestion of jails due to COVID 19 Pandemic. Considering the circumstances, nature of offence in question and the age of the accused/applicant, accused/applicant Mohit son of Maan Singh is hereby granted bail on furnishing bail bond in the sum of Rs. 10,000/- with one surety of like amount.

With above directions, bail application of accused stands disposed of. Copy of this order be sent 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. counsel.

Order be uploaded on the server.

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ACMM (EAST)/KKD/14.12.2020

IN THE COURT OF A.C.M.M. -EAST KKD DELHI

FIR NO. ED-NAN-000634/2020

PS New Ashok Nagar

State Vs. Arvind Kumar

U/s 379 IPC

14.12.2020

Through video conferencing

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

Present: Ld. APP for the State.  
Sh. Muneesh Kr. Shukla, Id. counsel for the applicant/accused.

Accused is stated to be in JC.

Submissions on bail application heard. Reply of IO 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 18.11.2020. It is submitted by Id. Counsel for the applicant/accused that alleged recovery has already been effected and no fruitful purpose would be served by keeping the accused/applicant in J/C. Hence, it is prayed, that accused/applicant may be granted bail.

Ld. APP submits that appropriate order as per law may be passed.

I have heard the submissions and perused the reply.

The accused is shown to be in custody since 18.11.2020. His custody is not required for further investigation. This is a period when there is need of decongestion of jails due to COVID 19 Pandemic. Considering the circumstances, nature of offence in question and the age of the accused/applicant, accused/applicant Arvind Kumar is hereby granted bail on furnishing bail bond in the sum of Rs.10,000/- with one surety of like amount.

With above directions, bail application of accused stands disposed of. Copy of this order be sent 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. counsel.

Order be uploaded on the server.

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ACMM (EAST)/KKD/14.12.2020