

FIR NO. 546/2020
PS New Ashok Nagar
State Vs. Rahul @ Ayush
U/s 356/379/411/34 IPC

15.01.2021

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. Kapil Singhal, 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 24.12.2020. 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. 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.

There is an allegation against the accused that he along with co-accused while riding on the motorcycle, had snatched the mobile phone from the possession of the pedestrian complainant. The applicant/accused was apprehended at the spot itself by the



public. The allegations against the applicant/accused are quite serious in nature. No ground to grant bail is made out at this stage.

The bail application is hereby dismissed.

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.

(PANKAJ ARORA)
ACMM (EAST)/KKD/15.01.2021

e-FIR NO. 05/2020

PS Preet Vihar

State Vs. Arif

U/s 323/341//186/353/427/34 IPC

15.01.2021

Through video conferencing

A bail application u/s 439 Cr.P.C moved on behalf of the applicant/accused.

Present: Ld. APP for the State.
Sh. Ritesh Bahri, ld. 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 ld. Counsel for the applicant/accused that he is innocent and has been falsely implicated in the matter and he is in J.C for the last about 10 days. It is submitted by ld. Counsel for the applicant/accused that the investigation qua him has already been completed and he has cooperated in the investigation. Hence, it is prayed, that accused/applicant may be granted bail.

The bail application is opposed by the Ld. APP for the State stating that investigation is at preliminary stage and allegations against him are grave in nature.

I have heard the submissions and perused the reply.

On specific query, the IO submitted that applicant/accused was seen in the CCTV footage beating the complainant Sachin Tyagi.



: 2 :

There is an allegation against the applicant/accused Arif that he along with co-accused persons had beaten one Sachin Tyagi, who was found shooting from his mobile and he along with his associates also gave beatings to ASI Harivinder, who attended the PCR call made by Sachin Tyagi. The accused persons have also damaged the side view mirror and front mirror of the PCR van. Co-accused persons namely Ashu, Momos, Javed, Majid, Salam and Saleem and other unidentified accused persons are yet to be arrested in the matter. The investigation is still going on. The allegations against the applicant/accused are quite serious in nature. No ground to grant bail is made out at this stage. **The bail application is hereby dismissed.**

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.


(PANKAJ ARORA)
ACMM (EAST)/KKD/15.01.2021

e-FIR NO. 560/2020

PS Preet Vihar

State Vs. Golu

U/s 379/411 IPC

15.01.2021

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. Sanjeev Bhardwaj, ld. counsel for the applicant/accused.

Accused is stated to be in JC.

Submissions on bail application heard. Reply of IO perused.

Reply filed by the IO is not proper and incomplete.

Let the IO be called with proper reply on 16.01.2021.

(PANKAJ ARORA)
ACMM (EAST)/KKD/15.01.2021

e-FIR NO. 563/2020

PS Preet Vihar

State Vs. Golu

U/s 379/411 IPC

15.01.2021

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. Sanjeev Bhardwaj, ld. 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 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 16.12.2020. It is submitted by ld. Counsel for the applicant/accused that the alleged recovery has been planted upon the applicant/accused and investigation qua him has already been completed. 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 16.12.2020. Investigation in the matter has already been completed and alleged recovery has already been effected. No useful purpose is going to be served by keeping him in custody. 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 be released from jail on his furnishing a bail bond in a sum of Rs. 10,000/- with one surety in the like amount to the satisfaction of Id. M.M/Link MM/Duty MM.

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 Id. counsel.

Order be uploaded on the server.



(PANKAJ ARORA)
ACMM (EAST)/KKD/15.01.2021

e-FIR NO. 566/2020
PS Preet Vihar
State Vs. Golu
U/s 379/411 IPC

15.01.2021

Through video conferencing

A bail application u/s 437 Cr.P.C moved on behalf of the applicant/accused. 0

Present: Ld. APP for the State.
Sh. Sanjeev Bhardwaj, ld. counsel for the applicant/accused.

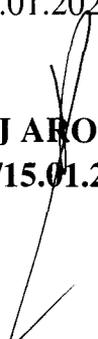
Accused is stated to be in JC.

Submissions on bail application heard. Reply of IO perused.

Reply filed by the IO is not proper and incomplete.

Let the IO be called with proper reply on 16.01.2021.

(PANKAJ ABORA)
ACMM (EAST)/KKD/15.01.2021



Dev Anand vs. State

15.01.2021

Through video conferencing

Application for status report

Present: Ld. APP for the State.

Ld. Counsel for the applicant.

Status report received.

Let a copy be supplied to the applicant.

The application stands disposed of.


(PANKAJ ARORA)
ACMM (EAST)/KKD/15.01.2021

State vs. Not known
e-FIR No: 002770/2020
PS New Ashok Nagar

15.01.2021

An application for release of vehicle bearing no. DL 2-SQ-4204 on superdari.

Pr.: Ld. APP for the State.

Ld. Counsel for the applicant.

Submission heard. Reply of IO perused.

Instead of releasing the mobile 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/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 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 be released to the owner as per RC after**



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.

Order be uploaded on the server.


(PANKAJ ARORA)
ACMM (EAST)/KKD/15.01.2021

State vs. Unknown
e-FIR No: 000428/2020
PS New Ashok Nagar

15.01.2021

An application for release of mobile phone on superdari.

Pr.: Ld. APP for the State.

Ld. Counsel for the applicant.

Submission heard. Reply of IO perused.

Instead of releasing the mobile 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, mobile be released to the owner as per invoice after due identity & 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 phone 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.

(PANKAJ ARORA)
ACMM (EAST)/KKD/15.01.2021



State vs. Narender Kumar
e-FIR No: 026915/2020
PS New Ashok Nagar

15.01.2021

**An application for release of vehicle bearing no. DL 7SCF-0176
on superdari.**

Pr.: Ld. APP for the State.

Ld. Counsel for the applicant.

Submission heard. Reply of IO perused.

Instead of releasing the mobile 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/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 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 be released to the registered owner as per RC after 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.

Order be uploaded on the server.

(PANKAJ ARORA)
ACMM (EAST)/KKD/15.01.2021



e-FIR NO. 000383/2020
PS New Ashok Nagar
State Vs. Pankaj Kumar
U/s 379/411/34 IPC

15.01.2021

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. Vinay Dhaka, ld. 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 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 23.11.2020. It is submitted by ld. Counsel for the applicant/accused that the 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. I have heard the submissions and perused the record. The accused is shown to be in custody since 23.11.2020. 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 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.


(PANKAJ ARORA)
ACMM (EAST)/KKD/15.01.2021