

FIR No. 17226/2021
PS Kalyanpuri
State Vs. Unknown
U/s 379 IPC.

Application No. 1

17.08.2021

Due to corona pandemic outbreak and in view of Office Order No. 504/RG/DHC/2021, dated 12.08.2021, of Ld. Registrar General, Hon'ble High Court of Delhi, the present matter is taken up for hearing through VC via Cisco Webex Meeting App.

Pr. Ld. APP for the State.

Counsel for the applicant/superdar.

This is an application for release of **vehicle (motorcycle) bearing No. DL5SCQ4023** to the applicant/owner Surjeet Sharma on superdari. Reply filed by the IO concerned.

Record is perused and it reveals that **applicant Surjeet Sharma is the owner/rightful claimant of the vehicle (motorcycle) bearing No. DL5SCQ4023. IO has no objection in release of case property to the applicant.**

Keeping in view the report of IO and judgment passed by Hon'ble High Court of Delhi in ***Manjit Singh Vs State; Crl. M.C.4485/2013 and Crl. M.A.No. 16055/2013*** wherein inter-alia the law laid down by Hon'ble Supreme Court in case titled as ***Sunderbhai Ambalal Desai and C.M. Mudaliar Vs. State of Gujrat; (2002) 10 SSC 283*** has been reiterated; the application is allowed. Concerned IO as well as SHO are directed as under:

(i) to release the above-mentioned vehicle to registered owner subject to preparing detailed proper panchnama of above-mentioned vehicle and taking photographs of above-mentioned vehicle from all possible angles including engine number and chasis number and file the same along with charge sheet;

(ii) to get panchnama and photographs of above-mentioned vehicle attested and countersigned by concerned party as well as by registered owner and IO.

(iii) IO however shall release the vehicle only after verification of ownership documents of applicant.

Applicant shall also file an indemnity bond before the IO. IO/SHO is directed to do the needful. Application is **disposed of** accordingly.

At request, copy of this order be given dasti.

Original application along with court fees and vakalatnama be filed upon resumption of normal functioning of the courts.

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CMM (East), KKD, Delhi/17.08.2021

e-FIR No. 28390/2018
PS Kalyanpuri
State Vs. Kapil
U/ 379/411 IPC.

Application No. 2

17.08.2021

Due to corona pandemic outbreak and in view of Office Order No. 504/RG/DHC/2021, dated 12.08.2021, of Ld. Registrar General, Hon'ble High Court of Delhi, the present matter is taken up for hearing through VC via Cisco Webex Meeting App.

Pr. Ld. APP for the State.
Counsel for the applicant/surety Rajeev Kishor Sharma.
IO is present.

This is an application under Section 451 Cr.P.C for release of RC of vehicle bearing No. DL-8SBH-1207 to the applicant/owner Rajeev Kishor Sharma, the surety of accused.

It was submitted by the counsel for the applicant on the previous date that chargesheet has not yet been filed in the case. However, IO concerned has informed that chargesheet has already been filed in the case. IO has also filed the report regarding death verification of accused in the case. The factum of death has been duly verified and taken on record.

Ahlmad is directed to trace out the file. Be put up at 3.00pm today itself.

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CMM (East), KKD, Delhi/17.08.2021

3.00pm

Pr. None.

Scanned copy of judicial file has been sent on official e-mail ID of the undersigned.

Perusal of the same shows that matter has already been decided in Lok Adalat and it was wrongly submitted that chargesheet was not filed in the case. Counsel is, accordingly, warned for the same. Since the matter has already been disposed and accused has also now expired, present application of the surety for return of original RC is, accordingly, allowed. Let the original RC of the applicant be returned to him against an acknowledgement of the same on its copy by the Ahlmad.

Present application stands disposed of and be consigned to Record Room.

Original application along with court fees and vakalatnama be filed upon resumption of normal functioning of the courts.

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CMM (East), KKD, Delhi/17.08.2021

FIR No. 321/2021
PS Kalyanpuri
State Vs. Unknown
U/s 279/304A IPC.

Application No.3

17.08.2021

Due to corona pandemic outbreak and in view of Office Order No. 504/RG/DHC/2021, dated 12.08.2021, of Ld. Registrar General, Hon'ble High Court of Delhi, the present matter is taken up for hearing through VC via Cisco Webex Meeting App.

Pr. Ld. APP for the State.

Counsel for the applicant/superdar.

This is an application for release of **vehicle (Maruti Alto Car) bearing registration No. DL5CK3821** to the applicant/owner Gaurav Sharma on superdari. Reply already filed by the IO concerned.

Record is perused and it reveals that **applicant Gaurav Sharma is the owner/rightful claimant of the vehicle (Maruti Alto Car) bearing registration No. DL5CK3821. IO has no objection in release of case property to the applicant.**

Keeping in view the report of IO and judgment passed by Hon'ble High Court of Delhi in **Manjit Singh Vs State; Crl. M.C.4485/2013 and Crl. M.A.No. 16055/2013** wherein inter-alia the law laid down by Hon'ble Supreme Court in case titled as **Sunderbhai Ambalal Desai and C.M. Mudaliar Vs. State of Gujrat; (2002) 10 SSC 283** has been reiterated; the application is allowed. Concerned IO as well as SHO are directed as under:

- (i) to release the above-mentioned vehicle to registered owner subject to preparing detailed proper panchnama of above-mentioned vehicle and taking photographs of above-mentioned vehicle from all possible angles including engine number and chasis number and file the same along with charge sheet;
- (ii) to get panchnama and photographs of above-mentioned vehicle attested and countersigned by concerned party as well as by registered owner and IO.
- (iii) IO however shall release the vehicle only after verification of ownership documents of applicant.

Applicant shall also file an indemnity bond before the IO. IO/SHO is directed to do the needful. Application is **disposed of** accordingly.

At request, copy of this order be given dasti.

Original application along with court fees and vakalatnama be filed upon resumption of normal functioning of the courts.

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CMM (East), KKD, Delhi/17.08.2021

FIR No. 109/2021
PS Kalyanpuri
State Vs. Kailash @ Haresh
U/s 356/379/34 IPC.

Application No. 4

17.08.2021

Due to corona pandemic outbreak and in view of Office Order No. 504/RG/DHC/2021, dated 12.08.2021, of Ld. Registrar General, Hon'ble High Court of Delhi, the present matter is taken up for hearing through VC via Cisco Webex Meeting App.

Pr. Ld. APP for the State.

Counsel for the applicant/accused.

This is an application under Section 437 Cr.P.C., moved on behalf of the applicant/accused Kailash @ Haresh, for grant of regular bail. Reply filed by the IO concerned.

As per the reply filed by the IO, applicant/accused has not been arrested in this case. Consequently, Ld. Counsel for the applicant/accused has prayed for withdrawal of the present bail application. The same is, accordingly, dismissed as withdrawn and stands disposed of. Copy of report of IO be provided to the counsel for accused.

At this stage, it is worth mentioning that vakalatnama of some other case of the same accused has been used in this case as vakalatnama of this case. Hence, counsel for the applicant/accused is impressed upon not to resort to such practice in near future.

A copy of this order given dasti to counsel for the applicant/accused.

Original application along with court fees and vakalatnama be filed upon resumption of normal functioning of the courts.

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CMM (East), KKD, Delhi/17.08.2021

FIR No. 317/2021
PS Kalyanpuri
State Vs. Kailash @ Haresh
U/s 356/379/34 IPC.

Application No. 5

17.08.2021

Due to corona pandemic outbreak and in view of Office Order No. 504/RG/DHC/2021, dated 12.08.2021, of Ld. Registrar General, Hon'ble High Court of Delhi, the present matter is taken up for hearing through VC via Cisco Webex Meeting App.

Pr. Ld. APP for the State.

Counsel for the applicant/accused.

This is an application under Section 437 Cr.P.C., moved on behalf of the applicant/accused Kailash @ Haresh, for grant of regular bail. Reply filed by the IO concerned.

As per the reply filed by the IO, present case FIR has been registered at PS Kalyanpuri for the offence under Section 188 IPC and not under the Sections as mentioned in the present application. Moreover, the applicant/accused has not been arrested in this case. Consequently, Ld. Counsel for the applicant/accused has prayed for withdrawal of the present bail application. The same is, accordingly, dismissed as withdrawn and stands disposed of. Copy of report of IO be provided to the counsel for accused.

At this stage, it is worth mentioning that vakalatnama of some other case of the same accused has been used in this case as vakalatnama of this case. Hence, counsel for the applicant/accused is impressed upon not to resort to such practice in near future.

A copy of this order given dasti to counsel for the applicant/accused.

Original application along with court fees and vakalatnama be filed upon resumption of normal functioning of the courts.

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CMM (East), KKD, Delhi/17.08.2021

FIR No. 308/2021
PS Kalyanpuri
State Vs. Kailash @ Haresh
U/s 356/379/34 IPC.

Application No. 6

17.08.2021

Due to corona pandemic outbreak and in view of Office Order No. 504/RG/DHC/2021, dated 12.08.2021, of Ld. Registrar General, Hon'ble High Court of Delhi, the present matter is taken up for hearing through VC via Cisco Webex Meeting App.

Pr. Ld. APP for the State.

Counsel for the applicant/accused.

This is an application under Section 437 Cr.P.C., moved on behalf of the applicant/accused Kailash @ Haresh, for grant of regular bail. Reply filed by the IO concerned.

As per the reply filed by the IO, applicant/accused has not been arrested in this case. Consequently, Ld. Counsel for the applicant/accused has prayed for withdrawal of the present bail application. The same is, accordingly, dismissed as withdrawn and stands disposed of. Copy of report of IO be provided to the counsel for accused.

At this stage, it is worth mentioning that vakalatnama of some other case of the same accused has been used in this case as vakalatnama of this case. Hence, counsel for the applicant/accused is impressed upon not to resort to such practice in near future.

A copy of this order given dasti to counsel for the applicant/accused.

Original application along with court fees and vakalatnama be filed upon resumption of normal functioning of the courts.

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CMM (East), KKD, Delhi/17.08.2021

FIR No. 269/2021
PS Kalyanpuri
State Vs. Kailash @ Haresh
U/s 356/379/34 IPC.

Application No. 7

17.08.2021

Due to corona pandemic outbreak and in view of Office Order No. 504/RG/DHC/2021, dated 12.08.2021, of Ld. Registrar General, Hon'ble High Court of Delhi, the present matter is taken up for hearing through VC via Cisco Webex Meeting App.

Pr. Ld. APP for the State.

Counsel for the applicant/accused.

This is an application under Section 437 Cr.P.C., moved on behalf of the applicant/accused Kailash @ Haresh, for grant of regular bail. Reply filed by the IO concerned.

As per the reply filed by the IO, applicant/accused has not been arrested in this case. Consequently, Ld. Counsel for the applicant/accused has prayed for withdrawal of the present bail application. The same is, accordingly, dismissed as withdrawn and stands disposed of. Copy of report of IO be provided to the counsel for accused.

At this stage, it is worth mentioning that vakalatnama of some other case of the same accused has been used in this case as vakalatnama of this case. Hence, counsel for the applicant/accused is impressed upon not to resort to such practice in near future.

A copy of this order given dasti to counsel for the applicant/accused.

Original application along with court fees and vakalatnama be filed upon resumption of normal functioning of the courts.

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CMM (East), KKD, Delhi/17.08.2021

FIR No. 381/2021
PS Kalyanpuri
State Vs. Sukhdev @ Mota
U/s 33 Delhi Excise Act.

Application No. 8

17.08.2021

Due to corona pandemic outbreak and in view of Office Order No. 504/RG/DHC/2021, dated 12.08.2021, of Ld. Registrar General, Hon'ble High Court of Delhi, the present matter is taken up for hearing through VC via Cisco Webex Meeting App.

Pr. Ld. APP for the State.

Counsel for the applicant/accused.

This is an application under Section 437 Cr.P.C., moved on behalf of the applicant/accused Sukhdev @ Mota, for grant of regular bail. Reply filed by the IO concerned.

Arguments heard. Record perused.

As per the allegations, applicant/accused was allegedly found in possession of illicit liquor pouches measuring 18 liters, in total. As per the reply filed by the IO, applicant/accused is involved in more than 25 criminal cases. Further the accused is a designated BC of the area.

Ld. Counsel for the applicant/accused has submitted that present recovery has been planted upon the applicant/accused. Moreover, only five other criminal cases are pending against the applicant/accused. Furthermore, the applicant/accused is not required for any further custodial purposes. Hence, he claims bail for the applicant/accused in the case.

Ld. APP for the State has opposed the bail application.

Having heard both sides, I am of the considered opinion that there is recovery of illicit liquor in huge quantity. Evenif there are five other criminal cases against the accused, it shows his criminal antecedents and hence, applicant/accused does not deserve relief bail in the instant case. Hence, his bail application is dismissed and stands disposed of, accordingly.

A copy of this order be given dasti to counsel for the applicant/accused.

Original application along with court fees and vakalatnama be filed upon resumption of normal functioning of the courts.

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CMM (East), KKD, Delhi/17.08.2021

**FIR No. 466/2007
PS Pandav Nagar
State Vs. Mahender Sati
U/s 380/448 IPC.**

Application No. 9

17.08.2021

Due to corona pandemic outbreak and in view of Office Order No. 504/RG/DHC/2021, dated 12.08.2021, of Ld. Registrar General, Hon'ble High Court of Delhi, the present matter is taken up for hearing through VC via Cisco Webex Meeting App.

Pr. Ld. APP for the State.
Applicant in person.

This is an application for recalling of summons as well as for release of amount of Rs.12,500/- deposited by the applicant Mahender Sati at the time of bail.

It is informed by the applicant that present case FIR has been quashed by the Hon'ble High Court of Delhi vide its order dated 28.02.2020 in CrI. M.C. 131/2020, titled Mahender Sati & Anr Vs. The State of NCT of Delhi & Anr.

Applicant has further requested for release of an amount of Rs.12,500/- in new currency notes as the said amount was deposited by him in denomination of Rs.500/- each of old currency notes (now demonetized).

Heard.

It has now transpired from the Court staff that aforesaid order of Hon'ble High Court of Delhi was already received through its Office Order and is tagged with the case file, however, the same was never put before the undersigned when it was received.

In view of the same, let a show cause notice be issued to the Ahlmad as to why disciplinary proceedings should not be recommended against him for failure to produce the aforesaid order before the undersigned, despite the fact that said order was received almost five months back.

In view of the aforesaid order of Hon'ble Delhi High Court, no further proceedings remain in this case. The bailbond of accused is cancelled and his surety is discharged.

As per record, the accused appears to have deposited a sum of Rs.12,500/- in view of order dated 24.09.2207 of Ld. ASJ while granting interim bail to him, which he is now claiming. It is clarified to the applicant that this Court cannot direct RBI to exchange the old currency notes, in case the amount is lying with IO/DCP DIU, in old currency notes (now demonetized) in the aforementioned denomination. However, if the said amount is lying deposited in any official bank account, the same can be released in the current currency.

Let a report be called from IO regarding the whereabouts of said currency notes.

Be put up on 21.08.2021.

A copy of this order be sent to the IO concerned for information and compliance.

Original application along with court fees and vakalatnama be filed upon resumption of normal functioning of the courts.

Judicial file be consigned to Record Room after due compliance. Any NDOH, if given, stands cancelled.

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CMM (East), KKD, Delhi/17.08.2021

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FIR No. 109/2019
PS Kalyanpuri
Meena Aggarwal Vs. State.
U/s 420/467/468/471/120B/506 IPC.

Application No. 10

17.08.2021

Due to corona pandemic outbreak and in view of Office Order No. 504/RG/DHC/2021, dated 12.08.2021, of Ld. Registrar General, Hon'ble High Court of Delhi, the present matter is taken up for hearing through VC via Cisco Webex Meeting App.

Pr. Ld. APP for the State.

Sh. Akshat Aggarwal, Counsel for the complainant.

IO/Inspector D.P. Singh, from EOW, is present through VC.

This is an application under Section 156(3) Cr.P.C. seeking directions to the ACP (East) concerned to monitor investigation in the abovementioned FIR number.

Arguments heard on the application.

It is stated by the counsel for the complainant that no investigation has been done by the IO qua role of the accused No.2 & 3 in commission of present offences.

However, IO submits that he had already made enquiry from them and now as per the arguments addressed today, he will make further inquiry from the accused No.2 and 3 to this effect and would file the status report qua the same on the next date of hearing.

Be put up on 08.09.2021.

Original application along with court fees and vakalatnama be filed upon resumption of normal functioning of the courts.

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(Atul Krishna Agrawal)
CMM (East), KKD, Delhi/17.08.2021

FIR No. 392/2020
PS Pandav Nagar
State Vs. Kapil Gupta
U/s 419/420/406 IPC.

Application No.11

17.08.2021

Due to corona pandemic outbreak and in view of Office Order No. 504/RG/DHC/2021, dated 12.08.2021, of Ld. Registrar General, Hon'ble High Court of Delhi, the present matter is taken up for hearing through VC via Cisco Webex Meeting App.

Pr. Ld. APP for the State.

Counsel for the applicant/accused.

This is an application, moved on behalf of the applicant/accused Pawan Kumar, for release of his **passport No. U6114377** for its renewal. The applicant/accused has further stated that he shall not leave India without permission of this court.

Heard on the application.

Perusal of record shows that the case is at an initial stage. Trial in all the cases are already getting delayed due to Corona Pandemic Outbreak. Liberty of accused should not be restrained unnecessarily. Hence, the present application is allowed in the interest of justice.

It is clarified that this court has **No Objection** if the passport of the applicant/accused is renewed as per rules laid down. However, it is clarified that the present order is conditional to any other order/direction of any other court or competent authority restraining the renewal of passport of the applicant/accused.

Furthermore, the applicant/accused shall not leave the country without prior permission of this court. Present application is, accordingly, disposed of.

Copy of this order be given dasti to counsel for the applicant/accused.

Original application along with court fees and vakalatnama be filed upon resumption of normal functioning of the courts.

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CMM (East), KKD, Delhi/17.08.2021

FIR No. 07792/2019
PS Pandav Nagar
State Vs. Sachin Khatola
U/s 379/411/482 IPC.

Application No. 12

17.08.2021

Due to corona pandemic outbreak and in view of Office Order No. 504/RG/DHC/2021, dated 12.08.2021, of Ld. Registrar General, Hon'ble High Court of Delhi, the present matter is taken up for hearing through VC via Cisco Webex Meeting App.

Pr. Ld. APP for the State.

Sh. Ram Kumar Soni, LAC for the applicant/accused.

This is an application for correction in FIR number mentioned on the bail order dated 17.03.2021 passed by this Court.

I have gone through the record. Perusal of the record shows that FIR No.07732/2019 was mentioned in the bail order dated 17.03.2021, however, the actual FIR number is **FIR No.07792/2019**. This is an inadvertent, typographical mistake. Said typographical mistake is, accordingly, rectified. Hence, it is directed that the said FIR No.07732/2019 **be read as FIR No.07792/2019 in the aforesaid bail order**. However, other terms and conditions mentioned in the said order will remain the same.

Present application is, accordingly, disposed of. A copy of this order be given dasti to the counsel for the applicant/accused.

Original application along with court fees and vakalatnama be filed upon resumption of normal functioning of the courts.

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CMM (East), KKD, Delhi/17.08.2021

FIR No.334/2021
PS Kalyanpuri
State Vs. Puran Lal
U/s 33 Delhi Excise Act.

17.08.2021

Due to corona pandemic outbreak and in view of Office Order No. 504/RG/DHC/2021, dated 12.08.2021, of Ld. Registrar General, Hon'ble High Court of Delhi, the present matter is taken up for hearing through VC via Cisco Webex Meeting App.

Fresh chargesheet received. It be checked and registered.

Pr. Ld. APP for the State.

Accused is stated to be on bail.

IO/HC Satish Kumar in person.

Be put up for consideration on 16.12.2021.

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CMM (East), KKD, Delhi/17.08.2021

FIR No. 291/2021
PS Kalyanpuri
State Vs. Rinku @ Manas & Anr.
U/s 356/379/411/34 IPC.

17.08.2021

Due to corona pandemic outbreak and in view of Office Order No. 504/RG/DHC/2021, dated 12.08.2021, of Ld. Registrar General, Hon'ble High Court of Delhi, the present matter is taken up for hearing through VC via Cisco Webex Meeting App.

Fresh chargesheet received. It be checked and registered.

Pr. Ld. APP for the State.

Both accused, namely, Rinku @ Manas and Sambir are stated to be in JC.

IO/SI Sher Ali in person.

Be put up for consideration on 31.08.2021.

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CMM (East), KKD, Delhi/17.08.2021