

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

FIR NO. 000189/2020
PS New Ashok Nagar
State Vs. Hemant @ Bagga
U/s 379/411 IPC

18.12.2020

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. Devendra Kumar, 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 05.09.2020. It is submitted by Id. Counsel for the applicant/accused that the alleged recovery has already been effected and chargesheet has already been filed 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 05.09.2020. 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.

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PANKAJ ARORA
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ACMM (EAST)/KKD/18.12.2020

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

e-FIR NO. 000275/2020
PS New Ashok Nagar
State Vs. Hemant @ Bagga
U/s 379/411 IPC

18.12.2020

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. Devendra Kumar, 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 05.09.2020. It is submitted by ld. Counsel for the applicant/accused that the alleged recovery has already been effected and chargesheet has already been filed 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 05.09.2020. 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.

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ACMM (EAST)/KKD/18.12.2020

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

e-FIR NO. 000138/2020
PS New Ashok Nagar
State Vs. Hemant @ Bagga
U/s 379/411 IPC

18.12.2020

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. Devendra Kumar, Id. counsel for the applicant/accused.

Accused is stated to be in J.C.

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 05.09.2020. It is submitted by Id. Counsel for the applicant/accused that the alleged recovery has already been effected and chargesheet has already been filed 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 05.09.2020. 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 Id. counsel.

Order be uploaded on the server.

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ACMM (EAST)/KKD/18.12.2020

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

FIR NO. 000495/2020
PS New Ashok Nagar
State Vs. Ravi
U/s 379/411 IPC

18.12.2020

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. Mukesh Sharma, 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 17.11.2020. It is submitted by Id. Counsel for the applicant/accused that the alleged recovery has already been effected and chargesheet has already been filed 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 17.11.2020. 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.

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ACMM (EAST)/KKD/18.12.2020

FIR No: 289/2020
PS Preet Vihar
State Vs. Mohd. Afjal

18.12.2020

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 phone in question be released to the owner as per invoice after due identity and IMEI number 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.

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ACMM (EAST)/KKD/18.12.2020

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

State vs. Not Known
FIR NO. 0280/2020
PS Preet Vihar

18.12.2020

Through video conferencing

An application for release of vehicle no.
UP14CC1001 on superdari.

Present: Ld. APP for the State.
Sh. Lalit Narayan Singh, Id. Counsel for the
applicant.
IO through VC.
Submission heard. Reply of IO perused.

On specific query, IO submits that he has got
verified the Insurance certificate as well as DL from the
concerned authorities.

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/18.12.2020

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

FIR NO. 0158/2020
PS Preet Vihar
State Vs. Prashant
U/s 406/34 IPC

18.12.2020

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. Deepak Jain, Id. counsel for the applicant/accused.
Sh. Rajesh Kaushik, Id. Counsel for the complainant.
IO SI Abodh through VC.
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. It is further submitted that there was no entrustment from the side of the applicant/accused and Sections were wrongly invoked in the matter. It is submitted by Id. Counsel for the applicant/accused that investigation qua him has already been completed and no fruitful

purpose would be served by keeping the accused/applicant in J/C. He has placed reliance upon one judgement of State vs. Gujarat (Jaswant Singh). Hence, it is prayed, that accused/applicant may be granted bail.

IO on specific query has submitted that Section 408 IPC is going to be added in the matter.

Ld. APP opposed the bail application for the reason that investigation is going on in the matter and there is every chance of influencing the investigation.

At this stage, ld. APP has submitted that he shall forward written arguments prepared on behalf of the complainant by tomorrow

At request, list this application for consideration on 19.12.2020.



(PANKAJ ARORA)
ACMM (EAST)/KKD/18.12.2020