

State Vs. Not known  
e-FIR No: 000414/2020  
PS New Ashok Nagar

18.01.2021

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/18.01.2021

State Vs. Not known  
e-FIR No:0281/2020  
PS Preet Vihar

18.01.2021

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 Crl. 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/18.01.2021

State Vs. Not known  
e-FIR No: 000531/2020  
PS Preet Vihar  
18.01.2021

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 Crl. 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/18.01.2021

State Vs. Not known  
e-FIR No: 000138/2020  
PS New Ashok Nagar

18.01.2021

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/18.01.2021

State Vs. Not known  
e-FIR No: 00093/2020  
PS New Ashok Nagar  
18.01.2021

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/18.01.2021

State Vs. Not known  
e-FIR No: 027120/2020  
PS New Ashok Nagar

18.01.2021

An application for release of vehicle bearing no. DL 5CE-7955 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, 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/18.01.2021

State Vs. Not known  
e-FIR No: 027120/2020  
PS New Ashok Nagar

18.01.2021

An application for release of vehicle bearing no. HR -51  
BG -1019 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.*

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*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 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/18.01.2021

State Vs. Deepak  
FIR No:391/2020  
PS New Ashok Nagar  
U/s 356/379/411/34 IPC

18.01.2021

Through Video Conference

An application u/s 437 Cr.P.C for grant of bail.

Pr.: Ld. APP for the State.

Ms. Himani Mudgal, Ld. Counsel for the applicant.

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 01.09.2020. It is submitted by Id. 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. As the reply to the bail application, the accused was arrested on 01.09.2020. As per report of the Ahlmad, the charge sheet in the matter was filed on 04.01.2021. Since the charge sheet in the present case is filed beyond the statutory period of 90/60 days as prescribed u/s 167 Cr.P.C from the date of arrest of the accused, the accused can not be kept in custody. Accordingly, accused/applicant is hereby granted bail on furnishing bail bond in the sum of Rs.15,000/- 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.

(PANKAJ ARORA)  
ACMM (EAST)/KKD/18.01.2021

State Vs. Raushan Kumar Chaudhary  
FIR No: 538/2020  
PS New Ashok Nagar  
U/s 379/356/411/34 IPC  
18.01.2021

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. Binay Singh, Id. counsel for the  
applicant/accused.

Clarifications are required from the IO. Let IO be summoned for 19.01.2021.

(PANKAJ ARORA)  
ACMM (EAST)/KKD/18.01.2021

State Vs. Golu  
FIR No: 560 /2020  
PS Preet Vihar  
U/s 379/411 IPC  
18.01.2021

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. R.K. 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 16.12.2020. It is submitted by Id. 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 16.12.2020. 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/18.01.2021

State Vs. Golu  
FIR No: 566/2020  
PS Preet Vihar  
U/s 379/411 IPC  
18.01.2021

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. R.K. 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 16.12.2020. It is submitted by Id. 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 16.12.2020. 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.

(PANKAJ ARORA)  
ACMM (EAST)/KKD/18.01.2021

State Vs. Rajik Ulla Khan @ Raja  
e-FIR No: 022070/2020  
PS New Ashok Nagar  
U/s 379/411/34 IPC  
18.01.2021

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. Kuldeep 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 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 22.12.2020. It is submitted by Id. 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 22.12.2020. 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. 25,000/- 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.

(PANKAJ ARORA)  
ACMM (EAST)/KKD/18.01.2021

State Vs. Rajik Ulla Khan @ Raja  
e-FIR No: 027120/2020  
PS New Ashok Nagar  
U/s 379/411/34 IPC  
18.01.2021

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. Kuldeep 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 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 22.12.2020. It is submitted by Id. 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 22.12.2020. 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. 20,000/- 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.

(PANKAJ ARORA)  
ACMM (EAST)/KKD/18.01.2021