

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

State vs. Saleem Khan etc.

FIR NO. 103/2020

PS Preet Vihar

19.12.2020

Through video conferencing

An application for release of vehicle no. DL-13SW-1963 on superdari.

Present: Ld. APP for the State.

Sh. Sanjeet, Id. Counsel for the applicant

IO in person

Submission heard. Reply of IO perused.

On specific query, IO submits that investigation has been completed and chargesheet has been filed .

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 Crl. 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 supplementary charge sheet within seven days from today.

Copy of this order be given dasti to applicant.

Copy of this order be also sent to PS concerned for compliance. Order be uploaded on the server.

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ACMM (EAST)/KKD/19.12.2020

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

E. FIR NO. 0026915/2020
PS New Ashok Nagar
State Vs. Saurabh Gahlot @ Kunal
U/s 379/411/34 IPC

19.12.2020

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. Sarfraz Asif, 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 16.11.2020. It is submitted by Id. Counsel for the applicant/accused that co-accused Ayaan @ Farman has already been released on bail and the applicant/accused is also entitled for bail on the ground of parity. It is further argued that alleged recovery has already been effected and investigation has also been completed 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 16.11.2020. Co-accused Ayaan @ Farman has also been granted bail. 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 Saurabh Gahlot @ Kunal is hereby granted bail on furnishing bail bond in the sum of Rs.20,000/- with one surety of like amount, on the ground of parity.

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/19.12.2020

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

19.12.2020

Through video conferencing

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

Present: Ld. Subs. APP for the State.
Sh. Yogesh Sharma and 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.

It is submitted by Id. Subs. APP that he cannot say at this stage, whether the written arguments filed on behalf of the complainant have been approved by the Id. Regular APP or not.

On the other hand, Id. Counsel for the accused submits that he has not received the copy of written arguments. Ld. Counsel for the complainant is requested to supply the copy of written arguments to the Id. Counsel for the accused.

At request, list the matter for further arguments on 22.12.2020.



(PANKAJ ARORA)
ACMM (EAST)/KKD/19.12.2020