

FIR No.122/20

PS. Laxmi Nagar

Applicant: Harjeet Singh @ Surjeet

20.06.2020

Present: Ld. APP for the State (through video conferencing).

Sh. Satwant, Ld. Counsel for accused/applicant Harjeet Singh
(through video conferencing).

Vide this order, I shall dispose of the application moved by accused Harjeet Singh, seeking bail.

In view of the order passed by Ld. District & Sessions Judge, East District, Karkardooma Courts, Delhi issued in wake of COVID-19 Pandemic, the bail application has been placed before the undersigned to be heard through Video Conferencing using CISCO WEBEX application.

Link was sent to the Ld. APP for the State and Ld. counsel for the applicant for a conference call scheduled for 12.00 noon today.

Reply filed by the IO. Same is perused.

Arguments on the bail application heard on behalf of both the parties.

It is submitted by Ld. Counsel for the accused that accused has been falsely implicated in the present case and he is in JC since 17.03.2020. It is further stated that investigation has been completed and case property has already been recovered. It is submitted that accused belongs to poor family

and he is the only bread earner of his family. It is further submitted that accused has responsibility of three children and that considering the prevailing situation on account of COVID-19 pandemic, the accused be granted bail in the present case as he is ready to abide by all terms and condition to be imposed upon him, if he is granted bail.

On the other hand, the application has been vehemently opposed by Ld. APP for the state stating that the other co-accused in this case is yet to be apprehended. He further stated that accused is a habitual offender and he is involved in other criminal cases. He further stated that accused may tamper or hamper the evidence and jump the bail.

The court is mindful of the fact that as a general rule it is a bail not the jail which is the right of the accused. However, the right of the accused must be balanced with the general interest of the society and the fairness of investigation and the possibility of the witness tempering with the evidence. The apprehension of threat to witnesses and the possibility of the accused fleeing the process of law, are factors which cannot be ignored.

In the case in hand, the other co-accused in this case is yet to be apprehended and considering the fact that the allegations against the applicant/accused are grave and serious, therefore, there is every likelihood that the accused may temper with the prosecution's evidence if released on bail and the possibility of accused fleeing from the process of law cannot be ruled out. Hence, I do not find any merit in the present application of the applicant/accused.

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Accordingly, the present bail application of the applicant/accused Harjeet Singh @ Surjeet is hereby **dismissed**.

Application is disposed of accordingly.

Copy of this order be also sent to Ld. Counsel for applicant through e-mail.

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Date: 2020.06.20
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(RENU CHAUDHARY)

MM-04/East/KKD/Delhi/20.06.2020

FIR No.627/20
PS. Laxmi Nagar

20.06.2020

Present: Ld. APP for the State (through video conferencing).
Sh. Vimal Kumar Singh, Ld. Counsel for applicant (through video conferencing).

Vide this order, I shall dispose of the application moved by applicant release of mobile phone made Samsung J7 Gold, IMEI No.358425072743054.

In view of the order passed by Ld. District & Sessions Judge, East District, Karkardooma Courts, Delhi issued in wake of COVID-19 Pandemic, the abovesaid application has been placed before the undersigned to be heard through Video Conferencing using CISCO WEBEX application.

Link was sent to the Ld. APP for the State and Ld. counsel for the applicant for a conference call scheduled for 12.30 p.m today.

Reply to the application has been filed by the IO. Perused. As per the reply, the IO has not objected to the application stating that the said mobile is not required by the police.

I have heard ld. Counsel for the applicant. Perused the record.

As per the directions of the **Hon'ble High Court of Delhi in Manjit Singh vs. State in Crl MC No. 4485/13 dated 10.09.2014** , case property may be released to the rightful owner after preparing detailed panchnama, taking photographs, valuation report and a security bond. Further,

production of mobile should not be insisted upon during trial and its photographs along with panchnama should suffice for the purpose of evidence.

In view of above IO/SHO is directed to release the mobile phone Samsung J7 Gold, IMEI No.358425072743054 to the rightful owner on furnishing security / indemnity bond as per valuation of mobile phone Samsung J7 Gold, IMEI No.358425072743054. Valuation shall be done prior to releasing the mobile phone to the rightful owner. A detailed panchnama shall be prepared after taking photographs of the mobile phone from all angles and the same shall be attested/countersigned by complainant as well as accused. The cost of photographs shall be borne by the rightful owner. Panchnama along with photographs and indemnity bond shall be filed in the court along with charge-sheet.

Copy of this order be sent to Ld. Counsel for applicant through electronic mode.

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Date:
2020.06.20
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(RENU CHAUDHARY)
MM-04/East/KKD/Delhi/20.06.2020

FIR No.010678/20
PS. Laxmi Nagar

20.06.2020

Present: Ld. APP for the State (through video conferencing).
Sh. Apoorv Gupta, Ld. Counsel for applicant (through video conferencing).

Vide this order, I shall dispose of the application moved by applicant, seeking release of vehicle bearing no.DL5SBG-8707.

In view of the order passed by Ld. District & Sessions Judge, East District, Karkardooma Courts, Delhi issued in wake of COVID-19 Pandemic, the said application has been placed before the undersigned to be heard through Video Conferencing using CISCO WEBEX application.

Link was sent to the Ld. APP for the State and Ld. counsel for the applicant for a conference call scheduled for 12.30 p.m today.

Reply filed by the IO. Same is perused.

Ld. Counsel for the applicant submits that due to some technical grounds, he wants to withdraw the present application.

Heard.

In view of the abovesaid reason, the present application stands disposed of as withdrawn.

Copy of this order be sent to Ld. Counsel for applicant through electronic mode.

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2020.06.20
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(RENU CHAUDHARY)
MM-04/East/KKD/Delhi/20.06.2020

E. FIR No.011866/20
PS. Laxmi Nagar

20.06.2020

Present: Ld. APP for the State (through video conferencing).
Sh. Vimal Kumar Singh, Ld. Counsel for applicant (through video conferencing).

Vide this order, I shall dispose of the application moved by applicant for release of vehicle bearing No. DL-7SBM-5974 (Honda Activa Scooty).

In view of the order passed by Ld. District & Sessions Judge, East District, Karkardooma Courts, Delhi issued in wake of COVID-19 Pandemic, the abovesaid application has been placed before the undersigned to be heard through Video Conferencing using CISCO WEBEX application.

Link was sent to the Ld. APP for the Stat and Ld. counsel for the applicant for a conference call scheduled for 12.30 p.m today.

Reply to the application has been filed by the IO. Perused. As per the reply, the IO has not objected to the application stating that the vehicle is not required by the police.

Heard on the application for releasing the vehicle i.e. DL-7SBM-5974 (Honda Activa Scooty) to the applicant. Photocopy of RC of the vehicle and the insurance papers of the vehicle in question in the name of the applicant/owner have been filed. Considering the same, in view of the judgment of **Hon'ble High Court of Delhi titled as "Manjit Singh vs. State**

in Criminal MC No. 4485/13 dated 10.09.2014 , the said vehicle in question is released to the owner subject to following conditions:-

1. IO is directed to release the vehicle to the applicant after preparing a detailed panchnama, taking photographs of the vehicle and valuation report.
2. The photographs of the vehicle should be attested and counter signed by the complainant, accused as well as by the person to whom the custody is handed over.
3. Applicant is directed to furnish indemnity bond as per valuation of vehicle bearing no. DL-7SBM-5974 (Honda Activa Scooty) before IO/SHO concerned.
4. The investigation officer shall keep on record the permanent address and phone number of the applicant, his identity proof and address proof and shall release the vehicle after verifying the ownership of the applicant and insurance of the vehicle.
5. Owner of the vehicle is further directed to intimate the Court and also to concerned IO, in case he is willing to dispose of the vehicle.
6. In case of applicant changing his address, he shall inform the IO regarding the same vide a written intimation.
7. IO is directed to file panchnama and photographs of the vehicle in question alongwith negatives/CD and valuation report with the final report.

Copy of this order be sent to Ld. Counsel for applicant through electronic mode.

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Date: 2020.06.20
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(RENU CHAUDHARY)

MM-04/East/KKD/Delhi/20.06.2020