

FIR No221/19
PS Laxmi Nagar
State Vs. Saleem
21.08.2020

Present: Ld. APP for the State (through video conferencing).
Sh. Sharad Pandey, Ld. Counsel for applicant/accused (through video conferencing).
IO/SI Faizan Ghani (through video conferencing).

Today the present application is listed for orders.

The arguments on behalf of both the parties were heard on LDOH i.e. 20.08.2020 and time was sought to file certain documents.

Documents filed at the E-mail I.D of the Court. Perused.

It was argued by Ld. Counsel for the applicant/accused that accused Saleem has been falsely implicated in the present case and all the allegations leveled against him are not true. It is further submitted that it is in fact the complainant who alongwith others is involved in money lending business and is in the habit of defrauding the creditors. It is further submitted that the property i.e. 476, 2nd floor, Gali no.6, Guru Ram Dass Nagar, Laxmi Nagar, Delhi belonged to Mohd. Sayeed and the applicant/accused has nothing to do with the transactions alleged in this case. Further, it is stated that the applicant/accused was in Dubai since 2017 and FIR was registered in 2019. Ld. Counsel for the applicant submits that the applicant/accused is ready to join investigation as and when required and prays that bail be granted to the applicant/accused as he is also suffering from medical ailments and that applicant/accused 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. Counsel for complainant through Ld. APP for the state stating that the owner of the above-mentioned property was Mohd. Sayeed i.e. the father of the applicant/accused. On 11.04.2007, Mohd. Sayeed sold the property to Ms. Rupika Sharma by executing a registered sale deed in her favour and the applicant/accused was the witness therein. Thereafter, on 04.03.2014, same property was again sold to one Gajender Yadav via separate chain of documents wherein again the applicant was a witness. Subsequent thereto, the same property was sold to Sharad Bhati and then to Nikhil Nagpal and the applicant/accused was witness in three such transactions pertaining to the same property. It is further submitted that thereafter, the applicant/accused intentionally ran away to Dubai to escape the process of law and may jump bail and again leave India to escape to some foreign country/countries.

Arguments heard. Documents perused.

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 accused was declared PO vide order dated 04.02.2020 and a Look Out Circular was issued against him. Thereafter, he was apprehended by the Immigration Department at the airport when he was returning



from Dubai. 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. Accordingly, the present bail application of the applicant/accused Saleem is hereby **dismissed**.

Application is disposed of accordingly.

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


(RENU CHAUDHARY)
MM-04/East/KKD/Delhi/21.08.2020

FIR NO.290/20
PS Laxmi Nagar
21.08.2020

Present: Ld. APP for the State (through video conferencing).
Sh. Agredeep Goel, Ld. Counsel for applicant Manish Kumar
(through video conferencing).
IO/SI Faizan Ghani (through video conferencing).

Additional report filed by the IO. Same is perused.

Time sought stating that reply from the concerned RTO, Transport Authority and the Director of Prime India Trading Co. has not been received as yet and their version is necessary to ascertain the sale/purchase of the said vehicle as well as the ownership thereof.

IO states that the previous IO has been transferred and he has been recently appointed as an IO in this case. One week's time sought to complete verification.

Heard. Time granted.

IO is directed to expedite the process and file the report on NDOH
i.e. 28.08.2020.


(RENU CHAUDHARY)
MM-04/East/KKD/Delhi/21.08.2020

FIR NO.290/20
PS Laxmi Nagar
21.08.2020

Present: Ld. APP for the State (through video conferencing).
Sh. Agredeep Goel, Ld. Counsel for applicant Mohd. Nasir
(through video conferencing).
IO/SI Faizan Ghani (through video conferencing).

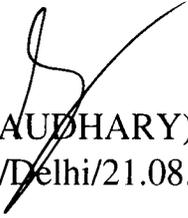
Additional report filed by the IO. Same is perused.

Time sought stating that reply from the concerned RTO, Transport Authority and the Director of Prime India Trading Co. has not been received as yet and their version is necessary to ascertain the sale/purchase of the said vehicle as well as the ownership thereof.

IO states that the previous IO has been transferred and he has been recently appointed as an IO in this case. One week's time sought to complete verification.

Heard. Time granted.

IO is directed to expedite the process and file the report on NDOH
i.e. 28.08.2020.


(RENU CHAUDHARY)
MM-04/East/KKD/Delhi/21.08.2020

E. FIR No.000621/20
PS. Laxmi Nagar

21.08.2020

Present: Applicant, Sangeeta (through video conferencing).

Vide this order, I shall dispose of the application moved by applicant for release of mobile phone IMEI No. 868330049479811 and 868330049479829.

In view of the directions contained in the Office Order No.26/DHC/2020 Dated 30.07.2020, Order bearing No.322/RG/DHC/2020 Dated 15.08.2020 of the Hon'ble High Court of Delhi and office order no. 5757-5777/Judl.Br./East/KKD Dated 16.08.2020 of Ld. District & Sessions Judge, East, the abovesaid matters are taken up for hearing through video conferencing.

Reply to the application has been filed by the IO. Perused.

The IMEI numbers do not match with that mentioned in the application. Time sought to correct the same.

Let a reply with correct particulars be filed on 22.08.2020.

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


(RENU CHAUDHARY)
MM-04/East/KKD/Delhi/21.08.2020

FIR No.342/20

PS Laxmi Nagar

Applicant: Sarukh @ Neeraj

21.08.2020

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

Sh. Sudhir Sharma, Ld. Counsel for accused/applicant Sarukh
(through video conferencing).

Vide this order, I shall dispose of the application moved by accused Sarukh @ Neeraj, seeking bail.

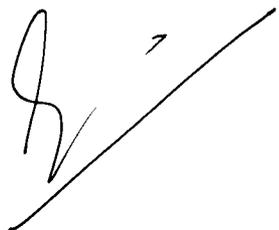
In view of the directions contained in the Office Order No.26/DHC/2020 Dated 30.07.2020, Order bearing No.322/RG/DHC/2020 Dated 15.08.2020 of the Hon'ble High Court of Delhi and office order no. 5757-5777/Judl.Br./East/KKD Dated 16.08.2020 of Ld. District & Sessions Judge, East, the present bail application is taken up for hearing through video conferencing.

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 31.07.2020. It is prayed that accused is a young boy of ²⁴~~aged~~ 24 years and he is a rickshaw puller. It is further prayed that nothing has been recovered from the possession of accused and that accused has no previous involvement. It is further stated that the particulars of the accused mentioned in the FIR are not that of accused and that accused 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 accused deliberately disclosed wrong particulars i.e. his name, address etc to the police at the time of his apprehension and investigation.



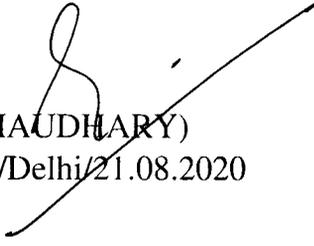
It is further stated that accused was caught red-handed wherein recovery was effected from him. He further stated that accused may tamper or hamper the evidence and jump the bail.

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 allegations against the applicant/accused are grave and serious. Moreover, the accused has deliberately not disclosed his correct particulars at the time of his arrested^{ed} and charge-sheet has not been filed, 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. Accordingly, the present bail application of the applicant/accused Sarukh @ Neeraj is hereby **dismissed**.

Application is disposed of accordingly.

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


(RENU CHAUDHARY)
MM-04/East/KKD/Delhi/21.08.2020

E. FIR No.010074/20
PS. Laxmi Nagar

21.08.2020

Present: None.

Vide this order, I shall dispose of the application moved by applicant for release of vehicle bearing No. DL-5SAS-0410 on superdari.

In view of the directions contained in the Office Order No.26/DHC/2020 Dated 30.07.2020, Order bearing No.322/RG/DHC/2020 Dated 15.08.2020 of the Hon'ble High Court of Delhi and office order no. 5757-5777/Judl.Br./East/KKD Dated 16.08.2020 of Ld. District & Sessions Judge, East, the present application is taken up for hearing through video conferencing.

None has appeared on behalf of applicant on the LDOH as well. It appears that applicant is not interested to pursue the present application.

Hence, the present application is dismissed in default for non-prosecution.

Application is disposed of accordingly.

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


(RENU CHAUDHARY)
MM-04/East/KKD/Delhi/21.08.2020

FIR No.592/20
PS. Laxmi Nagar

21.08.2020

Present: Ld. APP for the State (through video conferencing).
Sh. A . K. Pasha, Ld. Counsel for applicant (through video conferencing).

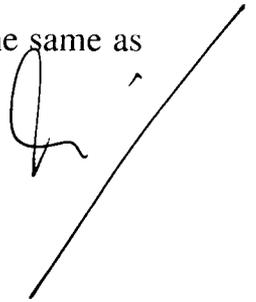
Vide this order, I shall dispose of the application moved by applicant praying for modification in the superdari order dated 30.07.2020.

In view of the directions contained in the Office Order No.26/DHC/2020 Dated 30.07.2020, Order bearing No.322/RG/DHC/2020 Dated 15.08.2020 of the Hon'ble High Court of Delhi and office order no. 5757-5777/Judl.Br./East/KKD Dated 16.08.2020 of Ld. District & Sessions Judge, East, the present application is taken up for hearing through video conferencing.

It is stated that the applicant moved an application seeking release of his laptop Lenovo G-50 80 PFO9YMBD on superdari wherein the order on the said application was passed on 30.07.2020. It is further stated that the applicant/complainant inadvertently mentioned the wrong model number of his laptop while lodging the FIR. The correct model number is Lenovo G-50 80 SPFOJ7GHZ and the complainant mentioned it as Lenovo G-50 80 PFO9YMBD. It is prayed that same be corrected and directions for the release of the said laptop be passed.

Reply filed by the IO. Same is perused.

In the reply, it is stated by the IO that the complainant/applicant lodged his complaint regarding the theft of his laptop Lenovo G-50 80 SPFOJ7GHZ and on which SAGC/CL-4 is written in black colour over a white strip on the keyboard. However, inadvertently the IO has mentioned the same as

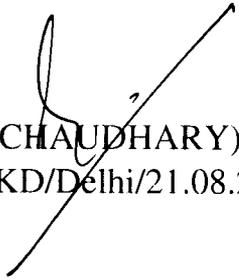


laptop Lenovo G-50 80 PFO9YMBD in the FIR.

In view of these facts and circumstances, let a fresh report be filed by the IO through SHO concerned stating the detailed fact of present case alongwith copy of FIR.

Let an affidavit be filed by the applicant/complainant stating that the particulars of his laptop were correctly stated to the IO at the time of lodging FIR and have been noted down incorrectly by the IO.

Put up on 31.08.2020. Copy of this order be sent to Ld. Counsel for applicant through electronic mode.


(RENU CHAUDHARY)
MM-04/East/KKD/Delhi/21.08.2020