

21.12.2020

This is an application to release vehicle no. DL-4SCQ-9015 on superdari moved on behalf of applicant Narinder Singh s/o Sh. Chanan Singh.

Present : Ld. APP for the State.

Counsel of applicant (through Webex).

It is stated by the applicant that he is registered/rightful owner of the abovesaid property.

Learned APP for State has submitted that he has no objection if the vehicle is released to the registered owner in terms of judgment of Hon'ble High Court of Delhi in case titled "Manjeet Singh Vs State" in CRL MC No. 4485/2013 and CRL MA No. 16055/2013. '

Hon'ble High Court of Delhi in CRL MC No. 4485/2013 and CRL MA No. 16055/2013 case titled as 'Manjeet Singh Vs. State' has laid down detailed guidelines for disposal of the case properties. In respect of release of vehicle, Hon'ble Court has laid down following guidelines:

"Vehicles 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. The photographs of the vehicle should be attested and countersigned by the complainant, accused as well as by the person to whom the custody is handed over. The production of the vehicle should be insisted upon during the trial. The panchnama and photographs alongwith he valuation report should suffice for the purpose of evidence. Return of vehicle and permission for sale thereof should be the general norm rather than the exception".

In the facts and circumstances of the case, **vehicle bearing No. DL-4SCQ-9015 is directed to be released to registered/rightful owner after verification by IO, if impounded in the present case and is not required for further investigation** on the following conditions:-

- (1) That the proper panchnama of the above said case property be prepared and same would be read in evidence.
- (2) That the IO shall take the photographs of the abovesaid case property from all angles including its chasis and engine number.
- (3) The photographs and the panchnama be countersigned by the registered owner, accused and IO.
- (4) The photographs and panchnama be read in evidence and above vehicle is released to registered owner absolutely.
- (5) The registered owner of the said case property is at liberty to dispose it off and this order would not amount to any kind of restriction in his right to dispose it off.

Applicant shall provide the superdarinama/ surety bond at the time of release of above mentioned property of the amount to the satisfaction of IO/SHO concern. SHO/IO shall be at liberty to file objection, if any qua release of abovesaid property on superdari within 24 hours of passing this order. Application is disposed off.

Copy of the order be given dasti to the applicant.

Let the copy of this order be uploaded on the official website of District Court. Computer Branch is directed to comply accordingly.

BHARAT
AGGARWAL
Digitally
signed by
BHARAT
AGGARWAL
Date:
2020.12.21
16:07:35 -0300

(Bharat Aggarwal)
MM-05/Shahdra/KKD Court
21.12.2020

28.02.2020

An application for release of vehicle bearing no. UP-14AU-4939 make Hyundai I10 is filed by the Authorised Representative of HDFC ERGO General Insurance Co Ltd.

Present: Ld. APP for the State.

Counsel for applicant (through Webex).

Reply of the application has been filed by the IO. Perused. As per the reply, the IO has no objection for releasing the vehicle to the AR of the applicant.

I have heard the applicant & perused the record.

It is submitted by the counsel for applicant that the applicant is an insurance company who has already released the claim qua the insured vehicle in favour of the registered owner and the registered owner has ceded all his rights qua the insured vehicle in favour of the applicant. Accordingly this application for the released of the vehicle has been filed before this court by the applicant i.e. Insurance company. The relevent documents including the copy of subrogation letter has also been placed on record.

In view of the submissions made and considering the documents on record, I find no legal impediments to release the vehicle in favour of the applicant.

Hence, the case property i.e. vehicle bearing no. UP-14AU-4939 make Hyundai I10 be released to the Authorised Representative of HDFC ERGO General Insurance Co Ltd. For disposal with the liberty to sell, after proper verification and on preparing the punchnama as per the direction of the Hon'ble High court of Delhi in Manjit Singh vs. State in Crl MC no. 4485/13 dt. 10.09.2014.

All the guidelines laid down in the said judgment be strictly complied with.

The application stands disposed off accordingly.

Copy of order be given dasti as prayed for.

Let the copy of this order be uploaded on the official website of District Court. Computer Branch is directed to comply accordingly.

BHARAT
AGGARWAL

Digitally
signed by
BHARAT
AGGARWAL
Date:
2020.12.21
16:07:50 -0300

(Bharat Aggarwal)
MM-05/SHD/KKD Courts/ Delhi
21.12.2020

21.12.2020

This is an application to release vehicle no. DL-6SBE-3886 on superdari moved on behalf of applicant Hanu Dixit s/o Sh. Praveen Dixit.

Present : Ld. APP for the State.

Counsel of applicant (through Webex).

It is stated by the applicant that he is registered/rightful owner of the abovesaid property.

Learned APP for State has submitted that he has no objection if the vehicle is released to the registered owner in terms of judgment of Hon'ble High Court of Delhi in case titled "Manjeet Singh Vs State" in CRL MC No. 4485/2013 and CRL MA No. 16055/2013. '

Hon'ble High Court of Delhi in CRL MC No. 4485/2013 and CRL MA No. 16055/2013 case titled as 'Manjeet Singh Vs. State' has laid down detailed guidelines for disposal of the case properties. In respect of release of vehicle, Hon'ble Court has laid down following guidelines:

"Vehicles 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. The photographs of the vehicle should be attested and countersigned by the complainant, accused as well as by the person to whom the custody is handed over. The production of the vehicle should be insisted upon during the trial. The panchnama and photographs alongwith the valuation report should suffice for the purpose of evidence. Return of vehicle and permission for sale thereof should be the general norm rather than the exception".

In the facts and circumstances of the case, **vehicle bearing No. DL-6SBE-3886 is directed to be released to registered/rightful owner after verification by IO, if impounded in the present case and is not required for further investigation** on the following conditions:-

- (1) That the proper panchnama of the above said case property be prepared and same would be read in evidence.
- (2) That the IO shall take the photographs of the abovesaid case property from all angles including its chasis and engine number.
- (3) The photographs and the panchnama be countersigned by the registered owner, accused and IO.
- (4) The photographs and panchnama be read in evidence and above vehicle is released to registered owner absolutely.
- (5) The registered owner of the said case property is at liberty to dispose it off and this order would not amount to any kind of restriction in his right to dispose it off.

Applicant shall provide the superdarinama/ surety bond at the time of release of above mentioned property of the amount to the satisfaction of IO/SHO concern. SHO/IO shall be at liberty to file objection, if any qua release of abovesaid property on superdari within 24 hours of passing this order. Application is disposed off.

Copy of the order be given dasti to the applicant.

Let the copy of this order be uploaded on the official website of District Court. Computer Branch is directed to comply accordingly

BHARAT
AGGARWAL

Digitally
signed by
BHARAT
AGGARWAL
Date:
2020.12.21
16:06:22 -
0300

(Bharat Aggarwal)
MM-05/Shahdra/KKD Court
21.12.2020

21.12.2020

This is an application to release vehicle no. DL-14SL-7414 (Apache) on superdari moved on behalf of applicant Samir s/o Sh. Laxman.

Present : Ld. APP for the State.

Counsel of applicant (through Webex).

It is stated by the applicant that he is registered/rightful owner of the abovesaid property.

Learned APP for State has submitted that he has no objection if the vehicle is released to the registered owner in terms of judgment of Hon'ble High Court of Delhi in case titled "Manjeet Singh Vs State" in CRL MC No. 4485/2013 and CRL MA No. 16055/2013. '

Hon'ble High Court of Delhi in CRL MC No. 4485/2013 and CRL MA No. 16055/2013 case titled as 'Manjeet Singh Vs. State' has laid down detailed guidelines for disposal of the case properties. In respect of release of vehicle, Hon'ble Court has laid down following guidelines:

"Vehicles 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. The photographs of the vehicle should be attested and countersigned by the complainant, accused as well as by the person to whom the custody is handed over. The production of the vehicle should be insisted upon during the trial. The panchnama and photographs alongwith he valuation report should suffice for the purpose of evidence. Return of vehicle and permission for sale thereof should be the general norm rather than the exception".

In the facts and circumstances of the case, **vehicle bearing No. DL-14SL-7414 (Apache) is directed to be released to registered/rightful owner after verification by IO, if impounded in the present case and is not required for further investigation** on the following conditions:-

- (1) That the proper panchnama of the above said case property be prepared and same would be read in evidence.
- (2) That the IO shall take the photographs of the abovesaid case property from all angles including its chasis and engine number.
- (3) The photographs and the panchnama be countersigned by the registered owner, accused and IO.
- (4) The photographs and panchnama be read in evidence and above vehicle is released to registered owner absolutely.
- (5) The registered owner of the said case property is at liberty to dispose it off and this order would not amount to any kind of restriction in his right to dispose it off.

Applicant shall provide the superdarinama/ surety bond at the time of release of above mentioned property of the amount to the satisfaction of IO/SHO concern. SHO/IO shall be at liberty to file objection, if any qua release of abovesaid property on superdari within 24 hours of passing this order. Application is disposed off.

Copy of the order be given dasti to the applicant.

Let the copy of this order be uploaded on the official website of District Court. Computer Branch is directed to comply accordingly

BHARAT
AGGARWAL

Digitally
signed by
BHARAT
AGGARWAL
Date:
2020.12.21
16:06:37 -0300

(Bharat Aggarwal)
MM-05/Shahdra/KKD Court
21.12.2020

State vs. Fateh Mohd.
FIR No. 449/20
PS. Jafrabad
U/s. 380/454/411 IPC

21.12.2020

Present order shall dispose off the bail application of accused Fateh Mohd. s/o Mehrajuddin.

Present: Ld. APP for State.
Counsel for applicant (through Webex).

It is argued by counsel for accused that accused is in custody since 27.10.2020. It is further stated that accused has falsely implicated in this case. It is further stated that nothing has been recovered from the possession of accused. It is further stated that accused is not required for custodial interrogation and that accused may be released on bail.

In reply thereof, it is stated by the IO that accused was apprehended at the spot by the public and stolen money i.e. Rs. 1000/- was recovered from the possession of accused. It is further stated that charge-sheet has already been filed in the present case. It is further stated that accused has involvement in 04 other cases and a habitual offender. It is further stated that if accused released on bail, he may threaten the witnesses.

Heard the arguments through VC and perused the record.

Considering the fact that accused is in JC since 27.10.2020 and recovery has already been effected. Further, charge-sheet has already been filed in the present case. Further, in view of the ongoing Covid pandemic conclusion of trial may take some time. In view of the same, no fruitful purpose will be achieved by keeping the accused in custody. In view of the same, accused Fateh Mohd. s/o Mehrajuddin be released on bail, subject to furnishing of bail bond and one surety for a sum of Rs. 20,000/- and further bail is granted subject to the conditions that:-

1. He shall not threaten or influence the witnesses.
2. He shall join the investigation as and when he is called upon by the IO.
3. He shall not tamper with evidence.
4. He shall appear before this court on each and every date of hearing.
5. He shall further intimate the court about change of his or his surety's address.

Application is disposed off accordingly.

Let the copy of this order be uploaded on the official website of District Court.
Computer Branch is directed to comply accordingly.

BHARAT
AGGARWAL
Digitally
signed by
BHARAT
AGGARWAL
Date:
2020.12.21
16:06:54 -0300

(Bharat Aggarwal)
MM-05/SHD/KKD Courts/ Delhi
21.12.2020

21.12.2020

This is an application to release mobile phone Vivo V5S, IMEI no. 865621032742212, 865621032742204 on superdari moved on behalf of applicant Sumit Kumar s/o Sh. Ram Swaroop.

Present : Ld. APP for the State.

Counsel of applicant (through Webex).

It is stated by the applicant that he is registered/rightful owner of the abovesaid property.

Learned APP for State has submitted that he has no objection if the mobile is released to the registered owner in terms of judgment of Hon'ble High Court of Delhi in case titled "Manjeet Singh Vs State" in CRL MC No. 4485/2013 and CRL MA No. 16055/2013. '

Hon'ble High Court of Delhi in CRL MC No. 4485/2013 and CRL MA No. 16055/2013 case titled as 'Manjeet Singh Vs. State' has laid down detailed guidelines for disposal of the case properties. In respect of release of mobile, Hon'ble Court has laid down following guidelines:

"Vehicles 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. The photographs of the vehicle should be attested and countersigned by the complainant, accused as well as by the person to whom the custody is handed over. The production of the vehicle should be insisted upon during the trial. The panchnama and photographs alongwith he valuation report should suffice for the purpose of evidence. Return of vehicle and permission for sale thereof should be the general norm rather than the exception".

In the facts and circumstances of the case, **mobile phone Vivo V5S, IMEI no. 865621032742212, 865621032742204 is directed to be released to registered/rightful owner after verification by IO, if impounded in the present case and is not required for further investigation** on the following conditions:-

- (1) That the proper panchnama of the above said case property be prepared and same would be read in evidence.
- (2) That the IO shall take the photographs of the abovesaid case property from all angles.
- (3) The photographs and the panchnama be countersigned by the registered owner, accused and IO.
- (4) The photographs and panchnama be read in evidence and above mobile is released to registered owner absolutely.
- (5) The registered owner of the said case property is at liberty to dispose it off and this order would not amount to any kind of restriction in his right to dispose it off.

Applicant shall provide the superdarinama/ surety bond at the time of release of above mentioned property of the amount to the satisfaction of IO/SHO concern. SHO/IO shall be at liberty to file objection, if any qua release of abovesaid property on superdari within 24 hours of passing this order. Application is disposed of.

Copy of the order be given dasti to the applicant.

Let the copy of this order be uploaded on the official website of District Court. Computer Branch is directed to comply accordingly.

BHARAT
AGGARWAL

Digitally
signed by
BHARAT
AGGARWAL
Date:
2020.12.21
16:07:07 -
0300

(Bharat Aggarwal)
MM-05/Shahdra/KKD Court
21.12.2020

State vs. Vinod & ors.
FIR No. 0245/20
PS. Jagatpuri
U/s. 392/397/411/34 IPC

21.12.2020

Present order shall dispose off the bail application of accused **Vinod @ Bidi s/o Rajveer.**

Present: Ld. APP for the state.
Counsel for Applicant (through Webex).

It is stated that accused is in JC since 10.10.2020 and was falsely implicated in the present case. It is further stated that nothing incriminating has been recovered from the possession of accused. It is further stated that accused is no more required for custodial interrogation and that accused may be released on bail.

In reply thereof, it is stated by IO that allegations against the accused person is serious in nature, as accused along with co-accused snatched the complainant of his money i.e. Rs. 3,000/- and accused was apprehended at the spot. It is further stated that accused has involvement in 15 other cases and a habitual offender.

Heard the arguments through VC and perused the record.

In the present case, allegations against the accused are serious in nature as accused snatched the complainant of his money i.e. Rs. 3,000/- along with co-accused. Further, accused was arrested from the spot. Furthermore, accused has various previous involvement in serious offences and a habitual offender. In such circumstances, the possibility of accused of tampering with evidence or again committing the similar crime, if released on bail, cannot be ignored. In view of the above discussed facts and circumstances, no ground for bail if made out. In view of same, bail application if accused **Vinod @ Bidi s/o Rajveer** stands dismissed. Application disposed off accordingly.

Let the copy of this order be uploaded on the official website of District Court. Computer Branch is directed to comply accordingly

BHARAT
AGGARWAL
Digitally
signed by
BHARAT
AGGARWAL
Date:
2020.12.21
16:07:20 -0300

(Bharat Aggarwal)
MM-05/SHD/KKD Courts/ Delhi
21.12.2020