

IN THE COURT OF MS. SMITA GARG,
ADDITIONAL DISTRICT JUDGE-02, SHAHDARA,
KARKARDOOMA COURTS, DELHI.

Bail Application No. /2020
State v. Mayank @ Chhotu
FIR No. 152/2017
P.S. Shahdara
U/s 392/397/34 IPC &
25/27 Arms Act

24.04.2020

Present: Sh. Prem Narayan Singh, APP for the State.
SI Gaurav Panwar on behalf of IO SI Manish Chaudhary.
Sh. I.P. Saini, counsel for the applicant/accused.

1. In view of the office order No. 2155-2175/Judl./SHD/2020 dated 15.04.2020 of the Ld. District & Sessions Judge, Shahdara District, Karkardooma Courts, Delhi issued in the wake of Corona Virus (Covid-19) pandemic, the present application has been put up before the undersigned and heard through video conference using CISCO WebEx app.
2. This is an application for grant of emergency bail i.e. interim bail on the basis of guidelines/criteria laid down in Minutes of Meeting dated 07.04.2020 of High Powered Committee constituted in terms of the directions issued by Hon'ble Supreme Court in Suo Motu Petition (Civil) No. 1/2020 titled as 'In Re. Contagion of COVID-19'.
3. The copy of the charge sheet and last order passed in the case have already been filed by counsel for the applicant in compliance of the order dated 22.04.2020. Soft copy thereof has also been received and perused.
4. The counsel for the applicant has submitted that since the applicant is in custody since 24.06.2017 and the offences alleged are punishable with maximum sentence of 10 years, the applicant is entitled to interim bail for a period of 45 days in

Smita
24/4/2020

terms of the guidelines laid down by High Powered Committee in its minutes of Meeting dated 07.04.2020. He has further submitted that the presence of the applicant at his home is required as his daughter and wife are suffering from viral fever and depression respectively.

5. The applicant has been charge sheeted under Section 392/397/34 IPC and Section 25/27 of Arms Act. Charge is yet to be determined and framed in the matter.

6. As per the charge sheet, the case of the prosecution is that on 17.05.2017 at about 08:30 PM, when the complainant and his son were sitting in their car at Keshav Chowk Flyover, the applicant alongwith two co-accused persons came on a motorcycle and robbed the complainant of his briefcase. It is further alleged that during the incident, the window pane of the car was struck with a pistol and hurt was also caused to the complainant by giving fist blows. From the above, the commission of offence under Section 394/34 IPC is also disclosed. Since the said offence is punishable upto life imprisonment, the applicant does not fall within the criteria laid down by the High Powered Committee in its minutes of Meeting dated 07.04.2020. Moreover, the applicant is also not covered by the further relaxed criteria as laid down by the High Powered Committee in its minutes of Meeting dated 18.04.2020 as it has not been averred in the application that he is suffering from any of the ailments/diseases as mentioned in the said guidelines/criteria.

As far as the ailments of the daughter and wife of the applicant are concerned, the same can not be said to be serious or life threatening in nature so as to warrant the grant of concession of interim bail.

In view of above, the application for interim bail is hereby dismissed.

A. K. S.
24/4/2020

7. Copy of the order be sent to the Computer Branch for uploading the same on the website. Copy of the order be also sent to the A.O(Judicial), who shall supply the same to the parties and the concerned Jail Superintendent in terms of the Office Order No. 2204-2221/D&SJ Shd/KKD/Delhi dated 20.04.2020 of the Ld. District & Sessions Judge, Shahdara District, Karkardooma Courts, Delhi.

Original signed order has been retained by the undersigned, which shall be placed on record on reopening of courts after the lockdown ends.

Smita
(SMITA GARG)
Duty Judge/Addl. District Judge-02,
Shahdara, Karkardooma Courts,
Delhi:24.04.2020

IN THE COURT OF MS. SMITA GARG,
ADDITIONAL DISTRICT JUDGE-02, SHAHDARA,
KARKARDOOMA COURTS, DELHI.

Bail Application No. /2020
State v. Pankaj @ Kailash
FIR No. 494/2019
P.S. Nand Nagri
U/s 304/323/506/325/34 IPC

24.04.2020

Present: Sh. Prem Narayan Singh, APP for the State.
SI Sonu Kumar on behalf of SI Veer Singh, Nodal Officer (Legal Cell) from
the office of DCP-Shahdara.
Sh. Ravinder Kumar, counsel for the applicant/accused.

1. In view of the office order No. 2155-2175/Judl./SHD/2020 dated 15.04.2020 of the Ld. District & Sessions Judge, Shahdara District, Karkardooma Courts, Delhi issued in the wake of Corona Virus (Covid-19) pandemic, the present application has been put up before the undersigned and heard through video conference using CISCO WebEx app.
2. This is an application for grant of interim bail moved on behalf of the applicant.
3. IO/SHO concerned is directed to verify the medical documents annexed with the application regarding the pregnancy of the wife of applicant, tentative date of delivery as well as the composition of the family of the applicant and submit report. SI Sonu Kumar to intimate the same to the IO/SHO concerned.
4. Application be put up for consideration on 25.04.2020.

Smita
24/4/2020

5. Copy of the order be sent to the Computer Branch for uploading the same on the website. Copy of the order be also sent to the A.O(Judicial), who shall supply the same to the parties in terms of the Office Order No. 2204-2221/D&SJ Shd/KKD/Delhi dated 20.04.2020 of the Ld. District & Sessions Judge, Shahdara District, Karkardooma Courts, Delhi.

Original signed order has been retained by the undersigned, which shall be placed on record on reopening of courts after the lockdown ends.


(SMITA GARG)
Duty Judge/Addl. District Judge-02,
Shahdara, Karkardooma Courts,
Delhi:24.04.2020

IN THE COURT OF MS. SMITA GARG,
ADDITIONAL DISTRICT JUDGE-02, SHAHDARA,
KARKARDOOMA COURTS, DELHI.

Bail Application No./2020
State v. Salim Ahmad Gunda
FIR No. 44/2020
P.S. Jagat Puri
U/s 147/148/149/186/353/332/307/109/34 IPC read with
Section 25/27 Arms Act

24.04.2020

Present: Sh. Prem Narayan Singh, APP for the State.
IO SI Kiran Pal is present.
Sh. H. Rehman, counsel for the applicant/accused.

1. In view of the office order No. 2155-2175/JudI/SHD/2020 dated 15.04.2020 of the Ld. District & Sessions Judge, Shahdara District, Karkardooma Courts, Delhi issued in the wake of Corona Virus (Covid-19) pandemic, the present application has been put up before the undersigned and heard through video conference using CISCO WebEx app.

2. This is an application for grant of anticipatory bail filed by the applicant.

3. The counsel for the applicant has submitted that the applicant has been falsely implicated and was not even present at the spot at the time of alleged incident. He has also submitted that neither any specific role has been assigned to the applicant nor there is any material/evidence to show that the alleged incident had taken place. He has further submitted that four co-accused persons have already been granted regular bail by the Sessions Court on 21.03.2020 and that the custodial interrogation of the applicant is not required in the case.

Smita
24/4/2020

4. The application has been opposed by the APP for the State. He has contended that the applicant had performed active role to instigate the crowd to pelt stones and fire at the police force despite knowing that Section 144 CrPC had been invoked in the area of Khureji at the relevant time. He has submitted that in the statements recorded under Section 161 CrPC, two public witnesses namely Shri Aaditya Swaroop and Shri Mukesh Kaushik have confirmed the occurrence of the incident in question. He has further submitted that the custodial interrogation of the applicant is required to ascertain the identity of the other co-accused persons and apprehend them. He has contended that if the applicant is granted anticipatory bail, he may tamper with the evidence and threaten the public witnesses.

5. IO has stated that from the investigation conducted so far, it has been revealed that the incident in question was preplanned and was financed by some religious groups. He has stated that in view thereof, Section 120B IPC has been added in the FIR. He has also stated that some empty cartridges have also been recovered from the spot.

6. As per the FIR, on 26.02.2020, a large crowd had gathered near Khureji Khas to protest against the Citizenship (Amendment) Act and that at about 12:15 PM, when the said crowd was asked to disperse by the police force, the applicant alongwith co-accused persons instigated the crowd not to leave the spot and attack the police force and that in pursuance thereof, the mob pelted stones on the police officials thereby obstructing them from discharging their official duty and causing injuries to them. During the incident, a gunshot was also fired at H.Ct. Yograj, who some how managed to escape the same.

7. The applicant is named in the FIR. Allegations against him are serious in nature. He cannot claim parity with the co-accused persons namely Vikram Thakur, Mohd. Salim, Samir Ansari and Ishrat Jahan @ Pinki as they have been enlarged on

Handwritten signature and date:
24/4/2020

regular bail. In view of the submissions made by the APP and the IO, the custodial interrogation of the applicant appears necessary. Considering the overall facts and circumstances, **the application for anticipatory bail is dismissed.**

8. Copy of the order be sent to the Computer Branch for uploading the same on the website. Copy of the order be also sent to the A.O(Judicial), who shall supply the same to the parties in terms of the Office Order No. 2204-2221/D&SJ Shd/KKD/Delhi dated 20.04.2020 of the Ld. District & Sessions Judge, Shahdara District, Karkardooma Courts, Delhi.

Original signed order has been retained by the undersigned, which shall be placed on record on reopening of courts after the lockdown ends.


(SMITA GARG)
Duty Judge/Addl. District Judge-02,
Shahdara, Karkardooma Courts,
Delhi:24.04.2020