

IN THE COURT OF ACMM-EAST KKD DELHI

FIR No: 291/2020 (Correct FIR no. 291/19)

PS Kalyan Puri

State Vs. Surender @ Bhati

u/s 307/34 IPC & Sec. 25/27 Arms Act

25.09.2020

The present bail application u/s 437 Cr.P.C has been taken up today through physical hearing according to the Office Order no. 417/RG/DHC/2020 dated the Delhi, 27.08.2020, issued by Hon'ble High Court of Delhi and Order no. 5576-94/JUDL.BR./East/KKD/Delhi dated 29.08.2020 issued by Ld. Distt. & Sessions Judge, East, Karkardooma Courts, Delhi.

Present application is received from the court of ld. CMM, East vide his order dated 23.09.2020.

**Present: Ld. Subs. APP for the State.
Sh. Brijesh Kumar, Ld. counsel for accused/applicant.
Accused is stated to be in J/C.
Reply has already been received from the IO.**

It has been argued by Ld. Counsel for accused/ applicant that the applicant/accused is an innocent person. He has been falsely implicated. The complainant and his family members are threatening the family members of the applicant to extort money. Nothing incriminating was recovered from his possession. The alleged recovery has been planted upon him. No purpose would be served by keeping him behind the bars. The accused/ applicant is ready to furnish reliable and sound surety to the satisfaction of the Court. He undertakes not to temper with the evidence or jump the bail if the bail is granted by this Court. The

applicant shall join the investigation as and when directed by this Court. Hence, it is prayed that the accused/applicant may be granted bail.

Learned APP has opposed the application. It has been argued that the allegations against the accused are serious in nature. The allegations against the accused are of offence punishable u/s 307 IPC, which is Sessions triable and provides punishment for imprisonment for life. The accused is a flight risk. He might try to influence the witnesses, if released on bail. Hence, it is prayed that application may be dismissed.

I have heard the rival submissions and perused the material available on record.

Perusal of the record would show that present FIR has been registered against the accused and his associate for offences punishable, inter-alia, under Section 307 IPC. Section 307 IPC provides punishment for life imprisonment. Hon'ble High Court of Delhi in *Court on its own motion Vs. State* Criminal reference no. 1/2018, decided on 13.11.2018 [(2018) 254 DLT 641 (DB)] has dealt with the issue. It has been held that in the cases where the Court of Magistrate has reason to believe that the accused has committed an offence where the punishment is either the capital punishment, or imprisonment for life, the Magistrate cannot grant bail to such an accused.

The Hon'ble High Court of Delhi in *Court on its own motion Vs. State, criminal reference no. 1/2017 dt. 24.10.2017* has held that a magistrate can grant bail under section 437(1) Cr.P.C subject to the proviso therein in sub clause (i) or (ii). Thus, it has been held by the

Hon'ble High Court that in cases where the punishment for an offence is death or life imprisonment, a magistrate cannot grant bail to an accused. Hence I am of the opinion that this court cannot grant bail to the accused for the aforesaid reasons. Hence the bail application of accused is dismissed as not maintainable before this Court and disposed of accordingly.

Copy of this order be given dasti.

Copy of the order be sent to the Jail Superintendent concerned for necessary compliance, if any and to supply a copy of the order to the accused.

Order be uploaded on server.

(DINESH KUMAR)
ACMM (EAST)/KKD/25.09.2020

IN THE COURT OF ACMM-EAST KKD DELHI

FIR no. 104/2020
PS Crime Branch
State vs. Pankaj Sharma

25.09.2020

The present matter has been taken up today through physical hearing according to the Office Order no. 417/RG/DHC/2020 dated the Delhi, 27.08.2020, issued by Hon'ble High Court of Delhi and Order no. 5576-94/JUDL.BR./East/KKD/Delhi dated 29.08.2020 issued by Ld. Distt. & Sessions Judge, East, Karkardooma Courts, Delhi.

Present application is received from the court of Id. CMM, East vide his order dated 24.09.2020.

Present : Ld. Subs. APP for the State.

IO SI Ashish Sharma in person.

None for the applicant.

The IO submits that the bail application of other accused are fixed for 29.09.2020.

Be listed for appearance and arguments on 29.09.2020.

(DINESH KUMAR)
ACMM (EAST)/KKD/25.09.2020

IN THE COURT OF ACMM-EAST KKD DELHI

FIR no. 255/2020
PS Kalyan Puri

25.09.2020

The present matter has been taken up today through physical hearing according to the Office Order no. 417/RG/DHC/2020 dated the Delhi, 27.08.2020, issued by Hon'ble High Court of Delhi and Order no. 5576-94/JUDL.BR./East/KKD/Delhi dated 29.08.2020 issued by Ld. Distt. & Sessions Judge, East, Karkardooma Courts, Delhi.

Present application is received from the court of Id. CMM, East vide his order dated 24.09.2020.

Present : Ld. Subs. APP for the State.

None for the applicant.

Be listed for appearance of applicant and F/P on
28.09.2020.

(DINESH KUMAR)
ACMM (EAST)/KKD/25.09.2020

IN THE COURT OF ACMM-EAST KKD DELHI

FIR no. 297/2020
PS Pandav Nagar
State vs. Khurshida

25.09.2020

Third bail application u/s 437 Cr.P.C. The present matter has been taken up today through physical hearing according to the Office Order no. 417/RG/DHC/2020 dated the Delhi, 27.08.2020, issued by Hon'ble High Court of Delhi and Order no. 5576-94/JUDL.BR./East/KKD/Delhi dated 29.08.2020 issued by Ld. Distt. & Sessions Judge, East, Karkardooma Courts, Delhi.

Present application is received from the court of ld. CMM, East vide his order dated 24.09.2020.

Present : Ld. Subs. APP for the State.

None for the applicant.

Be listed for appearance and arguments on application on 28.09.2020.

(DINESH KUMAR)
ACMM (EAST)/KKD/25.09.2020

IN THE COURT OF ACMM-EAST KKD DELHI

FIR no. 14962/2020
PS New Ashok Nagar
State vs. Vikas Sangwan

25.09.2020

Application u/s 320 Cr.P.C on behalf of applicant/accused Vikas Sangwan. The present matter has been taken up today through physical hearing according to the Office Order no. 417/RG/DHC/2020 dated the Delhi, 27.08.2020, issued by Hon'ble High Court of Delhi and Order no. 5576-94/JUDL.BR./East/KKD/Delhi dated 29.08.2020 issued by Ld. Distt. & Sessions Judge, East, Karkardooma Courts, Delhi.

Present : Ld. Subs. APP for the State.

None for the applicant.

HC R.B. Tomar, from PS New Ashok Nagar.

HC R.B. Tomar submits that the IO has seized the vehicle as mentioned in the application. The prayer of the application stands satisfied.

The application is disposed of accordingly.

The applicant is directed to file the original application in the court within 2 days from today.

Order be uploaded on server.

Proceedings be tagged with the challan as and when filed.

(DINESH KUMAR)
ACMM (EAST)/KKD/25.09.2020