

State vs. Sukhwinder
FIR No. 138/21
PS Krishna Nagar
U/s 336/506/120B/34 IPC and 25/27/54/59 Arms Act

26.04.2021

Present: Ld. APP for the State through VC.

Sh. Dheeraj Jain, Id. counsel for the accused through VC.
IO is present through VC.

This is An application for grant of bail u/s 437 Cr.P.C moved on behalf of accused Sukhwinder.

Bail application perused. Reply of IO perused.

Ld.counsel submitted that the accused has been falsely implicated and is in JC since 23.04.2021. Further, he has no criminal antecedents and is the sole bread earner of his family. He is ready to furnish sound surety and he is no more required for investigation. Furthermore, he is a businessman and well settled in society and there is no chance of his absconding. It was also submitted that co accused persons who were arrested in this case have already been granted bail.

Ld. APP for the State opposed the application stating that allegations are serious and investigation is at initial stage. Further the reply of the IO shows that accused is a habitual offender and he can threaten the complainant or commit similar offence in future. Moreover, some co accused persons are yet to be apprehended.

I have carefully considered the submissions made. I have carefully perused the reply of IO. As per the FIR on the date of incident in question, 3-4 persons were roaming in the gali of the complainant and taking his name and saying that 'hum se panga lena thik nahi hai'. Further, the complainant also heard 2-3 shots being fired in the gali. It is stated in the FIR that the complainant did not see the faces of the said persons. In the present case offences u/s 336/506 /120B/34 IPC and 25/27 Arms Act have been invoked against the accused. Now, as per reply of IO, co-accused Vikrant @ Monu was arrested on the basis of CCTV footage and he disclosed the involvement of the remaining co-accused persons including the present accused. Further, as per reply of Io, in the CCTV footage, accused Vikrant, Ajay, Danish, Bunta, Sobi and Gopal can be seen and further the accused

Gopal and co- accused Ajay are seen standing on the corner of the gali. However Offences u/s 336/506 IPC are bailable in nature. Further, as per the reply of IO, the firing was done by co-accused Danish and not the present accused. It is not the case of the IO in the reply that PC remand of the present accused is required and no recovery is to be effected from him. Thus , keeping in view the contents of the FIR and circumstances of the case, the present bail application is allowed. Keeping in view the facts and circumstances of the case, accused Sukhwinder is admitted to Court bail on furnishing of bail bond in the sum of Rs.20,000/- with one surety in the like amount subject to the conditions that :-

1. Accused shall not indulge in similar offence as that of which he is the accused.
2. He will not try to tamper with the evidence and will not try to contact the complainant during the pendency of the case.
3. Accused will join the investigation as and when required by the IO/SHO.

Accordingly, bail application disposed off. Copy of this order be sent to the Id.counsel on his email ID and the same be uploaded to the Delhi District Courts Website today itself.

(Aakanksha Vyas)

MM-5, (East) KKD Court
Delhi/26.04.2021

State vs. Sukhwinder
FIR No. 138/21

State vs. Suraj @ Lallu
FIR No.67/21
PS PIA
U/s 379/411 IPC

26.04.2021

Present: Ld. APP for the State through VC.

Ms. Sunita Singh, LAC for the accused through VC.

An application for grant of bail u/s 437 Cr.P.C is moved on behalf of accused Suraj @ Lallu.

Bail application perused. Reply filed by IO also perused.

Ld. Counsel for the accused has submitted that accused is in JC since 01.04.2021. Ld. Counsel has further submitted that accused has been falsely implicated in the present case. Further, recovery shown from the accused, if any, has been planted upon him. Ld. Counsel has also submitted that accused is no more required for the purpose of investigation. Accused is ready to furnish reliable surety.

Ld. APP for the State has opposed the bail application of the accused stating that the allegations are serious in nature and co-accused is yet to be apprehended. Further, accused can commit similar offence in future.

Heard both the parties.

In the present case, the accused is in J/C since 01.04.2021. As per reply of IO, the stolen mobile phone of the complainant has already been recovered. Further, the complainant could not identify the present accused during the TIP proceedings. It is also stated in the application that application of the IO for police remand of accused has already been rejected. IO has not revealed any criminal antecedents of the accused. Further, the aspect of de-congestion of jails in light of Covid-19 pandemic is also a relevant consideration. Keeping in view the facts and circumstances of the case, accused Suraj @ Lallu is admitted to Court bail on furnishing of bail bond in the sum of **Rs. 10,000/- with one surety in the like amount** subject to the conditions that :-

1. The accused shall cooperate with the IO during the investigation.
2. Accused shall not indulge in similar offence as that of which he is the accused.
3. He will not try to tamper with the evidence and will not try to contact the complainant during the pendency of the case.

Accordingly, bail application disposed off. Copy of this order be sent to the Ld. Counsel for the accused on his email ID and the same be uploaded on the Delhi District Court Website today itself.

(Aakanksha Vyas)
MM-5, (East) KKD Court
Delhi/26.04.2021

State vs.Pawan Kumar
FIR No.526/20
PS Shakarpur
U/s 379/411 IPC

26.04.2021

Present: Ld. APP for the State through VC.

Ms. Sunita Singh, LAC for the accused through VC.

An application for grant of bail u/s 437 Cr.P.C is moved on behalf of accused Pawan Kumar.

Bail application perused. Reply filed by IO also perused.

Ld. Counsel for the accused has submitted that accused is in JC since 29.11.2020. Ld. Counsel has further submitted that accused has been falsely implicated in the present case and he is the sole bread earner of his family. Further, recovery shown from the accused, if any, has been planted upon him. Ld. Counsel has also submitted that chargesheet has already been filed and accused is no more required for the purpose of investigation. Accused is ready to furnish sound surety.

Ld. APP for the State has opposed the bail application of the accused stating that the allegations are serious in nature. Further, as per reply of IO, accused is habitual offender and can commit similar offence in future.

Heard both the parties.

In the present case, the accused is in J/C since 29.11.2020. Case property in the present case has already been recovered. The office has informed the undersigned that the chargesheet has been filed in the present case. Hence, accused is no more required for investigation. Trial is likely to take time. Further, the aspect of de-congestion of jails in light of Covid-19 pandemic is also a relevant consideration. Keeping in view the facts and circumstances of the case, accused Pawan Kumar is admitted to Court bail on furnishing of bail bond in the sum of **Rs. 5,000/- with one surety in the like amount** subject to the conditions that :-

1. Accused shall not indulge in similar offence as that of which he is the accused.

2. He will not try to tamper with the evidence and will not try to contact the complainant during the pendency of the case.

Accordingly, bail application disposed off. Copy of this order be sent to the Id.LAC for the accused on her email ID and the same be uploaded on the Delhi District Court Website today itself.

(Aakanksha Vyas)
MM-5 (East) KKD Court
Delhi/26.04.2021

State vs Neelkanth Drugs Private Limited
FIR No 34/21
PS PIA

26.04.2021


Present: Ld. APP for the State through VC.

None for applicant through VC.

Application perused. Reply of IO perused.

In the present application none has been appeared today and even on the LDOH. Hence, the present application stands dismissed for non prosecution. Application stands disposed off.

Copy of this order be sent to the Id. Counsel for the applicant on his email ID and the same be uploaded on the Delhi District Court Website today itself.


(Aakanksha Vyas)
MM-5, (East) KKD Court
Delhi/26.04.2021

State vs Not known
FIR No 124/21
PS PIA
U/s 279/337 IPC
26.04.2021

Present: Ld. APP for the State through VC.

None for applicant the applicant through VC.

The present application for release of vehicle bearing No. DL
1RS0515 (TSR) on Superdari has been filed by the applicant.

Reply has been filed under the signature of SI Mool Chand wherein
it is submitted that there is no objection for the release of vehicle to the **rightful
owner (after verification of ownership)** only.

In view of the no objection of IO, oral arguments of Ld. Counsel for
applicant are dispensed with.

The Hon'ble High Court has observed in **Manjit Singh V. State CRL.
M.C. 4485/2013 and CRL. M.A. No. 16055/2013 decided on 10.09.2014** as
follows:

"Vehicles"

1. 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.
2. 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.
3. The production of the vehicle should not be insisted upon during the trial. The panchnama and photographs alongwith the valuation report should sufficient for the purpose of evidence.
4. Return of vehicles and permission for sale thereof should be general norm rather than the exception.

In these circumstances the aforesaid vehicle be released to the **rightful
owner (after verification of ownership)** subject to satisfaction of the IO/
SHO about the following conditions:

1. IO shall prepare detailed panchnama mentioning the colour, appearance, Engine no. Chassis No., registered owner and other necessary details of the vehicle;
2. IO shall take the colour photographs of the vehicle from different angles and also of the engine number and the chassis number of the vehicle.
3. The photographs should be attested and counter signed by the complainant, accused and rightful owner **(after verification of ownership)**.
4. IO shall get the vehicle valued from a proper valuer and shall take a valuation report in this regard from the valuer.
5. IO shall take the security bond of appropriate value from the rightful owner, taking into consideration the valuation report.

Copy of this order be sent to Ld. Counsel on his email ID and be also sent to the
SHO PS concerned for compliance and also be sent on the Delhi District Courts
Website today itself.

(Aakanksha Vyas)

MM-5, (East) KKD Court
Delhi/26.04.2021