

FIR No.273/20  
PS : Sonia Vihar  
State Vs. Harshit Gupta  
05.12.2020

Present: Sh. S. K. Dubey, APP for the State through VC.

Counsel Sh. Amit Kumar for the applicant Minu Gupta.

Heard on the superdari application for releasing the vehicle bearing no.DL-5SBT-9896 moved by the applicant. The applicant is stated to be registered owner of the vehicle and same is stated to be offending vehicle.

I have perused the judgment Rajesh Tyagi Vs. Jasbir Singh as sent to the court by the IO. The same does not bar release of insured offending vehicle to the registered owner. Ld. APP has also fairly conceded the same.

Considering the same, the seized vehicle bearing no. DL-5SBT-9896 in question be released to registered owner in view of judgment of Hon'ble High Court of Delhi in **Manjeet Vs. State, CRL.M.C. 4485/2013 and CrI. M.A. No.16055/2013**, decided on 10<sup>th</sup> September, 2014 against proper receipt subject to furnishing of an indemnity bond in the sum of Rs.25,000/- **only after due verification of the ownership and the factum of the vehicle being duly insured on the date of incident** -and before releasing the said vehicle, IO/SHO is directed to prepare the panchnama of the same and take photographs from different angles in the presence of complainant, accused and some independent witness. He will also take the counter signature of the complainant/witness and accused on the above said photographs. IO/SHO is also directed to file said panchnama and photographs alongwith their negatives or appropriate certificate under Section 65-B of the Evidence Act if photographs have been taken from digital device, with the final report. SHO concerned is also directed to ensure compliance of the above said terms and conditions. Subject to above directions, the said vehicle is released absolutely and panchnama along with photographs shall be read in evidence.

Copy of this order be given dasti.

(MAYURI SINGH)  
ACMM/NE/KKD COURTS  
05.12.2020

It is made clear that , order on superdari dated 24.11.20, may be read for case property/mobile phone in FIR no. 112/20, PS Dayalpur, considering the report of IO. Copy of order be given dasti to Ld. Counsel for applicant as well as to IO. Put up on date fixed. **Complainant is at libery to approach police station for receipt of mobile, as and when informed by IO.**

(MAYURI SINGH)  
ACMM/NE/KKD COURTS  
05.12.2020

*FIR No.112/20  
PS : Dayalpur  
State Vs. Unknown*

05.12.2020

Present: Sh. S. K. Dubey, APP for the State through VC.  
Counsel Sh. Mehar Ilahi Ansari for the applicant.  
SHO is absent.

IO HC Naresh appeared through VC and has filed fresh report as per which the mobile phone is seized in case FIR no.112/20 and not in 106/20 and that correct FIR particulars were not mentioned in previous application by applicant . Perused.

This factum was not mentioned by IO ,when the superdari order was passed by the court on 24/11/2020. Further , once IO is aware regarding identity of mobile phone and FIR no, after reporting so to the Court, he should have himself taken steps for release of the mobile in terms of orders of the Court, particularly when he himself faltered by mentioning wrong FIR no in his reply furnished on previous application. Till date, IO has not released the mobile phone to the applicant despite court's order and has not even bothered to seek any correction in FIR no in the order.

Hence, the matter be reported to the DCP concerned to take disciplinary action against the IO for non compliance of the order of the court dated 24/11/2020 and deliberately giving erroneous information of FIR no in his reply furnished on previous application.

Put up for report of the DCP concerned on 07/12/2020.

At this stage, IO submits that the mistake on his part was bonafide and that non release of mobile phone was not deliberate and he will take steps today itself to release the same to rightful owner/applicant.

dismissal of the present bail application of the accused.

Heard both the parties. Perused the records.

Considering the above submissions and the facts and circumstances of the present case and the alleged offences being serious in nature and alleged role of accused, I am not inclined to grant bail to the accused. Hence, the present bail application is dismissed. Copy of the order be given dasti to the Ld. Counsel for the accused. Copy of the order be also sent to the IO and Jail superintendent.



(MAYURI SINGH)  
ACMM/NE/KKD COURTS  
05.12.2020



**State Vs. Salman**  
**FIR No. 335/20**  
**P.S. Dayalpur**  
**U/s : 394/397/34 IPC**

05.12.2020

**This is an application for grant of bail under Section 437 Cr. P.C. moved on behalf of accused Salman through Cisco Webex meeting.**

Present: Sh. S.K. Dubey, Ld. APP for the State.

Ld. Counsel Sh. Fazil Khan for applicant/accused Salman.

By this order, I shall dispose off bail application filed on behalf of accused Salman.

It is stated on behalf of the accused that the accused is in JC since 10/11/2020 and he has been falsely implicated in the present case. It is further stated that the accused has a widow mother in family and there is no previous involvement of the accused. It is further stated that the accused is suffering from tuberculosis and treatment is undergoing. It is prayed that the accused be granted bail during the pendency of the case.

Report has been filed by the IO and the same is perused.

Ld. APP for the State has opposed the present bail application stating that one of accused namely Farman is absconding and the snatched mobile phone, motorcycle and the pistol which were used in the offence, are yet to be recovered. It is further stated that the offences are grave in nature and the Section 394 IPC provides for life imprisonment and the Section 397 IPC provides for minimum imprisonment of seven years. It is further stated that the accused was identified in the TIP proceedings and one of the co-accused Farmaan is absconding. It is further stated that the offences are serious in nature and exclusively triable by the Court of Sessions. It is prayed for the

*Rajender Prasad Vs. Poonam etc.*  
*PS : Karawal Ngr.*

05.12.2020


Present: None for the complainant despite calls.

Perused.

Ahlmad to report in what manner the present application has been received and whether the same has come to the present court through filing counter / Ld. CMM and if not, why so.

As the court staff has already put up this application on several times before the court, Ahalmad is directed to get the case file registered.

In the absence of the counsel, put up for arguments on 21/01/2021.

  
(MAYURI SINGH)  
ACMM/NE/KKD COURTS  
05.12.2020