

08.01.2021

Present order shall dispose off the bail application of accused Raj Kumar s/o Sh. Ganga Ram.

Present: Ld. APP for the state.  
Counsel for Applicant.

It is stated that accused is a businessman/ property dealer and has relations with the number of private banks. It is further sated that regarding property no. 58, Silver Park, Chander Nagar, Delhi, three FIR were registered where (i) FIR no. 28/19, PS Jagatpuri ( where bail has been granted by the court of Ld. ASJ, SHD, KKD Court, Delhi vide order dt. 24.12.2020), (ii) FIR no. 233/19, PS Jagatpuri (where bail was granted by Ld. MM, SHD,KKD vide order dt. 28.04.2020) and the present bail is the 3<sup>rd</sup> bail application where first bail was dismissed by the Ld. Predecessor Court vide order dt. 03.05.2020. It is argued that charge-sheet has been filed in all the three FIR's since January, 2020 and thereafter no further investigation has been conducted by the IO. It is further stated that the applicant / accused is an innocent person having clear antecedents. It is further stated that accused is in JC since 15.11.2019 and the charge sheet in the present case has already been filed. It is further argued that applicant is contesting the case with borrower bank in DRT and the complainants are residing in the property without any hindrance. It is further stated that the dispute with the bank is on the verge of settlement.

Reply has been filed by the IO SI Rakesh Malik, PS Jagatpuri.

It has been stated that the case was registered on the complaint of Mr. Lokesh Kumar whereby it has been alleged that complainant alongwith other 06 co-victims purchased 08 flats through sale deed from accused, thereby it has been stated that the property are free from all sorts of encumbrance, mortgage, loan etc. It is further stated that on 02.08.2019, official of PNB pasted a possession notice on the property and called upon the borrower Raj Kumar to repay notice amount being Rs. 2,96,17,580.42/- as on 06.04.2019. it is further stated by the IO that the above-mentioned property i.e. H. No. 58, Silver Park, Delhi was mortgaged with the bank and 8 flats were sold by the accused by concealing the fact of loan from the buyers. It is further stated that there is an outstanding loan of Rs. 3.6 crore against the properties. It is further stated that accused has sold his property and there is strong apprehension that he would jump the bail and the money could not be recovered. It is further stated that accused

has previous involvement in similar cases u/s 420 IPC.

Arguments heard on behalf of Ld. APP for the state and also on behalf of counsel for accused. Ld. Counsel for complainant had appeared when the matter was called, however he was absent when the matter was listed for hearing after lunch.

From the perusal of the application and the case file, it appears that the present case pertains to de-frauding the buyers of the property by the accused through not disclosing of loan against the property. As it appears it is a case where the accused has sold flats to the buyers by concealing the information that the flats are already mortgaged with the bank.

Ld. Counsel for accused has argued that the accused is entering into a one time settlement with the bank when the amount shall be repaid, however no such documents have been placed on record to show the veracity of such submission.

Ld. APP has strongly opposed the bail application by submitting that the current outstanding with interest is approximately Rs. 3.6 crore and accused would flee away if he is released on bail.

In the considering opinion of this court, the offence alleged to committing cheating of the accused are very serious in nature whereby several flats buyers are victims of the offence committed by the accused. The bail application of accused after filing of charge-sheet was previously also dismissed by the Ld. Predecessor Court vide order dt. 03.05.2020 and in the opinion of this court there is no change in the circumstance after that dismissal. Ld. Counsel for accused argued that since the accused has obtained bail in other case whereby similar offence was committed in respect of a different plot/ property, he shall be entitled to bail in the present case also. However, in the opinion of this court, grant of bail in a case involving similar facts does not entitle the accused for grant of bail in the present case. In view of the above discussed facts and circumstances, no ground for bail if made out. In view of same, bail application of accused Raj Kumar s/o Sh. Ganga Ram 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

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(Bharat Aggarwal)  
MM-05/SHD/KKD Courts/ Delhi  
08.01.2021

08.01.2021

This is an application to release the case property i.e. Gold Chain on superdari moved on behalf of applicant Jyoti w/o Sh. Shyam Bihari Sharan.

Present : Ld. APP for the State.

Counsel of applicant.

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 case property i.e. Gold Chain 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 case property, 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, **case property i.e. Gold Chain 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 case property 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.

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**(Bharat Aggarwal)**  
MM-05/Shahdra/KKD Court  
08.01.2021

08.01.2021

**This is an application to release the mobile phone make VIVO V-20 (Blue Colour) on superdari moved on behalf of applicant Ajay Kumar Yadav s/o Sh. Ram Babu Yadav.**

Present : Ld. APP for the State.

Counsel of applicant.

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 make VIVO V-20 (Blue Colour) 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 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.

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**(Bharat Aggarwal)**  
MM-05/Shahdra/KKD Court  
08.01.2021

08.01.2021

**This is an application to release the mobile phone Redmi Note 8 Pro, White Colour on superdari moved on behalf of applicant Mantu Kumar Singh s/o Gajender Singh.**

Present : Ld. APP for the State.

Counsel of applicant.

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 Redmi Note 8 Pro White Colour 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 off.

Copy of the order be given dasti to the applicant.

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**(Bharat Aggarwal)**  
MM-05/Shahdra/KKD Court  
08.01.2021

State vs. Unknown  
FIR No. 803793/20  
PS. Jafrabad  
U/s. 379 IPC

08.01.2021

Present: Ld. APP for the State.  
Counsel for applicant.

An application for release the vehicle bearing no. DL-5SCH-9332, Passion Pro moved on behalf of applicant Aman Sharma s/o Sh. Rajesh Sharma.

Reply filed by the IO. As per the reply filed by the MHCM that motorcycle no. DL-5SCH-9332, Passion Pro not deposit in PS Jafrabad Malkhana and nor in any DD entry, FIR and under Section.

In these circumstances as abovesaid vehicle not deposited in PS Jafrabad, application stands dismissed.

Application is disposed off accordingly.

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(Bharat Aggarwal)  
MM-05/SHD/KKD Courts/ Delhi  
08.01.2021

State vs. Akash @ Rahul s/o Girdhari Lal  
e-FIR No. 23043/20  
PS. Jafrabad  
U/s. 379/411 IPC

08.01.2021

Present: Ld. APP for the State.  
Counsel for applicant / accused.

An application for grant of bail moved on behalf of applicant / accused Akash @ Rahul s/o Girdhari Lal.

Reply filed by the IO. As per the reply filed by the IO ASI Satyadev, accused Akash @ Rahul s/o Girdhari Lal has been already granted bail in the present case on 01.01.2021.

In these circumstances as accused has been already granted bail in the present case on 01.01.2021, application of accused stands dismissed.

Application is disposed off accordingly.

Copy of order be given dasti.

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(Bharat Aggarwal)  
MM-05/SHD/KKD Courts/ Delhi  
08.01.2021

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

08.01.2021

Present: Ld. APP for the state.  
Counsel for applicant.

An application for release of his personal search articles / Jamatalashi articles I.e One mobile phone make VIVO 15, wallet with Rs. 620/- cash filed on behalf of applicant / accused Fateh Mohd.

Heard. Report of IO perused. IO reported that he has no objection if personal search articles be released to the accused/rightful owner.

Keeping in view the facts of the case, IO is directed to release the personal search articles of the accused as per his personal search memo.

Copy of the order be given dasti.

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(Bharat Aggarwal)  
MM-05/SHD/KKD Courts/ Delhi  
08.01.2021

08.01.2021

Present order shall dispose off the bail application of accused Gaurav Kumar s/o Dinesh Kumar.

Present: Ld. APP for State.  
Counsel for applicant.

It is argued by counsel for accused that accused is in custody since 26.12.2020. 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 arrested in the present case and stolen vehicle was recovered from the possession of accused. It is further stated that one buttandar knife was also recovered from the possession of accused. It is further stated that if accused released on bail, he may jump the bail.

Heard the arguments and perused the record.

Considering the fact that accused is in JC since 26.12.2020 and recovery has already been effected. Further, accused has no previous involvement. 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 Gaurav Kumar s/o Dinesh Kumar be released on bail, subject to furnishing of bail bond and two sureties for a sum of Rs. 10,000/- each 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.

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(Bharat Aggarwal)  
MM-05/SHD/KKD Courts/ Delhi  
08.01.2021

State vs. Harbans Singh s/o Gopal Dass  
FIR No. 238/20  
PS. Jagatpuri  
U/s. 420/34 IPC

08.01.2021

Present order shall dispose off the bail application of accused Harbans Singh s/o Gopal Dass.

Present: Ld. APP for the state.  
Ms. Payal Gupta, LAC for accused.

It is stated that accused is in JC since 11.08.2020 and was falsely implicated in the present case. It is further stated that charge-sheet has already been filed in the present case. 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. It is further stated that as accused not join the investigation and accused was declared absconder by the court on 05.02.2019. It is further stated that accused was arrested by PO staff of PS Geeta Colony and PS Maidan Gadhi in DD no. 53A & 54A. It is further stated that charge-sheet has already been filed in the present case. It is further stated that accused has no permanent address. It is further stated that accused has involvement in 01 other case and habitual to commit cheating offences.

Heard the arguments and perused the record.

In the present case, allegations against the accused are serious in nature. Further, accused has already declared PO. Further, accused has involvement in 01 other case of similar nature and habitual to commit cheating offences. 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 Harbans Singh s/o Gopal Dass stands dismissed.

Application disposed off accordingly.

Copy of order be given dasti.

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(Bharat Aggarwal)  
MM-05/SHD/KKD Courts/ Delhi  
08.01.2021

08.01.2021

Present order shall dispose off the bail application of accused Pankaj @ Dillu s/o Sheshnath.

Present: Ld. APP for State.  
LAC Ms. Payal Gupta for applicant.

It is argued by counsel for accused that accused is in custody since 04.06.2020. 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 arrested by PS Krishna Nagar and stolen mobile phone 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 5 other cases and a habitual offender. It is further stated that if accused released on bail, he may jump the bail.

Heard the arguments and perused the record.

Considering the fact that accused is in JC since 04.06.2020 and recovery has already been effected. Further, chargesheet has already been filed in the present case. Furthermore, 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 Pankaj @ Dillu s/o Sheshnath be released on bail, subject to furnishing of bail bond and one surety for a sum of Rs. 10,000/- 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.

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(Bharat Aggarwal)  
MM-05/SHD/KKD Courts/ Delhi  
08.01.2021

08.01.2021

This is an application to release vehicle no. DL-6SAX-4526 (scooty Activa) on superdari moved on behalf of applicant Raj Kishore Kakkar s/o Jagat Kishore Kakkar

Present : Ld. APP for the State.

Counsel of applicant.

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-6SAX-4526 (scooty Activa) 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.

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(Bharat Aggarwal)  
MM-05/Shahdra/KKD Court  
08.01.2021

08.01.2021

**This is an application to release vehicle no. DL-7SCE-3999 on superdari moved on behalf of applicant Jasbir Singh s/o Sh. Jagdish Singh.**

Present : Ld. APP for the State.

Counsel of applicant.

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-7SCE-3999 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 of.

Copy of the order be given dasti to the applicant.

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**(Bharat Aggarwal)**  
MM-05/Shahdra/KKD Court  
08.01.2021

State vs. Sharukh Khan s/o Sh. Gul Hasan  
FIR No. 45/20  
PS. Jagatpuri  
U/s. 380/457/411/34 IPC

08.01.2021

Present: Ld. APP for the state.  
Counsel for applicant.

An application for release of his personal search articles / Jamatalashi articles filed on behalf of applicant / accused Sharukh Khan s/o Gul Hasan.

Heard. Report of IO perused. IO reported that he has no objection if personal search articles be released to the accused/rightful owner.

Keeping in view the facts of the case, IO is directed to release the personal search articles of the accused as per his personal search memo.

Copy of the order be given dasti.

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

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(Bharat Aggarwal)  
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08.01.2021