

e-FIR NO. 540/2020
PS New Ashok Nagar
State Vs. Niranjana
08.01.2021

Through physical Conferencing.

An application for release of vehicle bearing no. DL 2 CAX -0525 on superdari.

Pr.: Ld. APP for the State.

Ld. Counsel for the applicant.

Submission heard. Reply of IO perused.

Instead of releasing the vehicle on superdari, I am of the considered view that the vehicle has to be released as per directions of Hon'ble Supreme Court in case titled as **Sunder Bhai Ambalal Desai Vs. State of Gujrat, AIR 2003 SC 638** wherein it has been held that :

“Vehicle 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.

69. The photographs of the vehicle should be attested countersigned by the complainant, accused as well as by the person to whom the custody is handed over.

70. The production of the vehicle should not be insisted upon during the trial. The panchnama and photographs along with the valuation report should suffice for the purposes of evidence.

71. Return of vehicles and permission for sale thereof should be the general norm rather than the exception.

72. If the vehicle is insured, the court shall issue notice to

the owner and the insurance company for disposal of the vehicle. If there is no response or the owner declines to take the vehicle or informs that it has claimed insurance/re/eased its right in the vehicle to the insurance company and the insurance company fails to take possession of the vehicle, the vehicle may be ordered to be sold in auction.

73. If a vehicle is reply not claimed by the accused, owner, or the insurance company or by a third person, it may be ordered to be sold by auction.”

The view of the Hon'ble Supreme Court has been reiterated by Hon'ble Delhi High Court in case titled as **Manjit Singh Vs. State in Crl. M.C. No. 4485/2013 dated 10.09.2014.**

Considering the facts and circumstances and law laid down by higher courts, ***vehicle be released to the registered owner as per RC after after due identity verification to be conducted by IO/SHO concerned and on furnishing security bond as per valuation report of the vehicle.*** After preparation of panchnama of the vehicle and furnishing of security bond as per directions of Hon'ble Supreme Court, the vehicle be released by the IO.

Panchnama and valuation report shall be filed in the court along with charge sheet/within one month.

Copy of this order be given dasti to applicant.

Order be uploaded on the server.

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(PANKAJ ARORA)
ACMM (EAST)/KKD/08.01.2021

e-FIR NO.000600/2020
PS New Ashok Nagar
State Vs. Pankaj Kumar
U/s 379/411 IPC

08.01.2021

Through physical Conferencing.
A bail application u/s 437 Cr.P.C moved on behalf of the applicant/accused.

Present: Ld. APP for the State.
Ld counsel for the applicant/accused.
Accused is stated to be in JC.
Submissions on bail application heard. Reply of IO perused.

It is submitted by ld. Counsel for the applicant/accused that he is innocent and has been falsely implicated in the matter and he is in J.C since 23.11.2020. It is submitted by ld. Counsel for the applicant/accused that recovery has already been effected from the accused and no fruitful purpose would be served by keeping the accused/applicant in J/C. Hence, it is prayed, that accused/applicant may be granted bail.

Ld. APP submits that appropriate order as per law may be passed.

I have heard the submissions and perused the reply. I have heard the submissions and perused the record. The accused is shown to be in custody since 23.11.2020. His custody is not required for further investigation. This is a period when there is need of decongestion of jails due to COVID 19 Pandemic. Considering the circumstances, nature of offence in question and the age of the accused/applicant, accused/applicant is hereby

granted bail on furnishing bail bond in the sum of Rs. 10,000/- with one surety of like amount.

With above directions, bail application of accused stands disposed of. Copy of this order be sent to Jail Superintendent concerned for necessary information and compliance, if any and to supply the copy to the accused.

Copy be given dasti to the ld. counsel.

Order be uploaded on the server.

(PANKAJ ARORA)
ACMM (EAST)/KKD/08.01.2021

**FIR NO.000398/2020
PS New Ashok Nagar
State Vs. Pankaj Kumar
U/s 379/411 IPC**

08.01.2021

**Through physical Conferencing.
A bail application u/s 437 Cr.P.C moved on behalf of the
applicant/accused.**

Present: Ld. APP for the State.
Ld counsel for the applicant/accused.
Accused is stated to be in JC.
Submissions on bail application heard. Reply of IO
perused.

It is submitted by ld. Counsel for the applicant/accused that he is innocent and has been falsely implicated in the matter and he is in J.C since 23.11.2020. It is submitted by ld. Counsel for the applicant/accused that recovery has already been effected from the accused and no fruitful purpose would be served by keeping the accused/applicant in J/C. Hence, it is prayed, that accused/applicant may be granted bail.

Ld. APP submits that appropriate order as per law may be passed.

I have heard the submissions and perused the reply. I have heard the submissions and perused the record. The accused is shown to be in custody since 23.11.2020. His custody is not required for further investigation. This is a period when there is need of decongestion of jails due to COVID 19 Pandemic. Considering the circumstances, nature of offence in question and the age of the accused/applicant, accused/applicant is hereby

granted bail on furnishing bail bond in the sum of Rs. 10,000/- with one surety of like amount.

With above directions, bail application of accused stands disposed of. Copy of this order be sent to Jail Superintendent concerned for necessary information and compliance, if any and to supply the copy to the accused.

Copy be given dasti to the ld. counsel.

Order be uploaded on the server.

(PANKAJ ARORA)
ACMM (EAST)/KKD/08.01.2021



e-FIR NO. 020560/2020

PS New Ashok Nagar

State Vs. Unknown

08.01.2021

Through physical Conferencing.

An application for release of vehicle bearing no. DL 8-SCT-1252 on superdari.

Pr.: Ld. APP for the State.

Ld. Counsel for the applicant.

Submission heard. Reply of IO perused.

Instead of releasing the mobile on superdari, I am of the considered view that the vehicle has to be released as per directions of Hon'ble Supreme Court in case titled as **Sunder Bhai Ambalal Desai Vs. State of Gujrat, AIR 2003 SC 638** wherein it has been held that :

“Vehicle 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.

69. The photographs of the vehicle should be attested countersigned by the complainant, accused as well as by the person to whom the custody is handed over.

70. The production of the vehicle should not be insisted upon during the trial. The panchnama and photographs along with the valuation report should suffice for the purposes of evidence.

71. Return of vehicles and permission for sale thereof should be the general norm rather than the exception.

72. *If the vehicle is insured, the court shall issue notice to the owner and the insurance company for disposal of the vehicle. If there is no response or the owner declines to take the vehicle or informs that it has claimed insurance/re/eased its right in the vehicle to the insurance company and the insurance company fails to take possession of the vehicle, the vehicle may be ordered to be sold in auction.*

73. *If a vehicle is reply not claimed by the accused, owner, or the insurance company or by a third person, it may be ordered to be sold by auction.”*

The view of the Hon'ble Supreme Court has been reiterated by Hon'ble Delhi High Court in case titled as **Manjit Singh Vs. State in CrI. M.C. No. 4485/2013 dated 10.09.2014.**

Considering the facts and circumstances and law laid down by higher courts, ***vehicle be released to the registered owner as per RC after after due identity verification to be conducted by IO/SHO concerned and on furnishing security bond as per valuation report of the vehicle.*** After preparation of panchnama of the vehicle and furnishing of security bond as per directions of Hon'ble Supreme Court, the vehicle be released by the IO.

Panchnama and valuation report shall be filed in the court along with charge sheet/within one month.

Copy of this order be given dasti to applicant.

Order be uploaded on the server.

(PANKAJ ARORA)
ACMM (EAST)/KKD/08.01.2021



e-FIR NO.000414/2020
PS New Ashok Nagar
State Vs. Pankaj Kumar
U/s 379/411 IPC

08.01.2021

Through physical Conferencing.
A bail application u/s 437 Cr.P.C moved on behalf of the applicant/accused.

Present: Ld. APP for the State.

Ld counsel for the applicant/accused.

Accused is stated to be in JC.

Submissions on bail application heard. Reply of IO
perused.

It is submitted by ld. Counsel for the applicant/accused that he is innocent and has been falsely implicated in the matter and he is in J.C since 23.11.2020. It is submitted by ld. Counsel for the applicant/accused that recovery has already been effected from the accused and no fruitful purpose would be served by keeping the accused/applicant in J/C. Hence, it is prayed, that accused/applicant may be granted bail.

Ld. APP submits that appropriate order as per law may be passed.

I have heard the submissions and perused the reply. I have heard the submissions and perused the record. The accused is shown to be in custody since 23.11.2020. His custody is not required for further investigation. This is a period when there is need of decongestion of jails due to COVID 19 Pandemic. Considering the circumstances, nature of offence in question and the age of the accused/applicant, accused/applicant is hereby

granted bail on furnishing bail bond in the sum of Rs. 10,000/- with one surety of like amount.

With above directions, bail application of accused stands disposed of. Copy of this order be sent to Jail Superintendent concerned for necessary information and compliance, if any and to supply the copy to the accused.

Copy be given dasti to the ld. counsel.

Order be uploaded on the server.

(PANKAJ ARORA)
ACMM (EAST)/KKD/08.01.2021