

State Vs. Pradeep @ Sunny
FIR No.42/20
PS : Sultan Puri
U/s. 307/34 IPC & 25/54/59 Arms Act

06.05.2020

Application for bail has been taken up for 'urgent hearing' through Video Conferencing, in view of standing directions passed in the light of recent nationwide lock-down on account of outbreak of Covid-19.

Present: Sh. Himanshu Garg, Ld. Addl. PP for the State.
Sh. Santosh Kumar, Counsel for the applicant / accused.

Reply of the IO placed before the Court for consideration.

Arguments have been heard through Webex Cisco.
Perused the record.

Ld. Counsel for the applicant / accused has filed the present application **u/s.167(2) Cr.P.C.**, praying for grant of statutory bail. Ld. Counsel for applicant submits that despite expiration of requisite period of 90 days from the date of arrest i.e. 17.01.2020, no charge-sheet has been filed till date.

Ld. Addl. PP for the State submits that charge-sheet has been filed by the IO, on 23.04.2020, admitting that the same has been filed after 90 days. It is contended that the application is opposed as the accused has lost his legal right, as the present application has been filed, after filing of the charge-sheet in the present case.

It has been considered that as per the report of IO, charge-sheet has been filed on 23.04.2020, as one of the co-accused remained untraceable and has not been arrested, till date. The applicant / accused failed to avail the statutory bail during the intervening period, on expiration of the statutory limitation and before filing of the charge-sheet.

In view of the facts and circumstances, there is no indefeasible right accrued in favour of the applicant / accused, due to expiration of the requisite statutory period and such right, if any, stands defeated, on filing of the charge-sheet against the accused, prior to filing of the present application u/s.167(2) Cr.P.C.

Accordingly, the present application is dismissed.

Copy of order be sent to Jail Superintendent, through email. Let the digitally signed scanned order be also sent by email to rohincourts-dj@nic.in / courtrohini@gmail.com. Incharge, Computer Branch, Rohini Courts is directed to upload the order on the website and to provide the copy of the same to all concerned.

(PREETI AGRAWAL GUPTA)
Duty Judge
North-West, Rohini Courts,
Delhi/06.05.2020

State Vs. Phool @ Shahbaj
FIR No.445/19
PS : Bharat Nagar
U/s.392/397/411/34 IPC

06.05.2020

Application has been taken up for 'urgent hearing' through Video Conferencing, in view of standing directions passed in the light of recent nationwide lock-down on account of outbreak of Covid-19.

Present: Sh. Himanshu Garg, Ld. Addl. PP for the State.
Ms. Swapna Sinha, Counsel for the applicant / accused.

Reply of the IO placed before the Court for consideration.

Heard. Perused the record.

Ld. Counsel for the applicant / accused submits that he is in JC since 12.09.2019 and has a younger brother and four younger sisters, dependent upon him and further that the two other co-accused in the present case have been granted bail vide orders dated 22.04.2020, on the ground of ongoing consideration and decongest Tihar Jail, owing to the pandemic.

Ld. Addl. PP for the State submits that the allegations against the applicant / accused are very serious, but concedes that the other two co-accused, who have been admitted on bail, have been involved in commission of graver role in the present case and have been admitted on interim bail of 45 days, though the present case is not squarely covered under any of the criteria, stipulated by the HPC (High Powered Committee) of Hon'ble High Court of Delhi.

The Court has considered the report and submissions and is of considered view that the role of the applicant / accused is lesser than the role of the other two co-accused and he is in JC since 12.09.2019 and would have been entitled for interim bail, if he would have spent a period of one year in custody. Therefore, on the ground of parity as well as consideration of dependency during this difficult period, the applicant / accused is granted interim bail for a period of 45 days on furnishing bail bond in the sum of Rs.25,000/- with one surety of like amount, to the satisfaction of Ld. MM/Duty MM. The applicant / accused shall surrender before the concerned Jail Superintendent, on expiry of the period of interim bail, as per rules.

Application is disposed off accordingly.

Copy of order be sent to Jail Superintendent, through email. Let the digitally signed scanned order be also sent by email to rohincourts-dj@nic.in / courtrohini@gmail.com. Incharge, Computer Branch, Rohini Courts is directed to upload the order on the website and to provide the copy of the same to all concerned.

(PREETI AGRAWAL GUPTA)
Duty Judge
North-West, Rohini Courts,
Delhi/06.05.2020

**State Vs. Manoj Kumar
FIR No.160/20
PS : Prem Nagar
U/s.33 D. Excise Act, 188 IPC**

06.05.2020

Application for bail has been taken up for 'urgent hearing' through Webex Cisco through Video Conferencing, in view of standing directions passed in the light of recent nationwide lock-down on account of outbreak of Covid-19.

Present: Sh. Himanshu Garg, Ld. Addl. PP for the State.
Mr. Mahesh Chandra, Counsel for the applicant / accused.

Reply of the IO placed before the Court for consideration.

Heard. Perused the record.

Ld. Counsel for the applicant / accused prays for treating the present application as that of **regular bail**. It is prayed that the applicant is innocent and has been falsely implicated in the present case. The application has been filed on urgent ground as it is a fresh arrest case, wherein the applicant has been arrested on 03.05.2020.

Ld. Addl. PP for the State submits that as per the CRB report, no past involvement of the applicant / accused is found and that the applicant / accused has been apprehended red-handed with 40 quarter bottles of illicit liquor.

Having considered the facts and circumstances, the Court is of the considered view that recovery in the present case has already been affected from the applicant / accused and no material investigation is required in the nature and facts of the present case. Keeping in view the current outbreak of Covid-19 and efforts of the Courts to decongest and grant bail to such accused, whose custody is no longer required, the Court treats this application as that for Regular bail and admits the accused on regular bail on furnishing Bail bond in the sum of Rs.15,000/-, with one surety of like amount, to the satisfaction of Ld. MM/Duty MM, with the direction that mobile number of the accused be intimated on the bail bond of the accused.

Application is disposed off accordingly.

Copy of order be sent to Jail Superintendent, through email. Let the digitally signed scanned order be also sent by email to rohincourts-dj@nic.in / courtrohini@gmail.com. Incharge, Computer Branch, Rohini Courts is directed to upload the order on the website and to provide the copy of the same to all concerned.

(PREETI AGRAWAL GUPTA)

Duty Judge

North-West, Rohini Courts,

Delhi/06.05.2020

**State Vs. Ajay @ Chama
FIR No.399/13
PS : North West
U/s.307/34 IPC**

06.05.2020

Application for cancellation of production warrants / grant of bail, has been taken up for 'urgent hearing' through Webex Cisco through Video Conferencing, in view of standing directions passed in the light of recent nationwide lock-down on account of outbreak of Covid-19.

Present: Sh. Himanshu Garg, Ld. Addl. PP for the State.
Mr. Javed Alvi, Counsel for the applicant / accused.

Reply of the IO placed before the Court for consideration.

Heard. Perused the record.

During the course of arguments, bail order dated 30.04.2020 in FIR No.262/18, PS Bharat Nagar has been relied upon. Ld. Counsel for the applicant / accused has requested to send a scanned copy of the same via email / Whatsapp, which is allowed. It is submitted that the applicant / accused is on bail in the present case and that he is in custody, owing to issuance of production warrants in the matter, as the applicant / accused could not appear in the present case, owing to his custody in another matter bearing FIR No.262/18.

Ld. Addl. PP for the State submits that he has no objection, if the production warrants issued against the applicant / accused are suspended / recalled, if the applicant / accused undertakes to produce himself on the regular date of hearing during the trial in the present case.

After awaiting the matter and perusing the report of IO, scanned copy of the bail order in FIR No.262/18 PS Bharat Nagar and hearing the submission, it is considered that a case is made out for suspension of production warrants against the applicant / accused. Jail Superintendent concerned is directed to release the applicant / accused Ajay @ Chamma, if on bail and be not kept in custody in the present case. It is further clarified that the custody of the applicant / accused is not required in the present case. The

applicant / accused is directed to attend regular trial in the present case on the date fixed, before the concerned Court. Let an application for recalling of production warrants be moved during regular trial before the concerned Court.

Application is disposed off accordingly.

Copy of order be sent to Jail Superintendent, through email. Let the digitally signed scanned order be also sent by email to rohincourts-dj@nic.in / courtrohini@gmail.com. Incharge, Computer Branch, Rohini Courts is directed to upload the order on the website and to provide the copy of the same to all concerned.

(PREETI AGRAWAL GUPTA)
Duty Judge
North-West, Rohini Courts,
Delhi/06.05.2020

State Vs. Lakshay Kumar
FIR No.454/20
PS : Sultan Puri
U/s.308 IPC

06.05.2020

Application for interim bail has been taken up for 'urgent hearing' through Video Conferencing, in view of standing directions passed in the light of recent nationwide lock-down on account of outbreak of Covid-19.

Present: Sh. Hlmanshu Garg, Ld. Addl. PP for the State.
Mr.Gurtinder Singh, LAC the applicant / accused.

The present application for interim bail has been received from the concerned Superintendent, Central Jail No.5, Tihar, New Delhi , pressed through DLSA, North – West, Delhi.

Report of IO/SHO, as directed, has been placed on record.

Arguments have been heard through Webex Cisco.

Ld. Addl. PP for the State concedes that the case of the applicant/accused falls within the criteria laid down by the HPC of Hon'ble High Court of Delhi dated 07.04.2020.

In view of orders passed by Hon'ble Supreme Court of India in *Suo Moto Writ Petition (C) No. 1/2020 in RE: contagion of Covid-19 Virus in prisons* and that of Hon'ble High Court of Delhi in *W.P.(C) 2945/2020* in the matter of *Shobha Gupta Vs. Union of India & Ors.* Dated 23.03.2020, comprehensive guidelines have been given by the Hon'ble HPC (High Powered Committee) of Hon'ble High Court of Delhi *vide* minutes of HPC dated 28.03.2020, further relaxed criteria *vide* minutes of HPC dated 07.04.2020 and even further relaxed criteria *vide* minutes of HPC dated 18.04.2020. The Hon'ble HPC has been pleased to deliberate and issue directions with respect to criteria of interim bail of UTPs, so as to decongest the jails in Delhi, to applicable categories.

Keeping in view that the case of the applicant/accused is covered within the ambit of the guidelines issued by HPC of Hon'ble High Court of Delhi dated 07.04.2020, without going into the merits of the case, the applicant/accused **Lakshay Kumar** is entitled and accordingly, admitted to interim bail for a period of **45 days** from the date of release, on the following conditions:-

1. Accused shall furnish personal bond in the sum of Rs.20,000/-

- , to the satisfaction of concerned Jail Superintendent.
2. This interim bail does not entitle the applicant/accused to claim bail/relief on merits of the case.
 3. Accused shall keep his mobile active during the duration of interim bail and shall furnish his active mobile number on the bail bond itself.
 4. Accused shall surrender before the concerned Jail Superintendent on expiry of period of interim bail, as per law.

Application is disposed off accordingly.

Copy of order be sent to Jail Superintendent through email. Let the digitally signed scanned order be also sent by email to rohincourts-dj@nic.in / courtrohini@gmail.com. The physical copy of the order be provided to DLSA concerned. Incharge, Computer Branch, Rohini Courts is directed to upload the order on the website and to provide the copy of the same to all concerned.

(PREETI AGRAWAL GUPTA)
Duty Judge
North-West, Rohini Courts,
Delhi/06.05.2020

**State Vs. Amit Kumar
FIR No.479/19
PS : Keshav Puram
U/s.400/411 IPC**

06.05.2020

Application for bail has been taken up for 'urgent hearing' through Video Conferencing, in view of standing directions passed in the light of recent nationwide lock-down on account of outbreak of Covid-19.

Present: Sh. Hlmanshu Garg, Ld. Addl. PP for the State.
Mr.Gurtinder Singh, Legal Aid Counsel as other legal aid counsel is stated to be not available today.

Reply of the IO placed before the Court for consideration.

Arguments have been heard through Webex Cisco.

As per the standing directions, the services of the Id. Legal Aid Counsel, who is on duty, has been called, in absence of the regular counsel for the accused as the present application has come up for hearing on the ground of 'urgency'

Ld. Counsel for the applicant / accused submits that the accused is in custody since 26.01.2020, recovery has already been effected from him and that his wife is already on bail.

Ld. Addl. PP for the State has opposed the application which has been moved on merits and under wrong provisions of FIR. It is submitted that the present case is not covered by any of the criteria, stipulated by the HPC (High Powered Committee) of Hon'ble High Court of Delhi, for release of the accused on interim bail, in view of the pandemic.

Upon considering the application, no ground of 'urgency' has been disclosed. Admittedly, the case of the applicant/accused is not covered within the ambit of the guidelines issued by High Powered Committee of Hon'ble High Court of Delhi, for release of UTPs to decongest the jails in Delhi. The bail application on merits, is not being considered and no compelling reasons have been disclosed.

Accordingly, there is no ground made out for grant of

interim bail, as prayed, at this stage and the application is accordingly, dismissed.

Let the digitally signed scanned order be sent by email to rohincourts-di@nic.in / courtrohini@gmail.com. The physical copy of the order be sent to Bail Section of North-West District, Rohini Courts, Delhi. In-charge, Computer Branch, Rohini Courts, is directed to upload the order on the website and to provide the copy of the same to all concerned.

(PREETI AGRAWAL GUPTA)

Duty Judge

**North-West, Rohini Courts,
Delhi/06.05.2020**

**State Vs. Md. Adil Khan
FIR No.36/15
PS : Maurya Enclave
U/s.302/395/120B IPC**

06.05.2020

Application for interim bail has been taken up for 'urgent hearing' through Video Conferencing, in view of standing directions passed in the light of recent nationwide lock-down on account of outbreak of Covid-19.

Present: Sh. Hlmanshu Garg, Ld. Addl. PP for the State.
Mr.Kunal Manav, Counsel for the applicant / accused.

Reply of the IO placed before the Court for consideration.

Arguments have been heard through Webex Cisco.

Ld. Counsel for the applicant / accused contends that the applicant / accused is a person of above 50 years of age and is suffering from high blood pressure and diabetic. It is submitted that applicant/accused is vulnerable owing to outbreak of COVID-19 pandemic and has three daughters, one minor son depending upon him.

The bail application is opposed by Ld. Addl. PP for the State with the contention that the allegations against the applicant / accused are very serious in nature, as he is involved in grave offence of robbery and murder and is in custody since 22.05.2015. It is also submitted that the present case is not covered by any of the criteria, stipulated by the HPC (High Powered Committee) of Hon'ble High Court of Delhi.

Considered the gravity and serious nature of offence in the present case and further that no urgent ground has been disclosed to justify the moving of present application. The alleged ailments of the applicant do not show any ground to claim 'urgency', there is no medical advice to show any compelling circumstances, for grant of interim bail to the applicant / accused. The case of the applicant / accused is not covered within the ambit of the guidelines issued by High Powered Committee of Hon'ble High Court of Delhi, from time to time. As considered, there are no circumstance exhibiting "urgency" pertaining to the applicant / accused during this

extraordinary period.

Accordingly, there is no ground made out for grant of interim bail, as prayed, at this stage and the application is accordingly, dismissed.

Let the digitally signed scanned order be sent by email to rohincourts-di@nic.in / courtrohini@gmail.com. The physical copy of the order be sent to Bail Section of North-West District, Rohini Courts, Delhi. In-charge, Computer Branch, Rohini Courts, is directed to upload the order on the website and to provide the copy of the same to all concerned.

(PREETI AGRAWAL GUPTA)
Duty Judge
North-West, Rohini Courts,
Delhi/06.05.2020

State Vs. Sumit @ Tinka
FIR No.563/18
PS : Keshav Puram
U/s.302/392/397/34 IPC &
25/27 Arms Act.

06.05.2020

Application has been taken up for 'urgent hearing' through Video Conferencing, in view of standing directions passed in the light of recent nationwide lock-down on account of outbreak of Covid-19.

Present: Sh. Hlmanshu Garg, Ld. Addl. PP for the State.
Mr.Neeraj Jha, Id.Counsel for the applicant / accused.

Reply of the IO placed before the Court for consideration.

Arguments have been heard through Webex Cisco.

Ld. Counsel for the applicant / accused has submitted the arguments of urgency on the ground that wife of the applicant namely Shivani aged about 25 years had met with an accident and needs the higher medical intervention owing to fractures in her left hand as well as leg. It is stated that owing to the medical condition of the wife of the applicant, the two minor children of the accused aged 5 years and one year, need to be taken care of, especially owing to the prevailing lock-down situation in view of the outbreak of pandemic.

Ld. Addl. PP for the State contends that the allegations against the applicant / accused are very serious in nature, as conspiring alongwith the main accused Sonu in scheming armed robbery leading to death of a public person due to use of a firearm. On the ground of urgency, it is admitted that as per report of the IO, medical papers of wife of the accused have been verified from the Govt. hospital and she has been found to be suffering from fractures in her left hand as well as leg as claimed.

The Court has duly considered the nature of offence and ground of urgency prayed. It is also considered that as per the past conduct of the accused, he has not misused the interim liberty granted to him twice on 22.02.2020 and 12.03.2020 on specific grounds and has surrendered, in compliance of the conditions of interim bail. Annexed Medical documents of wife of the accused reveal that she has been referred to higher medical center and has not been able to get medical treatment owing to two minor children

depending on her. Fact verified by I.O.

In these facts and circumstances, applicant/accused **Sumit @ Tinka** is admitted to interim bail for a period of **two weeks from** the date of release, on the following conditions:-

1. Accused shall furnish bail bond in the sum of Rs.50,000/-, with one surety of the like amount, to the satisfaction of Ld.M.M./L.Duty M.M,
2. This interim bail does not entitle the applicant/accused to claim bail/relief on merits of the case.
3. Accused shall keep his mobile active during the duration of interim bail and shall furnish his active mobile number on the bail bond itself.
4. Accused shall surrender before the concerned Jail Superintendent on expiry of period of interim bail, as per rules.

Copy of order be sent to Jail Superintendent through email. Let the digitally signed scanned order be also sent by email to rohincourts-di@nic.in / courtrohini@gmail.com. The physical copy of the order be sent to Bail Section of North-West District, Rohini Courts, Delhi. In-charge, Computer Branch, Rohini Courts, is directed to upload the order on the website and to provide the copy of the same to all concerned.

(PREETI AGRAWAL GUPTA)
Duty Judge
North-West, Rohini Courts,