

State v. Farhan Haque  
FIR No.: 508/2020  
U/S: 365/342/394/34 IPC  
P.S: Naraina

02 09 2020

Vide order nos 5837-5927/D&SJ/NDD/2020 dt 30 05 2020 & 5931-6021/D&SJ/NDD/2020 dated 01 06 2020 of Ld District & Sessions Judge, Patiala House Court, New Delhi District, New Delhi, the undersigned has been deputed for duty today in pursuance to the directions of Hon'ble High Court of Delhi vide order no R-1347/DHC/2020 dated 29 05 2020 and in continuation of the previous office order nos 4243-4333/D&SJ/NDD/2020 dated 01 04 2020, 4407-4426/D&SJ/NDD/2020 dated 10 04 2020, 4518-4608/D&SJ/NDD/2020 dated 15 04 2020, 5111-5200/D&SJ/NDD/2020 dated 03 05 2020, 6364-6454/D&SJ/NDD/2020 dated 16 05 2020, 6326-6415/D& SJ/NDD/2020 dated 15 06 2020 to combat the pandemic of COVID 19 and vide order no. 1944-1976/DHC/2020 dated 30 07 2020, 323-355/RG/DHC/2020 dated 15 08 2020, 419-451/RG/DHC/2020 dated 27 08 2020 of the Hon'ble High Court of Delhi to combat the pandemic of Covid-19.

Present. Sh. Irfan Ahmed, Ld. Addl. PP for the State  
Sh. Asghar Khan, Ld. Counsel for applicant/accused

Proceedings done through video conferencing.

It is certified that link was working properly and no grievance was agitated by either of the counsel in this regard.

Present is an application moved on behalf of applicant/accused seeking grant of bail. It is submitted that applicant/accused has been falsely implicated in the present case. It is submitted that there is no material evidence against the applicant/accused showing his involvement in the commission of alleged offence and was arrested based on mistaken identity. It is submitted that the complainant has failed to identify the applicant/accused during the TIP proceedings whom he had seen at the place and time of alleged incident. It is submitted that there is no evidence on record to connect the applicant/accused with the commission of the alleged offence.

Ld. counsel for applicant/accused further submitted that the mother of applicant/accused is suffering from various old age diseases and is confined to bed and there is no male member in the family to look after him as his father has already expired. It is further submitted that applicant/accused is an innocent man and is ready to abide by any term and condition imposed by this court and thus, he deserves to be released on bail.

Ld. Addl. PP has vehemently opposed the bail arguing that applicant/accused is involved in the dacoity of truck carrying goods worth Rs. 50.0 lacs by abducting the driver and helper of the truck. It is submitted that presence of applicant/accused at the scene of incident is clearly visible in the CCTV footage. It is submitted that four accused persons are yet to be arrested, recovery of robbed mobile phones, cash and ATM cards is yet to be effected and if applicant/accused is released on bail, there are chances of his hampering the fair course of investigation.

Heard.

Ld. counsel has placed heavy reliance upon the fact that victims have failed to identify him in the TIP as perpetrator of the offence. However, the presence of applicant/accused with other co-accused persons is established from the CCTV footage of the hotel, wherein the victims were kept confined after the alleged abduction and robbery. The contention of Ld. defence counsel in attempting to explain his presence at the hotel as innocuous gets discredited from the CDRs of the applicant/accused, whereby his presence with the other co-accused persons is also corroborated at the scene of crime. Moreover, the vehicle bearing No. UP 15 CN 4000, used in the commission of the offence, is also alleged to have been recovered at the instance of applicant/accused. The failure of the victims to identify the applicant/accused during the TIP proceedings can be attributable to two reasons:

(i) Due to large number of the persons involved in the commission of the offence, the victims might have failed to notice the applicant/accused,

(ii) the second possibility, that arises from the facts mentioned in the Application also, is that the victims have been won over by the applicant/accused

In either case, the other incriminating material which are available on record i.e. the presence of applicant/accused at the hotel and at the scene of crime and recovery of the vehicle cannot be ignored.

Considering the seriousness of allegations, enormity of charge and the fact that the applicant/accused is attempting to influence the course of trial by influencing the witnesses, I am of the opinion that applicant/accused does not deserve the indulgence of the court. The application is bereft of merits and is accordingly dismissed.

Needless to say that nothing observed herein shall tantamount to an expression on merits of the case at hand.

Application is accordingly disposed off.

  
( Dharmender Rana)  
ASJ-02/NDD/PHC/ND  
02.09.2020

State v. Rishabh Mohd.  
FIR No. 191/2020  
PS Special Cell  
U/s 419/420/120B IPC

02.09.2020

Vide order nos 5837-5927/D&SJ/NDD/2020 dt 30.05.2020 & 5931-6021/D&SJ/NDD/2020 dated 01.06.2020 of Ld. District & Sessions Judge, Patiala House Court, New Delhi District, New Delhi, the undersigned has been deputed for duty today in pursuance to the directions of Hon'ble High Court of Delhi vide order no R-1347/DHC/2020 dated 29.05.2020 and in continuation of the previous office order nos 4243-4333/D&SJ/NDD/2020 dated 01.04.2020, 4407-4426/D&SJ/NDD/2020 dated 10.04.2020, 4518-4608/D&SJ/NDD/2020 dated 15.04.2020, 5111-5200/D&SJ/NDD/2020 dated 03.05.2020, 6364-6454/D&SJ/NDD/2020 dated 16.05.2020, 6326-6415/D& SJ/NDD/2020 dated 15.06.2020 to combat the pandemic of COVID 19 and vide order no 1944-1976/DHC/2020 dated 30.07.2020, 323-355/RG/DHC/2020 dated 15.08.2020, 419-451/RG/DHC/2020 dated 27.08.2020 of the Hon'ble High Court of Delhi to combat the pandemic of Covid-19.

Present: Sh. Irfan Ahmed, Ld. Addl. PP for the State.  
Sh. Deep Chand, Ld. Counsel for applicant/accused

Proceedings done through video conferencing

It is certified that link was working properly and no grievance was agitated by either of the counsel in this regard.

Present is an application moved on behalf of applicant/accused for grant of bail. It is submitted that applicant/accused has been falsely implicated in the present case and is in j.c since 07.08.2020. It is submitted that present accused has nothing to do with the alleged offence. It is submitted that he has not been named in the FIR. It is further submitted that he neither deceived the complainant nor he was beneficiary of the cheated amount. It is submitted that he is poor employee at a mobile shop hence he deserves a lenient view by this court considering the guidelines issued by the Hon'ble High Court during the prevalent situation of pandemic Covid-19.

Ld. Addl. PP has vehemently opposed the bail application submitting that a complaint was received in the office of Cypad alleging a fraud committed by some persons in the name of Reliance Capital Personal loan and insurance on the pretext of providing loan. It is pointed out that the fraudsters in conspiracy with the applicant accused cheated the

complainant on the pretext of providing loan. The total cheated amount is alleged to be a sum of Rs 2,18,392/- A technical enquiry was conducted and it was found that the mobiles numbers used in the commission of the fraud were issued in the name of foreign nationals, mostly at Pahar Ganj and Connaught Place from Saini Electronic Mobile Shop, Telepathy Mobile Shop and Complete Mobile Shop, by accused Pawan Mittal. Accused Pawan Mittal had either worked or works in the above mentioned shops as promoter of Vodafone. It is submitted that accused Pawan Mittal was arrested and one Master Sim bearing no 9873457123 was recovered through which he activated fake SIMs. On interrogation, he disclosed that he got issued fake SIMs using fake identity/residential proof and supplied the abovesaid fake SIMs to accused Gyan Singh by charging Rs 400/- per sim, who further supplied the same to fake financial institute/call center. It is submitted that thereupon accused Gyan Singh was arrested who disclosed that he supplied these sims to applicant/accused Rishab Mohd charging Rs. 800/- per sim, who further sold them to one Mohd. Irfan Saifi, for Rs. 1000/-. Mohd Irfan Saifi runs a fake Reliance Capital Office at Nanak Pura complex, Uttam Nagar and used to cheat innocent people on the pretext of giving loans, insurance etc. Finally, accused Mohd Irfan saifi and his associates who ran the fake Reliance Capital Office were also arrested. It is submitted that the mobile phone by which applicant accused contacted Mohd Irfan saifi has also been seized from applicant accused. It is submitted that considering the seriousness of allegations against the applicant/accused and the fact that the investigation is at initial stage, the applicant/accused does not deserve to be released on bail.

Heard.

In the case at hand, the allegations against the applicant/accused Rishabh Mohd. is that he purchased the sim cards used for cheating from co-accused Gyan Singh for a sum of Rs.800/- and further resold them to co-accused Mohd. Irfan Saifi for a sum of Rs.1000/-. Admittedly, the applicant/accused is not found involved in any kind of communication with the victims.

Considering the period of incarceration and nature of allegations, applicant/accused is admitted to bail on his furnishing bail bond in the sum of Rs.20,000/- with one surety in the like amount to the satisfaction of the Ld. MM/Duty MM/Ld. CMM.

Needless to say that nothing observed herein shall tantamount to an expression on merits of the case at hand.

Copy of this order be also sent to the Ld. Trial Court for necessary information.

Application is disposed off accordingly.

  
( Dharmender Rana)  
ASJ-02/NDD/PHC/ND/02.09.2020

State v Danish Malik  
FIR No. 230/2019  
PS Special Cell  
U/s 489A/489B/489C/489D/489E/120B/201/34 IPC

02 09 2020

Vide order nos 5837-5927/D&SJ/NDD/2020 dt 30 05 2020 & 5931-6021/D&SJ/NDD/2020 dated 01 06 2020 of Ld District & Sessions Judge, Patiala House Court, New Delhi District, New Delhi, the undersigned has been deputed for duty today in pursuance to the directions of Hon'ble High Court of Delhi vide order no R 1347/DHC/2020 dated 29 05 2020 and in continuation of the previous office order nos 4243-4333/D&SJ/NDD/2020 dated 01 04 2020, 4407-4426/D&SJ/NDD/2020 dated 10 04 2020, 4518-4608/D&SJ/NDD/2020 dated 15 04 2020, 5111-5200/D&SJ/NDD/2020 dated 03 05 2020, 6364-6454/D&SJ/NDD/2020 dated 16 05 2020, 6326-6415/D& SJ/NDD/2020 dated 15 06 2020 to combat the pandemic of COVID 19 and vide order no 1944-1976/DHC/2020 dated 30 07 2020, 323-355/RG/DHC/2020 dated 15 08 2020, 419-451/RG/DHC/2020 dated 27 08 2020 of the Hon'ble High Court of Delhi to combat the pandemic of Covid-19.

Present Sh. Irfan Ahmed, Ld. Addl. PP for the State  
Sh. Iqbal Khan, Ld. Counsel for applicant/accused

Proceedings done through video conferencing

It is certified that link was working properly and no grievance was agitated by either of the counsel in this regard.

Present is an application moved on behalf of applicant/accused for grant of interim bail on the ground that the wife of applicant/accused has been diagnosed with polycystic ovarian disease with multiple follicles with bulky uterus and has been advised surgery on 05 09 2020. It is submitted that there is no one in the family to look after her. It is submitted that relation between his wife and his parents are not cordial. It is submitted that two of the co-accused persons Umran and Shoaib Malik have already been granted interim bail. Hence, on the grounds of parity, he is also entitled to be released on interim bail.

Ld. Addl. PP has vehemently opposed the bail application arguing that applicant/accused is involved in the syndicate of Fake Indian Currency Notes. It is submitted that at the instance of main accused Tabrez Ahmed, laptop has been recovered from his house in which applicant/accused used to design FICN. It is submitted FICN worth Rs 11,400/- have been recovered from the possession of applicant/accused. It is submitted that so far the medical documents of wife of

applicant/accused are concerned, the same have been verified and as per concerned Doctor it is a minor procedure and patient does not need any attendant and no admission is required. It is further informed that there are other family members in the family who can very well take care of her.

Heard

In the matter of *Ather Parvez v State (Crl Ref No 01/2015 Date of decision 26 02 2016)*, it has been observed by Hon'ble Delhi High Court that

\* The trial or the appellate courts after conviction are entitled to grant "interim bail" to the accused/convict when exceptional and extra-ordinary circumstances would justify this indulgence. The power is to be sparingly used, when intolerable grief and suffering in the given facts may justify temporary release.

It is a settled principle of law that interim bail can only be granted in exceptional circumstances. In the instant application, there are no exceptional circumstances to release the applicant/accused on interim bail.

In view of the above, I am not inclined to release the applicant/accused on interim bail. His bail application is accordingly dismissed.

Application accordingly disposed off

Copy of the order be given dasti



( Dharmender Rana)  
ASJ-02/ND0/PHC/ND  
02.09.2020



State v. Gayan @ Gyan Singh  
FIR No. 191/2020  
PS Special Cell  
U/s 419/420/120B IPC

02 09 2020

Vide order nos 5837-5927/D&SJ/NDD/2020 dt 30 05 2020 & 5931-6021/D&SJ/NDD/2020 dated 01 06 2020 of Ld District & Sessions Judge, Patiala House Court, New Delhi District, New Delhi, the undersigned has been deputed for duty today in pursuance to the directions of Hon'ble High Court of Delhi vide order no R-1347/DHC/2020 dated 29 05 2020 and in continuation of the previous office order nos 4243-4333/D&SJ/NDD/2020 dated 01 04 2020, 4407-4426/D&SJ/NDD/2020 dated 10 04 2020, 4518-4608/D&SJ/NDD/2020 dated 15 04 2020, 5111-5200/D&SJ/NDD/2020 dated 03 05 2020, 6364-6454/D&SJ/NDD/2020 dated 16 05 2020, 6326-6415/D& SJ/NDD/2020 dated 15 06 2020 to combat the pandemic of COVID 19 and vide order no 1944-1976/DHC/2020 dated 30 07 2020, 323-355/RG/DHC/2020 dated 15 08 2020, 419-451/RG/DHC/2020 dated 27 08 2020 of the Hon'ble High Court of Delhi to combat the pandemic of Covid-19.

Present Sh. Irfan Ahmed, Ld. Addl. PP for the State  
IO SI Sunil Yadav.  
Sh H S Popli, Ld. Counsel for applicant/accused

Proceedings done through video conferencing.

It is certified that link was working properly and no grievance was agitated by either of the counsel in this regard.

Present is an application moved on behalf of applicant/accused for grant of bail. It is submitted that perusal of the FIR would show that the Complainant was duped for some amount by the co-accused persons, who are alleged to be running a Call Center but no role in the alleged cheating has been attributed against the present accused. It is submitted that the present accused had no knowledge about the present offence and he came to know from the IO only after his arrest that he had bought some sim cards from co-accused Pawan Mittal and sold them to co-accused Abdul Rashid who later sold them to the call center and for this reason, he has been arrested in the present case. It is submitted that applicant/accused was neither running the call center nor working in said

these sims to accused Rishab Mohd charging Rs 800/- per sim, who further sold them to one Mohd Irfan Saifi for Rs 1000/- Mohd Irfan Saifi runs a fake Reliance Capital Office at Nanak Pura complex, Uttam Nagar and used to cheat innocent people on the pretext of giving loans, insurance etc. Finally accused Mohd Irfan saifi and his associates, who ran the fake Reliance Capital Office were also arrested. It is submitted that the mobile phone by which applicant accused contacted Pawan Mittal has also been seized from applicant accused. It is submitted that considering the seriousness of allegations against the applicant/accused and the fact that the investigation is at initial stage, the applicant/accused does not deserve to be released on bail.

Heard

In the case at hand, the only allegations against the applicant/accused Gyan Singh is that he purchased the sim cards used in the alleged cheating from co-accused Pawan Mittal for a sum of Rs 400/- and further resold them to co-accused Rishabh Mohd for a sum of Rs 800/- Admittedly, the applicant/accused is not in any kind of communication with the victims.

Considering the period of incarceration and nature of allegations, applicant/accused is admitted to bail on his furnishing bail bond in the sum of Rs 20,000/- with one surety in the like amount to the satisfaction of the Ld. MM/Duty MM/Ld. CMM.

Before parting, it would be pertinent to mention here that IO had informed the court that accused Pawan Mittal had procured the sim cards upon the strength of identity documents of foreigners travelling to India. As per the facts revealed by the IO to this court, a separate and distinct offence of cheating and forgery appears to have been committed the moment co-accused Pawan Mittal, after filling customer application form, procured the sim cards upon the strength of forged identity documents. It is informed by the IO that during the course of investigation in the present case, it was revealed that Pawan Mittal alongwith his associates procured around 40 to 50 such forged sim cards and they were in the business of

call center nor received a single penny from the other co-accused persons. It is further submitted that since nothing incriminating has been found against the applicant/accused, no fruitful purpose would be served by keeping him behind the bars. Hence, he deserves to be released on bail.

In support of his submissions, Ld. counsel for applicant/accused has placed reliance upon the judgments in the matter of *Amit Kumar Singh v State, Bail Application no. 1379 of 2020 date of decision 07.07.2020*, *Navendu Babbar v. State Bail Application No. 913 of 2020 Date of Decision 18.06.2020*, *Vinod Kumar @ Bunty v State of Punjab Cri Misc. No. M-10401/2013 D.O.D. 12.04.2013* and *Court on its own motion v State Cri. Ref. No. 04/2017 Date of Decision 27.10.2017*.

Ld. Addl. PP has vehemently opposed the bail application submitting that a complaint was received in the office of Cypad alleging a fraud committed by some persons in the name of Reliance Capital Personal loan and insurance on the pretext of providing loan. It is pointed out that the fraudsters in conspiracy with the applicant accused cheated the complainant on the pretext of providing loan. The total cheated amount is alleged to be a sum of Rs.2,18,392/-. A technical enquiry was conducted and it was found that the mobile numbers used in the commission of the fraud were issued in the name of foreign nationals, mostly at Pahar Ganj and Connaught Place from Saini Electronic Mobile Shop, Telepathy Mobile Shop and Complete Mobile Shop, by accused Pawan Mittal. Accused Pawan Mittal had either worked or works in the above mentioned shops as promoter of Vodafone. It is submitted that accused Pawan Mittal was arrested and one Master Sim bearing no. 9873457123 was recovered through which he activated fake SIMs. On interrogation, he disclosed that he kept photographs and other photocopy paper of IDs/Residence proof of foreign nationals and using the said identity/residential proof, he got issued fake SIMs and supplied the abovesaid fake SIMs to applicant accused Gyan Singh by charging Rs.400/- per sim, who further supplied the same to fake financial institute/call center. It is submitted that thereupon applicant/accused Gyan Singh was arrested who disclosed that he supplied

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dealing in forged sim cards. Needless to say that such Sim Cards are prone to be used for illegal purposes.

During arguments on the previous date, Ld Addl PP has pointed out that besides the alleged offence of cheating, which is subject matter of investigation under the present FIR, offence under IT Act and forgery also appears to have been committed and consequently a report was called from police upon the opinion of the Ld Addl PP. It has now been informed by the IO that Section 468 IPC has also been added in the instant FIR.

In the case at hand procuring fake sim cards upon the strength of fake and fabricated documents give rise to a separate and distinct offence which ought not be clubbed and investigated in a case where such fake sim cards were subsequently used to commit another offence of cheating. Except for the fact that the product of the initial crime (fake sim cards) has been used to commit the subsequent crime there seems to be no proximity of time, unity of place, unity or community of purpose or design or for that matter any connection between two separate and distinct offences of cheating.

The course of action adopted by the police in simply adding Section 468 IPC in the instant case is inconsistent with the directions issued by the Hon'ble Delhi court in the matter of *State vs Khimji Bhai Jadeja*, Cri. Ref. No 01/014 (D.O.D 8 July, 2019) wherein it has been observed as under -  
*"79 Mr Jain had also argued that after registration of a single FIR in relation to commission of multiple offences arising from the same conspiracy, and after filing of the Final Report under Section 173 Cr.P.C., the police could file supplementary/ further charge sheets under Section 173(8) Cr.P.C. in respect of each of the victims. We do not agree with this submission, firstly, for the reason that to begin with, a single FIR cannot be registered in respect of separate cognizable offences which do not form the same transaction. Secondly, the supplementary/ further charge sheet under Section 173(8) relates to the cognizable offence in respect whereof the FIR is registered and, therefore, cannot relate to specific offences in respect of which the victim is other than the complainant on whose complaint the FIR is*

registered \*

Copy of this order be sent to the worthy DCP who may, if desirable, may suggest the proper course of action to his officers in consonance with the abovementioned judgment of Hon'ble Delhi High Court

Copy of this order be also sent to the Ld Trial Court for necessary information

Needless to say that nothing observed herein shall tantamount to an expression on merits of the case at hand.

The application accordingly stands disposed off.



( Dharmender Rana )  
ASJ-02/NDD/PHC/ND/02.09.2020

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