

**Bail Application in
State vs. Hasan Hussain
FIR No.11/2015
U/s.342/364A/395/120B/34 IPC
PS: Crime Branch**

07.09.2020

Present : Sh. Dharam Chand, Addl. PP for State.
Sh. Syed Nooruzzama, Counsel for applicant/accused
Hasan Hussain, through VC.

Present is an application u/s 439 Cr.PC seeking for grant of regular bail filed on behalf of applicant/accused Hasan Hussain.

After making submissions on the bail application for some time, Ld. counsel for the applicant seeks permission to withdraw the present application.

In view of the submission of the Ld. counsel for the applicant, the application is dismissed as withdrawn.

**(Parveen Singh)
ASJ-03/NDD/PHC/New Delhi
07.09.2020**

It is certified that Video Conferencing was held in an uninterrupted manner and during the proceedings, no objections were raised by either of the parties regarding the connectivity i.e. audio or visual quality.

Reader/07.09.2020

**Application in
State vs. Vipin Sharma & Anr.
FIR No.71/2009
PS: Special Cell**

07.09.2020

Present : Sh. Dharam Chand, Addl. PP for State.
Sh. Aman Goyal, Counsel for the applicant/A-5
Bhupinder Singh.

An application for release of FDR has been moved on behalf of the applicant.

After making submissions on the application for some time, Ld. counsel for the applicant seeks permission to withdraw the present application.

In view of the submission of the Ld. counsel for the applicant, the application is dismissed as withdrawn.

**(Parveen Singh)
ASJ-03/NDD/PHC/New Delhi
07.09.2020**

It is certified that Video Conferencing was held in an uninterrupted manner and during the proceedings, no objections were raised by either of the parties regarding the connectivity i.e. audio or visual quality.

Reader/07.09.2020

**Application in
State vs. Rajbala & Ors.
FIR No.984/2016
U/s.498A/302/304B/34 IPC
PS: Vasant Vihar**

07.09.2020

Present : Sh. Dharam Chand, Addl. PP for State.
Sh. Shubh Raj Singh, Counsel for the applicant/
accused Rajbala, through VC.

Present is an application for release of articles seized during the personal search of accused Rajbala. It is further submitted that at the time of arrest of the accused during personal search of the accused, jewellery was recovered and seized by the police, it be released.

As per reply filed by the police, two yellow metal bangles (Kada), one yellow metal chain also containing yellow metal pendant/locket and one pair earrings containing studs in it, have been seized. Ld. Addl. PP submits that he has no objection if these articles be released to the applicant/accused.

The application is accordingly allowed. The articles seized as per seizure memo be released to the applicant/accused. SHO concerned is directed to release the articles to the applicant/accused as per seizure memo.

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**(Parveen Singh)
ASJ-03/NDD/PHC/New Delhi
07.09.2020**

It is certified that Video Conferencing was held in an

uninterrupted manner and during the proceedings, no objections were raised by either of the parties regarding the connectivity i.e. audio or visual quality.

Reader/07.09.2020

**Application in
State vs. Rajbala & Ors.
FIR No.984/2016
U/s.498A/302/304B/34 IPC
PS: Vasant Vihar**

07.09.2020

Present : Sh. Dharam Chand, Addl. PP for State.
Sh. Shubh Raj Singh, Counsel for the applicant/
accused Renu Tokas, through VC.

Present is an application for release of articles seized during the personal search of accused Renu Tokas. It is further submitted that at the time of arrest of the accused during personal search of the accused, jewellery was recovered and seized by the police, it be released.

As per reply filed by the police, two plastic bangles (one red colour and one yellow colour), one yellow metal bangle (Kada), one yellow metal ring, one yellow metal ring having transparent stone, two pair earrings having stone/studs and one nose ring having studs have been seized. Ld. Addl. PP submits that he has no objection if these articles be released to the applicant/accused.

The application is accordingly allowed. The articles seized as per seizure memo be released to the applicant/accused. SHO concerned is directed to release the articles to the applicant/accused as per seizure memo.

**(Parveen Singh)
ASJ-03/NDD/PHC/New Delhi
07.09.2020**

It is certified that Video Conferencing was held in an uninterrupted manner and during the proceedings, no objections were raised by either of the parties regarding the connectivity i.e. audio or visual quality.

Reader/07.09.2020

Bail Application No. 1841/20
State Vs Mohd Ishak

Bail Application No. 1842/2020
State Vs Mohd Iqbal Khan

FIR No. 182/20
PS Spl Cell
U/s 21/29/61/85 NDPS Act

07.09.2020

Matter heard through video conferencing.

Present: Sh. Ravindra Kumar, Ld. Additional PP for the State
through video conferencing.

Sh B N Tiwari, Ld. counsel for both the accused persons
namely Ishak and Iqbal Khan through VC.

Vide this common order, I shall dispose of both the bail applications.

Brief facts of the case as per reply filed is that some mobile numbers which were suspicious were kept on interception, and on 27.07.2020, one secret informer informed that accused Mohd Ishak and Mohd Iqbal Khan, both R/o Manipur shall be coming in their Hyundai car by taking heroin from Manipur to supply to their contact at Delhi at Sanjay Gandhi Transport Nagar at about 8.30am to 9.30am. Pursuant to which raiding team party was prepared. Thereafter at around 1.20am both the accused found talking to each other carrying pittoo bags on their shoulders and when they started to take the three wheeler, both were apprehended and thereafter both were given notice u/s 50 NDPS Act however both the accused persons refused to be searched before Gazetted Officer/Magistrate. On checking the pittoo bag of accused Mohd Iqbal Khan, 06 kg of heroin was recovered and on checking the blue colour pittoo bag of accused Mohd Ishak, 02 kg of heroin was recovered. During interrogation, they disclosed that they brought the contra-band from Manipur and coming by Hyundai

i20 car which was provided by brother in law of Mohd Iqbal Khan and 05 kg of heroin was given to one Maulana Farooque at Bareilly and their i20 car is still near Bareilly because it got damaged. At their instance of Mohd Iqbal, 02 kg of heroin was recovered from the cavity of i20 car. Monitoring of mobile numbers disclosed that accused persons were communicating with each other in code words.

Ld. counsel for accused persons submitted that both accused persons are driver of i20 car and was hired by one person Farooque R/o Mainpur and this is clear from movement pass issued during lockdown. It is also mentioned in the bail application that on 23.07.2020 when applicants reached Delhi along with Farooque in the car no. AS 02W3144 requested to stop by Delhi police, thereafter Farooque told them to drive the vehicle following the police vehicle, and on information of Mr Farooque, hidden cavity was opened by police and huge quantity of heroin was recovered however the police released Farooque and falsely implicated the applicants who are poor drivers. Ld. counsel submits that applicants have no criminal antecedents and entire family is dependent upon them which is presently at the verge of starvation as the applicants are in JC.

Ld. Addl. PP for the State submitted that there is recovery of 6kg and 2kg of heroin i.e. commercial quantities recovered from both the accused persons separately, and further 02 kg of heroin was recovered from i20 car. Ld. Addl. PP submits that recovered heroin is commercial in nature, therefore definite bar u/s 37 NDPS Act over release of accused on bail. Ld. Addl. PP submits that at this stage, the credibility of prosecution case cannot questioned. Furthermore investigation is still going on. Ld. Addl. PP considering the nature of offence, accused are not entitled to be released on bail.

Heard. It is settled law that at the stage of bail, this court cannot look into the defence of accused and only has to see prosecution material on record. As per the prosecution story, there is a recovery of

commercial quantity of heroin thus definite bar u/s 37 NDPS Act over release of accused on bail. Furthermore, investigation is still going on. It cannot be held at this stage there are reasonable ground to believe that accused is not guilty of the offence and is not likely to commit any offence while on bail. Considering the material on record and in view of above discussion, I found no ground to release the applicants/accused persons namely **Mohd Ishak** and **Mohd Iqbal Khan** on bail. Hence both the present applications are **dismissed**.

However, it is the explicit defence of both the accused persons in their bail applications at initial stage itself that they were brought to Delhi as drivers by issuing of e-pass by one Farooque of Manipur and the said contention is also corroborated through the copy of e-pass. It is specifically pleaded in bail application that accused Farooque was let of by the police and huge recovery of heroin from the cavity was falsely planted over them. The defence of accused persons cannot be looked into at this stage however the fair investigation is the constitutional right of accused persons, therefore, Joint Commissioner, Spl Cell and the concerned DCP, Spl Cell are directed to look into the matter and ensure the *fair investigation* into this matter.

Both the applications disposed of accordingly.

Copy of the order be given dasti as well as be sent to accused persons namely Mohd Ishak and Mohd Iqbal Khan in jail.

Copy of the order be also sent to Joint Commissioner, Spl Cell as well as DCP concerned, Spl Cell for compliance of the directions.

Order be uploaded on Delhi District Courts website.

(Ajay Kumar Jain)
Spl. Judge, NDPS/N. Delhi
07.09.2020

FIR No. 35/2012
PS Spl Cell
State Vs John Lalmingthanga & Ors.

07.09.2020

Present: Sh Prince Jain, Asstt Manager, Axis Bank, Rohini (W) Branch.

Vide order dated 26.08.2020, the bank manager of Axis Bank is directed to deposit surety amount of Rs 50,000/- out of FDR bearing no. 914040006160494 and receipt no. U2338621804. The Asstt Manager submits before this court that due to some technical problem, demand draft of surety amount could not be prepared and requested some time to deposit the demand draft of surety amount of Rs 50,000/- in pursuance of order dated 26.08.2020.

Asstt Manager submits that they do not have the original FDR with them therefore the original FDR on record is handed over to him against receipt.

List this matter for depositing of surety amount of Rs 50,000/- after encashing the said FDR in the form of DD in favour of *District & Sessions Judge, New Delhi District, Patiala House Courts, New Delhi* on **11.09.2020**.

Copy of the order be given dasti.

(Ajay Kumar Jain)
Spl. Judge, NDPS/N. Delhi
07.09.2020

FIR No. 64/18
PS Spl Cell
U/s 22/23/29/38 NDPS Act
State Vs Axat Gulia

07.09.2020

Matter heard through video conferencing.

Present: Sh. Ravindra Kumar, Ld. Additional PP for the State
through video conferencing.
Ms Sushma Sharma, Ld. Counsel for applicant/accused Axat
Gulia through VC.

Ld. counsel for applicant/accused submitted that wife of accused suffered accident in 2016 thereafter undergone 3-4 surgeries in her left arm and shoulder and got treatment at Paras hospital, Gurgaon, Safdarjung hospital, SGT hospital and recently the pain in the left arm and shoulder occurred again, the wife of accused visited Metro hospital, Delhi who further referred her to Neuro surgeon due to severe muscle Atrophy, Deformity and colour change in the hand. The wife of accused further visited doctor in Epione hospital, Vikas Puri who further suggested Neurological surgery after different investigations on urgent basis and fixed the date of surgery on 10.09.2020. Ld. counsel submits that the surgery is urgent and there is no other family members to take care of the wife of accused, therefore the accused be released on interim bail for 15 days for medical treatment of his wife.

Ld. Addl. PP for the State submits that there is a recovery of commercial quantity of contraband thus definite bar u/s 37 NDPS Act over grant of accused on bail. Ld. Addl. PP submits that the accident took place in year 2016 and the wife of accused has already been recovered, and as per the report of Dr Rohit Gulati from Epione hospital, the patient requires Radiofrequency Ablation of injured nerves and patient requested the date of 10th September to arrange funds for this procedure and this procedure requires day care admission for 8-10 hours and no cutting/incision is

required and the patient may restart her normal schedule in 24-48 hours. Ld. Addl. PP submits that as per report, no exceptional circumstances made out to release the accused on interim bail in terms of judgment of Hon'ble High Court of Delhi in case titled as *Athar Parvez Vs. State CRL.REF.1/2015 dated 26.02.2016*. The guidelines of Empowered Committee of Hon'ble High Court dated 18.05.2020 are also not applicable. Furthermore, there are other family members to take care of his wife for this purpose.

Heard. There is a recovery of commercial quantity of contraband thus definite bar u/s 37 of NDPS Act over release of accused on bail. The wife of accused is found to have required a day care procedure without any cutting or incision. The condition of the wife thus cannot be held to be precarious or dangerous. Hence no exceptional circumstances made out to release of accused Axat Gulia on interim bail. Accordingly, present interim bail application is dismissed.

The application is disposed of accordingly.

Copy of the order be given dasti as well sent to accused in jail.

Copy of the order be uploaded on the website of New Delhi District.

(Ajay Kumar Jain)
Spl. Judge, NDPS/N. Delhi
07.09.2020

**FIR No. 34/2014
PS Spl Cell
State Vs Mohd Zamir & Ors.**

07.09.2020

Matter heard through video conferencing.

Present: Sh. Ravindra Kumar, Ld. Additional PP for the State
through video conferencing.
Sh Vikas Gautam, Ld. counsel for applicant/accused
Mohammad through VC.

Ld. counsel for accused submitted that medical status report of
accused be called as the accused is suffering from Tuberculosis and other
ailments.

Accordingly, jail superintendent is directed to send medical
status report qua accused Mohammad by the next date of hearing.

List this application for **11.09.2020**.

Copy of the order be sent to jail superintendent for
compliance.

Copy of the order be uploaded on the website of New Delhi
District.

**(Ajay Kumar Jain)
Spl. Judge, NDPS/N. Delhi
07.09.2020**

SC No. 416/19
NCB Vs Faria Anderson

07.09.2020

Matter heard through video conferencing.

Present: Sh P C Aggarwal, Ld. SPP for NCB through video conferencing.
Sh Gaurav Chandhok, Ld. counsel for applicant/accused Faria Anderson through VC.

Ld. counsel for accused submitted that medical status report of accused be called as the accused is suffering from breathing problem and other ailments.

Accordingly, jail superintendent is directed to send medical status report qua accused Faria Anderson by the next date of hearing.

List this application for **15.09.2020**.

Copy of the order be sent to jail superintendent for compliance.

Copy of the order be uploaded on the website of New Delhi District.

(Ajay Kumar Jain)
Spl. Judge, NDPS/N. Delhi
07.09.2020

FIR No. 486/2020
PS Sagarpur
U/s 20/61/85 NDPS Act
State Vs Sarika

07.09.2020

Matter heard through video conferencing.

Present: Sh. Ravindra Kumar, Ld. Additional PP for the State
through video conferencing.
Sh Deepak Ghai, Ld. counsel for applicant/accused Sarika
through VC.

Ld. Counsel for accused submitted that accused is on interim bail however the Hon'ble High Court of Delhi vide order dated 24.08.2020 in W.P. (C) No. 3037/2020 have extended the interim bails till 31.10.2020. Accordingly, the interim bail of the accused be extended till 31.10.2020.

Heard. Considering the mandate of order dated 24.08.2020 of Full Bench of Hon'ble High Court of Delhi in W.P. (C) No. 3037/2020, the interim bail of accused Sarika is extended till 31.10.2020 on same terms and conditions.

Application disposed of accordingly.

Copy of the order be given dasti.

Copy of the order be uploaded on the website of New Delhi District.

(Ajay Kumar Jain)
Spl. Judge, NDPS/N. Delhi
07.09.2020

FIR No. 210/2019
PS Spl Cell
U/s 21/29/61/85 NDPS Act
State Vs Sanjeet Kumar Singh

07.09.2020

Matter heard through video conferencing.

Present: Sh. Ravindra Kumar, Ld. Additional PP for the State
through video conferencing.
Sh D K Pandey, Ld. counsel for applicant/accused Sanjeet
Kumar Singh through VC.

Reply filed.

At request, list this bail application for **11.09.2020**.

Copy of the order be uploaded on the website of New Delhi

District.

(Ajay Kumar Jain)
Spl. Judge, NDPS/N. Delhi
07.09.2020

FIR No. 670/2020
PS Sagarpur
U/s 21/29/61/85 NDPS Act
State Vs Jaswant @ Bhanu
07.09.2020

Matter heard through video conferencing.

Present: Sh. Ravindra Kumar, Ld. Additional PP for the State
through video conferencing.

Ms M Begum, Ld. Counsel for applicant/accused Jaswant @
Bhanu through VC.

Ld. counsel for accused submitted that the present accused is falsely implicated in this case and recovery of 12.2 gm of narcotic substance is planted over the accused. Furthermore he is in custody since 09.08.2020, therefore he be released on bail.

Ld. Addl. PP submits that there is a total recovery of 14.8gm of smack from the possession of accused Jaswant @ Bhanu and co accused Akshay and he is BC of area involved in 15 cases, therefore he is not entitled to be released on bail.

Heard. In present case 12.2gm of smack was recovered from accused Jaswant @ Bhanu and 2.6gm from co accused Akshay. The accused Jaswant @ Bhanu is in JC since 09.08.2020 and co accused Akshay has already on bail. Considering the quantity of recovery and the fact that accused is no more required for investigation, accused Jaswant @ Bhanu is admitted to bail on his furnishing personal bond in the sum of Rs. 50,000/- with one surety in the like amount to the satisfaction of this court.

Application is disposed of accordingly.

Copy of the order be given dasti as well as sent to accused in jail.

Copy of the order be uploaded on the website of New Delhi District.

(Ajay Kumar Jain)
Spl. Judge, NDPS/N. Delhi
07.09.2020

File No. VIII/9&9A/DZU/2020
U/s 22, 25 & 29 NDPS Act
NCB Vs Dipu Singh & Ors.

07.09.2020

Matter heard through video conferencing.

Present: Sh. Mukesh Malik, Ld. SPP for NCB through video conferencing.

Sh Abhay Pandey, Ld. counsel for accused/applicant Barun Surendra Chavhan along with accused Barun Surendra Chavhan appeared through VC.

Accused submits that he is injured, and at present, at his native place and requested that copy of complaint along with documents be provided to his counsel.

Accordingly, Ld. counsel Sh Abhay Pandey is at liberty to take the copy of complaint along with other documents from Ahlmad of this court against proper acknowledgement and identification.

Application disposed of accordingly.

Copy of the order be given dasti.

Copy of the order be uploaded on the website of New Delhi District.

(Ajay Kumar Jain)
Spl. Judge, NDPS/N. Delhi
07.09.2020

CA No. 237/19

Maj. S K Hooda (Retd) Vs Magic Eye Developers Pvt Ltd

07.09.2020

Matter heard through video conferencing.

Present: Sh Abhimanyu Bhandari along with Ms Gauri Rishi, Arush Bhatia and Ms Srishti Juneja, Ld. counsels for appellant through VC.

Sh Shaunak Kashyap along with Sh Asim Talwar, Ld. counsels for respondent/complainant through VC.

Part arguments heard.

At request, list this appeal for further arguments on

08.09.2020.

(Ajay Kumar Jain)
Spl. Judge, NDPS/N. Delhi
07.09.2020

FIR No. 210/2019
PS Spl Cell
State Vs Sanjeet Kumar Singh & Anr.

07.09.2020

Matter heard through video conferencing.

Present: Sh. Ravindra Kumar, Ld. Additional PP for the State
through video conferencing.
Accused Sanjeet and Pradeep Kumar Yadav are in JC and
appeared through VC.

Accused Pradeep Kumar Yadav submits that he cannot afford a private counsel and therefore requested for appointment of Lawyer on State expenses. In these circumstances, Legal Aid Counsel Sh. S A Khan is hereby appointed to represent accused in the present case. He be informed accordingly. Intimation int his regard be sent to DLSA, PHC, New Delhi.

Accused Pradeep Kumar Yadav further submits that he has not received the copy of charge-sheet till date.

Accordingly, IO is directed to send copy of charge sheet to accused persons through e-mail in jail. Jail superintendent is directed to take print out of the same and provide the copy of charge-sheet to accused persons.

At request, list this matter for scrutiny of documents and arguments on charge on **11.09.2020**.

Copy of the order be sent to accused and jail superintendent for compliance as well as on daksection.tihar@gov.in.

(Ajay Kumar Jain)
Spl. Judge, NDPS/N. Delhi
07.09.2020

SC No. 180/2020

NCB Vs Ashok Kumar @ Ashok Mittal

07.09.2020

Matter heard through video conferencing.

Fresh complaint received by way of assignment. It be checked and registered as per rules.

Present: Sh. Yatharth Singh, proxy for Sh P C Aggarwal, Ld. SPP for NCB through VC along with IO Sachin.

As requested, put up for consideration on **14.09.2020**.

Copy of the order be uploaded on the website of New Delhi District.

(Ajay Kumar Jain)
Spl. Judge, NDPS/N. Delhi
07.09.2020

SC No. 109/2020
NCB Vs Rajesh Sharma & Ors.

07.09.2020

Present: None.

Vide order dated 05.09.2020, the bail bonds were accepted till today on the undertaking that the surety will deposit the FDR by today. Ahlmad submitted that in the evening the FDR of Rs 49900/- of PNB was deposited by surety at around 4.00 pm and Ahlmad placed the same on record. Accordingly, the said FDR no. 184600PU00052586 be retained and bank be intimated not to encash the same. Bail bonds accepted in terms of order dated 04.09.2020 of Hon'ble High Court of Delhi in Bail Application No. 2304/2020. The original Election card be released against proper acknowledgement.

Copy of the order be given dasti.

(Ajay Kumar Jain)
Spl. Judge, NDPS/N. Delhi
07.09.2020

State v. Dharam Singh
FIR No. 695/2020
PS Sagarpur
U/s 33/58 Delhi Excise Act
07.09.2020

Vide order nos 5837-5927/D&S.J/NDD/2020 dt. 30.05.2020 & 5931-6021/D&S.J/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&S.J/NDD/2020 dated 01.04.2020, 4407-4426/D&S.J/NDD/2020 dated 10.04.2020, 4518-4608/D&S.J/NDD/2020 dated 15.04.2020, 5111-5200/D&S.J/NDD/2020 dated 03.05.2020, 6364-6454/D&S.J/NDD/2020 dated 16.05.2020, 6326-6415/D&S.J/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. Manish Sharma, 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 anticipatory bail. During arguments, Ld. counsel for applicant/accused submitted that applicant/accused was not even present at the spot at the time of incident and his call detail record and CD recording submitted by him regarding satsang at Ludhiana on the day of incident would corroborate his plea of alibi.

Concerned SHO is accordingly directed to verify the alibi plea of applicant/accused and file a detailed status report regarding the status of present accused. Call detail Record and the CD, as discussed above, be also verified by the concerned SHO within two days. List the matter for filing of detailed status report and for remaining arguments on **09.09.2020**.

In my considered opinion, applicant/accused deserves interim protection till the verification of his plea of alibi as the entire case property has already been seized.

(Dharmender Rana)
ASJ-02/NDD/PHC/ND
07.09.2020

State v. Alip Kumar Das
FIR No. 176/2020
PS Special Cell
U/s 419/420/468/471 IPC
& 66/66C/66D/71/74 of IT Act

07.08.2020

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. Chandrani Prasad, Ld. counsel for applicant/accused.
IO Insp. Sajjan Singh Yadav.

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.

1. 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 was arrested on 11.07.2020. It is submitted that applicant/accused is in the business of consultation and services such as Export-Import Code, Issuance of MEIS, SEIS, RoSCTL, RPCG, Advance licence of Import licence issued by Directorate General of Foreign Trade (DGFT). It is submitted that as per the case of the prosecution, various complaints are made by different companies of similar nature. It is submitted that one such complaint was made by Colourful Fashion Hub on 23.06.2020 alleging fraud of

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Rs. 1,54,89,000/- wherein the name of applicant/accused has also been revealed. It is submitted that present FIR dated 04.07.2020 was registered on the complaint of Sellstar International but the applicant/accused has no direct or indirect dealing with the said company. It is submitted that there is delay in registration of FIR and apparently no separate FIR has been registered with respect to the complaint of Colourful Fashion Hub. It is submitted that the evidence involved in the present case is majorly the data secured with the DGFT and therefore, the question of tampering of evidence does not arise at all. It is further submitted that the investigation qua the applicant stands already concluded and recovery of all the material evidence and documents have been already effected from the co-accused persons. It is further submitted that all the witnesses in the present case are formal in nature or are government official, hence there is no likelihood of him influencing the witnesses or creating impediments in the investigation. It is further submitted that applicant/accused has clean antecedents and he is ready to abide by any term and condition as imposed by this court while granting him bail. It is further submitted that the co-accused has already been granted bail by Hon'ble Delhi High Court. Ld. counsel has further submitted that applicant/accused has merely provided his services as consultant on the instruction of co-accused persons believing that whatever documents or material has been placed before him is genuine.

2. Ld. Addl. PP has vehemently opposed the bail application arguing that the present case has been registered on receipt of complaints of five companies viz M/s. Sellstar International, M/s. Colourful Fashion Hub, M/s. New India Trading Company, M/s. Wolt International and M/s. J S Impex, all are engaged in the business of export of readymade garments. As per guidelines of Indian Government, certain benefits/incentives such as Duty Draw Back, GST Refund, Rebate of State & Central Taxes and Levies (RoSCTL) are offered by the Government of India for exports to encourage inflow of foreign exchange and the same can be claimed by the exporter. It is submitted that in order to obtain Licence scrip under RoSCTL Scheme, exporting company has to apply online on DGFT portal by using its DSC

Key and by submitting details of the Export Bills. DSC Key is obtained by the exporting companies by applying to any of the nine DGFT recognized Certifying Authorities. It is submitted that the authorized person of the exporting company applies to Certifying Authority by submitting online all the documents and with his self declaration video for verification. After verification, Certifying Authority issues the DSC Key. This DSC Key is mandatorily required in getting the RoSCTL License scrip. Then the printout of the Licence Scrip is produced before the concerned Custom Office for verification (Custom Office Tughlaqabad, Delhi in this case). It is verified by the concerned Custom Officer and updated on the website of DGFT. After this process, the Licence Scrip is ready to use. Either License Scrip may be redeemed against the import duties or it may be transferred to any other importing company by the beneficial company with the help of same DSC Key.

3. In the present case, the complainant companies have received the Duty Draw Back and the GST Refund after the process of exports was over but due to lockdown during Pandemic COVID-19, the companies could not conduct their normal trade but in June 2020, they came to know from ICEGATE (a portal of DGFT) that someone has created their DSC keys and used them on DGFT portal to get issued their RoSCTL License Scrips. The said five DSC keys were generated by the Certifying Authority "Verasys Technologies" (VSign) of Mumbai. Certifying Authority Verasys Technologies has provided the documents including the PAN Cards, Aadhar cards, Photographs, phone numbers, email IDs and self verification videos uploaded by the fraudsters to get issued these DSC keys. All these have been found to be forged and fake. It is further submitted that the details of the last recipient companies of these fraudulently procured License scrips were obtained from DGFT and notices were sent to the partners/directors of all the last recipient companies as well as intermediate companies on their respective emails.
4. It is submitted that during interrogation, it was disclosed that applicant/accused forwarded the forged documents and impersonating

video of Director of M/s. Colourful Fashion Hub to Joginder Singh, agent of Certifying Authority Verasys Technologies for preparing DSC Key provided by his partner Sunny Cherian who got the forged documents and video from accused Ajay Sindhu @ Anil @ Billoo through whatsapp. It is submitted that the abovesaid video was prepared by accused Deepak. It is submitted that accused Sunny Cherian is business partner of applicant/accused Alip Kumar Das for last 18 years and manages his business. It is submitted that applicant/accused got issued the five RoSCTL License scrips worth Rs. 1,54,89,000/- from the website of DGFT by using the DSC Key of M/s. Colourful Fashion Hub and further sold them to M/s. M S & Sons (Mr. Suresh Kumar Jain) for Rs. 1,42,49,880/- by inducing him and his commission agent Ankush Gupta and Vijay Sethia on assurance regarding genuineness of RoSCTL licenses of M/s. Colourful Fashion Hub. It is submitted that applicant/accused got commission of Rs. 5,60,000/- from M/s. M S and Sons. It is submitted that applicant/accused did not charge any fee for his services for getting issued DSC Key from Certifying Authority, getting issued five RoSCTL Licenses worth Rs. 1,54,89,000/- from DGFT portal, getting the said Scrips verified from customs and further selling it out to buyer company by using his influence.

6. It is submitted that applicant/accused cannot claim parity with accused Mohit Aggarwal, who has been granted by the Hon'ble Delhi High Court and who was involved in cheating another company M/s Sellstar International of scrip to the tune of worth Rs 72 Lakh but no money transaction had taken place in that case whereas the cheated amount in the case of M/s. Colorful Fashion Hub is Rs 1.54,89,000/- and Rs 50 Lakh had been received by co-accused Ajay Sindhu and Rs. 5,60,000/- by the applicant/accused Alip Kumar Das from M/s M.S. & Sons. It is submitted that during investigation, it has been revealed that applicant/accused Alip Kumar Das and accused Sunny Cherian have confessed to have generated at least 10 DSC keys of different IECs through Joginder Singh (business partner of the Certifying Authority Verasys technology) on the basis of the documents and videos provided by the accused Ajay Sindhu @ Anil @

Billoo. It is submitted that investigation is going to be completed and if at this stage, applicant/accused is released on bail, it may hamper the conclusion of fair investigation.

7. I have heard and considered the rival submissions made by both the parties and also gone through the material available on record.

8. It has been observed by the Hon'ble Apex Court in **State of Gujarat v. Mohan Lal Jitmalji Porwal & Ors (1987) 2 SCC 364** as under :

"...The entire Community is aggrieved if the economic offenders who ruin the economy of the State are not brought to books. A murder may be committed in the heat of moment upon passions being aroused. An economic offence is committed with cool calculation and deliberate design with an eye on personal profit regardless of the consequence to the Community. A disregard for the interest of the Community can be manifested only at the cost of forfeiting the trust and faith of the Community in the system to administer justice in an even handed manner without fear of criticism from the quarters which view white collar crimes with a permissive eye unmindful of the damage done to the National Economy and National Interest..."

9. In the matter of **Y. S. Jagan Mohan Reddy v. CBI (2013) 7 SCC 439**, Hon'ble Apex Court has observed that:

"...15) Economic offences constitute a class apart and need to be visited with a different approach in the matter of bail. The economic offence having deep rooted conspiracies and involving huge loss of public funds needs to be viewed seriously and considered as grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country.

16) While granting bail, the court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character of the


accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public/State and other similar considerations..."

Therefore, the economic offences are required to be treated as a separate class and bail cannot be granted as a matter of routine.

10. The facts and circumstances in the case at hand leaves a serious question mark upon the plea of innocence of applicant/accused Alip Kumar Das. Apparently, Applicant accused has not charged any sum on account of the services provided by him for procuring DSC or License Scrips. The scrip licences worth Rs.1,54,89,000/- have been transferred without any inquiries by the applicant. In the present case, frequent transfers were being made without any valid and genuine documents within a short span of time alongwith recovery of five DSC keys, the circumstances goes a long way against the plea of innocence of the applicant/accused. The investigation in the present case is at a critical juncture. Allegations are serious in nature. Hence, I do not find it to be a fit case to grant bail to the applicant/accused. Hence, his bail application stands dismissed.

13. Application is disposed off accordingly.

14. Copy of the order be given dasti to all the concerned.


(Dharmender Rana)
ASJ-02/NDD/PHC/ND
07.09.2020

State v. Gagan
FIR No. 369/2020
PS Inder Puri
U/s 308/323/147/148/149/506 IPC

07.09.2020

Vide order nos 5837-5927/D&S/JNDD/2020 dt. 30.05.2020 & 5931-6021/D&S/JNDD/2020 dated 01.06.2020 of Ld. District & Sessions Judge, Palika 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&S/JNDD/2020 dated 01.04.2020, 4407-4426/D&S/JNDD/2020 dated 10.04.2020, 4518-4608/D&S/JNDD/2020 dated 15.04.2020, 5111-5200/D&S/JNDD/2020 dated 03.05.2020, 6364-6454/D&S/JNDD/2020 dated 16.05.2020, 6326-6415/D&S/JNDD/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. Ravinder Kumar, 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 third 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 as he had not participated in the alleged riots. It is submitted that during the hearing of his first bail application, the IO had shown one video to the court wherein he has pointed towards a particular person involved in the riots alleging that the said person is the applicant/accused but the said video was not shown to the counsel for applicant/accused. It is further submitted that applicant/accused as well as his wife are eye witnesses to the incident and are infact victims as the wife of applicant/accused had lodged a complaint against the complainant on 10.08.2020 in the police station and also before DCP, South-West. It is submitted that no specific role has been assigned to

the applicant/accused. Ld. counsel further submitted that it has come in the reply of the IO filed at the time of hearing the first bail application that out of the total twelve accused persons, eleven accused persons have been arrested and they all were injured and it has specifically come that applicant/accused was not injured as he had not participated in the riots. It is submitted that his second bail application has already been dismissed by this court only on 02.09.2020 and on that day, he had made reference about the CCTV footage before this court which was not entertained by this court. Hence, the grounds still subsist for consideration to release the applicant/accused on bail. Ld. Defence Counsel has further contended that IO himself cannot be the complainant hence applicant/accused deserves bail.

Ld. Addl. PP has vehemently opposed the bail arguing that allegations levelled against the applicant/accused are serious in nature. It is submitted that as per the CCTV footage, the applicant/accused is visible quarreling with other persons. It is submitted that other accused persons are yet to be arrested and investigation is still at preliminary stage. It is further submitted that earlier bail applications of applicant/accused have already been rejected vide order dated 31.07.2020 and 02.09.2020. Moreover, a cross FIR bearing no. 415/2020 has also been registered in which applicant/accused has been arrayed as an accused. It is further submitted that MLC results of seven injured persons is still awaited. MLC of four injured persons has been opined to be simple (of three injured persons) and grievous (of one injured) in nature. Hence, the applicant/accused does not deserve to be released on bail.

Heard.

The applicant/accused has claimed that he is not part of the riot and due to mistaken identity he has been wrongly identified in the CCTV footage. This court has already dismissed the bail application of applicant/accused vide order dated 02.09.2020 quoting the observations made by Ld. Roaster Judge in the order dated 31.07.2020 and observing that each of the applicant/accused has been specifically identified in the




CCTV footage of the alleged incident. Moreover, the complainant in the instant matter is the IO SI Suresh Kumar who identified the applicant/accused as part of the unlawful assembly involved in the alleged offence. Therefore the possibility of wrong implication is ruled out. Even if for the sake of arguments, it is presumed that the applicant accused is not visible in the CCTV Footage that by itself is not sufficient to ignore the eye witness account of the Complainant/IO because the limited reach of the video cameras is indisputable. Recently, a constitution bench of the Hon'ble Apex Court in the matter of Mukesh Singh vs. State (Narcotic Branch of Delhi) Case no.: SLP(Crf) Diary No. 39528/2018, SLP (CRIMINAL) NO. 5648/2019 D.O.D 31.08.2020 has observed that:

"Merely because the informant and the investigating officer is the same, it cannot be said that the investigation is biased and the trial is vitiated"

Hence, no fresh grounds are made out to consider the third bail application of applicant/accused. The instant bail application is accordingly rejected.

Application is disposed off accordingly.

The instant order be uploaded on the court website.


(Dharmender Rana)
ASJ-02/NDD/PHC/ND
07.09.2020

State v. Shankar Dass
FIR No. 418/2020
PS Inder Puri
U/s 308/34 IPC

07.09.2020

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. A. K. Sheoran 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 anticipatory bail.

Ld. Addl. PP seeks some time to assist the court in the instant matter with respect to role of applicant/accused in the present case.

As prayed, list the bail application for consideration on 08.09.2020.

Till then, no coercive action be taken against the applicant/accused.


(Dharmender Rana)
ASJ-02/NDD/PHC/ND
07.09.2020

Bail Application no. 1851/2020
State v. Shivam Kumar
FIR No. 131/2020
PS Sarojini Nagar
U/s 188/269/271/436/34 IPC

07.09.2020

Vide order nos 5837-5927/D&S/NDD/2020 dt. 30.05.2020 & 5931-6021/D&S/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&S/NDD/2020 dated 01.04.2020, 4407-4426/D&S/NDD/2020 dated 10.04.2020, 4518-4608/D&S/NDD/2020 dated 15.04.2020, 5111-5200/D&S/NDD/2020 dated 03.05.2020, 6364-6454/D&S/NDD/2020 dated 16.05.2020, 6326-6415/D&S/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.
None 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 through DLSA. It is pleaded that applicant/accused has been falsely implicated in the present case and is languishing in j.c since 16.04.2020. It is submitted that he has not committed any offence as alleged by the prosecution. It is submitted that he is ready to abide by any terms and conditions as imposed by this court while granting him bail. It is thus prayed that he be granted bail.


Ld. Addl. PP has vehemently opposed the bail application arguing that during lockdown, in order to avoid the spread of Covid-19, Sarvodaya Co-ed Senior Secondary School, Netaji Nagar was converted into a shelter home and around 170 persons were shifted in the said shelter

home on 14.04.2020 but they were continuously complaining of lack of food, clothes and other services. It is submitted that later it was revealed that on 16.04.2020, five persons, namely, Shivam Singh, Shyam Nath, Akash, Srinivas Shukla and Raman Giri, living in the shelter home, have set the porta cabin in the school on fire. During investigation, on the identification of the complainant, the above said five accused persons were arrested. It is submitted that applicant/accused has no permanent address in Delhi and he is vagabond and if released on bail, there are chances of his absconding.

Heard.

Considering the nature of offence and period of incarceration, the applicant/accused is admitted to bail on his furnishing bail bond in the sum of Rs. 10,000/- with one surety in the like amount to the satisfaction of the Ld. MM/Duty MM/Ld. CMM.

Application is disposed off accordingly.


(Dharmender Rana)
ASJ-02/NDD/PHC/ND
07.09.2020

State v. Satish @ Dhillu
FIR No. 216/2017
PS Special Cell
U/s 302/307/120B/34 IPC
& 25/54/59 Arms Act

07.09.2020

Vide order nos.5837-5927/D&S/NDD/2020 dt. 30.05.2020 & 5931-6021/D&S/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&S/NDD/2020 dated 01.04.2020, 4407-4426/D&S/NDD/2020 dated 10.04.2020, 4518-4608/D&S/NDD/2020 dated 15.04.2020, 5111-5200/D&S/NDD/2020 dated 03.05.2020, 6364-6454/D&S/NDD/2020 dated 16.05.2020, 6326-6415/D&S/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. Vikas Kumar, 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 is in j.c. since 20.05.2017. It is submitted that charge-sheet in the instant matter has already been filed and trial in the instant matter is likely to consume considerable time. It is submitted that applicant/accused has nothing to do with the present offence and he was only working as driver of Pawan Bhardwaj. It is submitted that his TIP has also not been got conducted by the police and recovery has also been planted upon him. It is submitted that accused Hemant, Raj Kumar and Vijay Lamba have already been granted bail, hence, applicant/accused also deserves to be released on bail.


Ld. Addl. PP has vehemently opposed the bail application arguing that a criminal conspiracy was hatched to eliminate Monu Daryapur due to an old enmity as he was the prime witness of a murder case. It is submitted that the applicant/accused has been specifically identified by Shyam Lal, guard of the building near the spot where the accused persons assembled to commit the crime and the whole incident was captured in the CCTV. The pistol recovered from the possession of applicant/accused was used in the commission of offence, as per the report of CFSL. It is submitted that applicant/accused is visible throughout in the CCTV footage. It is submitted that accused Hemant and Raj Kumar have been charged u/s 25 Arms Act and accused Vijay Lamba could not be identified by the complainant in the TIP, hence, the present accused could not claim parity as his case is totally different as compared to them. It is submitted that allegations are very serious in nature and there are chances of his absconding if released on bail and threatening the witnesses.

Heard.

In the instant matter, the weapon of offence has been recovered from the possession of applicant/accused and applicant/accused has been identified by the eye witness/guard. His presence throughout is reported to be corroborated in the CCTV Footage. Hence, I find that the applicant/accused does not deserve the indulgence of the court. Considering the seriousness of allegations, the bail application of applicant/accused stands dismissed.

Application is disposed off accordingly.

Copy of the order be given dasti. The Order be also immediately uploaded on the website.


(Dharmender Rana)
ASJ-02/NDD/PHC/ND
07.09.2020