

FIR No. 242/2018
PS Crime Branch
State v. Surya Mohan @ Raja
U/s 21 NDPS Act

16.09.2020

ORDER

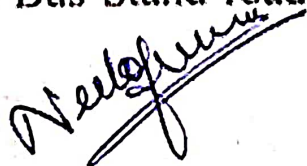
This is an application under Section 439 CrPC for grant of regular bail on behalf of accused Surya Mohan @ Raja in case FIR No. 242/2018.

Ld. counsel for the accused has contended that accused-applicant has been falsely implicated in the present case and is in JC since 21.09.2018. That accused-applicant has clean antecedents. That investigation is completed and matter is at the stage of trial and almost all prosecution witnesses have already been examined. That co-accused Deepak has already been discharged vide order dated 13.05.2019.

Ld. Addl. PP on the other hand submitted that the offence committed by the accused is of grave nature. That accused-applicant was found in possession of 300 grams of heroin which is a commercial quantity. That accused-applicant does not deserve any concession in view of the recovery of contraband which is a commercial quantity.

Heard. Perused.

As per case of the prosecution, acting on a secret information received by SI Vishan Kumar a raiding party headed by him on 20/09/2018, apprehended the accused-applicant at about 04:40PM from near Burari Chowk, near Bus Stand road leading towards Wazirabad and



recovered from his possession, Heroin weighing 300 Grams kept in a transparent polythene found inside one yellow printed polythene being carried by him. The case pertains to recovery of commercial quantity of the contraband thereby attracting the rigors of section 37 of the NDPS Act. There is no material for this Court to arrive at the satisfaction that the accused has not committed the offence or is not likely to commit similar offence if released on bail. The accused-applicant is not entitled to any parity with that of the accused who stands discharged as from the material available on the record Charge under section 21(c) stands framed against the accused-applicant on the basis of the contraband alleged to have been recovered from the conscious possession of the accused -applicant. No ground is made out to grant regular bail to the accused-applicant Surya Mohan in the present case FIR. The application is accordingly dismissed.



(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
16.09.2020

FIR No. 47/2019
PS: Crime Branch
State Vs. Munish Gautam
U/s 20/25 NDPS
16.09.2020

ORDER

This is an application under Section 439 CrPC for grant of regular bail moved on behalf of accused Munish Gautam in case FIR No.47/2019.

Ld. counsel for the accused has contended that accused-applicant has been falsely implicated in the present case and is in JC since 05.03.2019. That nothing incriminating has been recovered from the possession of the accused-applicant at the time of apprehension. That on the day of his arrest, accused-applicant was going with his wife on a scooty. That accused-applicant has moved an application for preservation of CCTV footage of the alleged place of occurrence but police officials have not produced the same in Court. That it is unbelievable that the CCTV footage that was being sought to be preserved has been lost and that an adverse inference is required to be drawn against the prosecution that the prosecution has a lot to hide and deliberately is not producing the CCTV Footage of the area and has intentionally destroyed to same in order to build up this false case against the accused and so that the truth does not come to light. That there is no compliance of Section 41, 42, 43, 50, 51, 52, 53, 55, 56, 57 and 67 of NDPS Act. There is no independent witness joined by the police. That investigation has been completed and chargesheet has already been filed. That accused-applicant has clean

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antecedents and deep roots in th society and his family is on the verge of starvation due to the continued incarceration and has no funds to meet the daily expenses and that he wants to avail of the funds under the LIC policy to enable his family to avoid some hardships.

Ld. Addl. PP on the other hand submitted that the offence committed by the accused is of grave nature. That accused-applicant was found in possession of 2 kgs of charas which is a commercial quantity. That accused-applicant does not deserve any concession in view of the recovery of contraband which is a commercial quantity.

Arguments heard. Record perused.

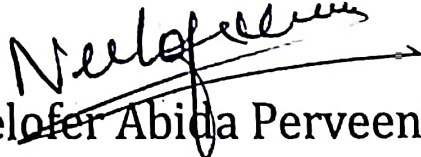
It is the prosecution's case that secret information was received at the Narcotic Cell by SI Vikrant in respect of the accused on 05.03.2019, that in between 4.30pm – 5 pm, he would be coming near international guest house, Delhi University for supply of charas to a party in pursuance to which a raiding party was constituted on the orders of ACP, Narcotic Cell headed by SI Vikrant that apprehended the accused Munish Gautam and charas weighing 2kgs was recovered from the scooty bearing no. DL9S AX 8053 which accused-applicant was plying. ACP STARS-II was present at the spot at the time of recovery and arrest of the accused-applicant. Samples were taken out and sent to FSL and report confirms that it is charas.

Ld. Counsel for the accused-applicant has argued that at the time of arrest accused as with his wife on a scooty at a different place and not at the place of occurrence. This defence of the accused-

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applicant is to be appreciated at the appropriate stage. Adverse inferences if any for non production of CCTV Footage are to be drawn at the appropriate stage upon culmination of the trial. So far as contravention of the Section 50 of the Act is concerned, compliance or non-compliance is also a matter of evidence to be assessed upon the appreciation of the evidence led in the course of the trial. In this regard also it would be pertinent to note for the purpose of present bail application, that the contraband i.e. 2 kgs of charas is not alleged to have been recovered from the personal search of the accused, but from the scooter of the accused-applicant being driven by the accused. Furthermore, personal search of the accused was conducted in presence of ACP/STARS-II, Crime Sh. Arvind Kumar, a Gazetted officer.

The recovery falling in commercial quantity of the contraband, the rigors of Section 37 of the NDPS Act would be attracted and there is no material before the Court to record its satisfaction that the accused has not committed the offence and if enlarged on bail is not likely to commit any such offence of similar nature. The last regular bail application of the accused-applicant was dismissed on same grounds by this Court on 19.3.2020. No ground is made out to release the accused-applicant Munish Gautam on bail in the present case. **Application for bail is therefore dismissed.**


(Neelofar Abida Perveen)
ASJ (Central)THC/Delhi
16.09.2020

FIR No. 1360/2015

PS Burari

State v. Jitender Bhati etc.

U/s 302/364/120 IPC

16.09.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)

None for applicant.


Hearing is conducted through video conferencing.

This is an application for cancellation of bail on behalf of applicant in case FIR No. 1360/2015.

Reply of IO is received.

Efforts were made to contact ld. counsel for applicant telephonically but call was not answered from the other end.

In the interest of justice, for arguments, put up on 19.09.2020.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
16.09.2020

FIR No. 73/2018
PS ODRS
State v. Abdul Hakim Ansari
U/s 302/201 IPC

16.09.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)

Sh. Krishan Kumar, counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of interim bail of 45 days on behalf of accused Abdul Hakim Ansari in case FIR No. 73/2018.

Ld. counsel for accused-applicant submits that accused-applicant fulfills all the criteria laid down under the guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020 as he is in custody since 23.08.2018 and has not been involved in any other criminal case besides the present one.

Heard.

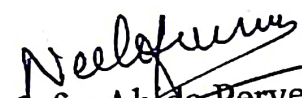
Custody certificate alongwith conduct report is received. Accused-applicant is stated to be in custody for over two years in connection with present case FIR and his conduct is also reported to be satisfactory and no previous involvement is alleged against the accused-applicant. Accused-applicant fulfills the criteria laid down under the guidelines issued by the High Powered Committee of Hon'ble High Court

Neelesh Kumar

of Delhi dated 18.05.2020 for release of UTP's on 45 days interim bail in order to decongest the prisons on Delhi due to out break of covid-19 pandemic. **The application is therefore allowed and accused-applicant Abdul Hakim Ansari is granted interim bail of 45 days upon furnishing personal bond in the sum of Rs.50,000/- to the satisfaction of Jail Superintendent concerned in the present case FIR and subject to the condition that accused-applicant shall furnish his mobile phone number and that of one responsible member of the family to the IO and shall ensure that the mobile phone number remains throughout on switched on mode with location activated and shared with the IO. That the accused-applicant shall not leave the territorial limits of NCR Region without prior intimation to the IO concerned. In the event that after prior intimation IO, accused-applicant leaves the territorial limits of NCR, he shall get his presence marked on every 7th day before the SHO of the local police station, which report shall be forwarded to the IO concerned.**

The Jail Superintendent shall ensure that conditions are mentioned in the bond and are sufficiently explained to the accused-applicant with the help of jail visiting Legal Aid Counsel.

Application stands disposed of.


(Neelofer Abiga Perveen)
ASJ (Central)THC/Delhi
16.09.2020

FIR No. 327/2019
PS: Crime Branch
State Vs. Inder Singh
U/s 21/29 NDPS Act

16.09.2020

Fresh application received. Be registered.

Present: Sh. K. P. Singh, Addl. PP for State (through video conferencing)

Sh. Vinod Kumar Verma, Counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application for extension of interim bail on behalf of accused Inder Singh in case FIR No. 327/2019.

Ld. counsel for the accused-applicant submits that accused-applicant was granted interim bail for 15 days vide order dated 09.07.2020 on the ground of illness of accused-applicant. That accused-applicant was released from jail on 17.08.2020 and thereupon accused-applicant went to his native place in Himachal Pradesh and due to ongoing covid-19 pandemic he had to undergo 14 days home quarantine. It is submitted that in such circumstances, accused-applicant could not receive proper treatment for his illness. It is submitted that accused-applicant has complied all the terms and conditions imposed vide order dated 09.07.2020. It is submitted that extension of 14 days interim bail is sought so that accused-applicant can avail proper treatment for his illness. It is submitted that the Hon'ble the High Court in W. P. (C) N.3037/2020 titled as Court on Its Own Motion v. State & Ors. vide order dated 24.08.2020 has extended all the interim

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orders till 31.10.2020.

Heard. Perused.

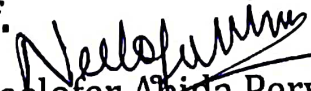
The Full Bench of Hon'ble the High Court in W. P. (C) N.3037/2020 titled as **Court on Its Own Motion v. State & Ors.** vide order dated 24.08.2020 has clarified in respect of further extension of interim orders in following words:-

"2. Taking note of the extraordinary circumstances prevailing at that point of time and taking note of the directions of Hon'ble Administrative and General Supervision Committee of this Court issued from time to time regarding functioning of Delhi High Court and Courts subordinate to Delhi High Court, the directions contained in our order dated 25th March, 2020 were further extended vide our orders dated 15th May, 2020, 15th June, 2020, and 13th July, 2020 and the latest extension is effective till 31st August, 2020. Now taking note of the prevalent Covid-19 pandemic situation in Delhi, Hon'ble Administrative and General Supervision Committee of this Court has been pleased to order that the regular functioning of this Court as well Courts subordinate to this Court shall continue to remain suspended till 31st August, 2020.

4. In view of the above, we hereby further extend the implementation of the directions contained in our orders dated 25th March, 2020, 15th May, 2020, 15th June, 2020 and 13th July, 2020, till 31 October, 2020 with the same terms and conditions."

In view of the directions passed by Hon'ble High Court vide order dated 24.08.2020 in W. P. (C) No. 3037/2020 in **Court on its own Motion v. State & Ors**, **interim bail of the accused-applicant Inder Singh is extended till 31.10.2020 on same terms and conditions.**

Application stands disposed of.


(Neelofer Akhida Perveen)
ASJ (Central) THC/Delhi
16.09.2020

FIR No. 176/2017
PS DBG Road
State v. Kaushal
U/s 307 IPC

16.09.2020

Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)

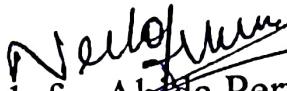
Sh. Sahib Rajput, Counsel for applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application for cancellation of bail on behalf of applicant in case FIR No. 176/2017.

Heard.

Issue notice of the application to the respondent for 29.09.2020. Report be also called from the IO in respect of the averments made in the application.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
16.09.2020

FIR No. 288/2019
PS: Sarai Rohilla
State Vs. Pawan @ Jaat
U/s 394/397/34 IPC

16.09.2020

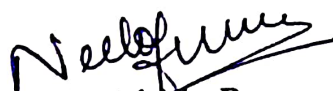
Present: Sh. K.P.Singh, Ld. Addl. PP for State (through video conferencing)

Sh. Kshitiz Tyagi, Ld. Counsel for accused-applicant (through video conferencing)

Hearing conducted through Video Conferencing.

This is an application under Section 439 CrPC for grant of interim bail moved on behalf of accused-applicant Pawan @ Jaat in case FIR No. 288/2019.

Arguments heard. For orders, put up on 18.09.2020.


(Neelofer Abida Perveen)
ASJ (Central)THC/Delhi
16.09.2020

FIR No. 329/2018

PS: Sarai Rohilla

State Vs. Rohit

U/s 392/397/302/34/411 IPC and 25 of Arms Act

16.09.2020

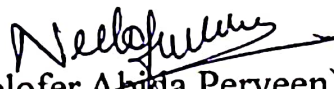
Present: Sh. K. P. Singh, Ld. Addl. PP for State (through video conferencing)

Sh. Vikrant Chaudhary, Ld. Counsel for accused-applicant (through video conferencing)

Hearing is conducted through video conferencing.

This is an application under Section 439 CrPC for grant of bail moved on behalf of accused Rohit in case FIR No. 329/2018 invoking guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020.

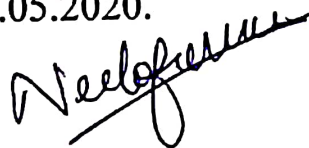
Arguments heard. For orders, put up at 4 pm.


(Neelofer Abida Perveen)
ASJ (Central) THC/Delhi
16.09.2020

At 4 pm

ORDER

This is an application under Section 439 CrPC for grant of bail moved on behalf of accused Rohit in case FIR No. 329/2018 invoking guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020.



Ld. counsel for the accused-applicant submits that accused-applicant fulfills all the criteria laid down under the guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi dated 18.05.2020 as the accused has no previous involvement and is in JC since 02.11.2018 and that the accused-applicant was infact apprehended on 30.8.2020 in the present case and initially was produced before the JJB for proceedings under the Juvenile Justice Act, but subsequently was adjudged as major on the basis of some school certificate and lodged in Tihar Jail

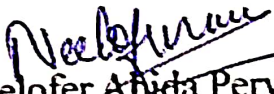
Ld. Addl. PP, on the other hand, contends that accused-applicant does not fulfill all the criteria laid down by High Powered Committee of Hon'ble High Court of Delhi as the conduct of accused-applicant in JC is not satisfactory and he has been awarded two punishments i.e. on 14.05.2020 for keeping in his possession one pouch of tobacco and on 23.01.2020 for a quarrel in jail. That punishment tickets are enclosed with the report of Jail Authorities.

Heard.

Interim bail is being sought under the guidelines of the High Powered Committee of H'ble the High Court of Delhi dated 18.5.2020, for release of UTO's on interim bail in order to decongest the prisons. The accused has undergone over to years in custody, though as per the Nominal Roll is lodged in Tihar Jail since 2.1..2018, as he was arrested in connection with the present case on 30.8.2018 and produced before the JJB as he claimed to be minor and subsequently was lodged in Tihar Jail after having been adjudged as a major for the purposes of the present case. the

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prosecution does not dispute the date of arrest and alleges no previous involvement against him. As per the conduct report received from the Jail Superintendent concerned however, It emerges that conduct of the accused-applicant during custody is unsatisfactory. And on two occasions is awarded jail punishment. Though in the first instance it is alleged that the accused was found in possession of tobacco while he was in the lock up for production in the Court on the date fixed for hearing, however on the second instance it is pertinent that he is alleged to have engaged in disorderly behavior by being embroiled in quarrel between two factions inside the jail and due to this disorderly behavior during custody his conduct during custody cannot be taken as satisfactory. Accused-applicant therefore does not live up to the criteria laid down under guidelines issued by the High Powered Committee of Hon'ble High Court of Delhi in order to decongest the prisons in Delhi due to out break of covid-19 pandemic. The present application of accused Rohit in case FIR No. 329/2019 for grant of interim bail is therefore dismissed.


(Neelofer Aqida Perveen)
ASJ (Central) THC/Delhi
16.09.2020

C. R. No. 115/2020

Pranav Rastogi v. M/s Metrofyme Media Pvt. Ltd. And Anr.

16.09.2020

Present: Sh. Rajnish Kumar Jha, counsel for petitioner (through video conferencing)

Sh. Jatin Sharma, counsel for respondent (through video conferencing)

Hearing is conducted through video conferencing.

Arguments heard.

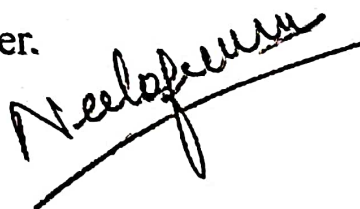
Present revision petition is directed against summoning order dated 31.07.2019. It emerges that in complaint case no. 810/2017 titled as M/s Metrofym Media Pvt. Ltd. vs Pranav Rastogi summoning order has been passed earlier on 21.03.2018 against the present petitioner alongwith another, infact the sister of the present petitioner for offence under Section 452 of the Companies Act 2013, against which revision petition was preferred and the matter was remanded for fresh consideration after conducting inquiry under Section 202 CrPC and subsequently thereafter the impugned order dated 31.07.2019 has come to be passed.

It has been contended by Ld. counsel for the petitioner that there is urgency in the matter as the matter is listed before the Ld. Trial Court for tomorrow i.e. 17.09.2020 itself and that the petitioner belongs to Dehradun and that the said address of the petitioner is mentioned in the complaint itself, however, the petitioner has been ordered to be summoned to appear now on 17.09.2020 on the basis of very perfunctory inquiry in

Neelesh Kumar

terms of Section 202 CrPC in compliance with the remand order as the allegation against the petitioner is that all the documents of the company are under unlawful custody of the petitioner whereas the complainant himself as is clearly evident from the contents of the order under challenge itself, had produced three documents of the record which have been considered in the inquiry under Section 202 CrPC by the Ld. Trial Court while summoning the petitioner, however, Ld. Trial Court failed to put necessary questions to the complainant as to that if the allegations against the petitioner is that the entire record of the company has been removed by the petitioner and taken into his unlawful custody, then from where he has produced the documents which are record of the company and are mentioned in the order itself. That the present petition has been filed only to harass the petitioner.

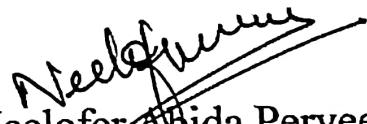
Ld. counsel for respondent, on the other hand submitted that several documents are to be referred for the purposes of present revision petition and record is required to be adverted to. Therefore, it would not be feasible to hear the parties through video conferencing itself as the audio today is also repeatedly breaking and thereby hampering the respondent in putting his side of contentions. Ld. counsel for respondent has sought physical hearing. However, in order to rebut the contentions of Ld. counsel for the petitioner on the aspect of the inquiry under Section 202 CrPC, has submitted that the Ld. Trial Court has sought necessary information and documents and requisite inquiry has been conducted before passing the impugned order.

A handwritten signature in black ink, appearing to read 'Neelaprasanna', is written over a horizontal line.

Taking into consideration that the present petition alongwith annexures itself is quite voluminous and record is also required to be adverted to by the parties and specific request in this regard has been made on behalf of the respondent, it is directed that the matter be put up for physical hearing on 26.09.2020. In the meanwhile, however, it is ordered that as the petitioner is to travel from Dehradun, taking into consideration the prevailing pandemic situation, particularly in Delhi, presence of the petitioner for tomorrow i.e. 17.09.2020 before the Trial Court is dispensed with.

For consideration, put up on 26.09.2020, the date fixed for physical hearing of the Court. TCR be also requisitioned for the said date.

Copy of order be sent to Ld. Trial Court.


(Neelofer Avida Perveen)
ASJ (Central) THC/Delhi
16.09.2020