

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

Bail Application No. 2632/21
FIR No. 654/21
U/s 323/506/354/509/34 IPC
P.S. Wazirabad
State Vs. Shri Ram Balak Dass

06.10.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad.

Present application u/s 439 Cr.P.C. has been moved on behalf of applicant Shri Ram Balak Dass for grant of regular bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for the State.

Sh. Sanjeev Nasiar and Sh. Anil Kumar Singh, Ld. Counsel
for the applicant.

Let report of IO be called for 08.10.2021.

Order be uploaded on the website of Delhi District Courts.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/06.10.2021

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

Bail Application No. 2447/21

FIR No. 174/21

U/s 392/394/397/411/120B/34 IPC

P.S. Gulabi Bagh

State Vs. Prabhjot @ Sahib

06.10.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad.

Present application u/s 439 Cr.P.C. has been moved on behalf of applicant Prabhjot @ Sahib for grant of regular bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for the State.

Sh. S.M. Popli, Ld. Proxy counsel for applicant.

Proxy counsel for applicant seeks adjournment stating that main counsel is not available today. Adjournment granted.

TCR received.

Put up for arguments on 08.10.2021.

Order be uploaded on the website of Delhi District Courts.

TCR be sent back and called for NODH.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/06.10.2021

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

Bail Application No. 2540/21
FIR No. 709/21
U/s 407/120B/411/34 IPC
P.S. Wazirabad
State Vs. Arun Kumar

06.10.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad.

Present application u/s 438 Cr.P.C. has been filed on behalf of accused Arun Kumar for grant of anticipatory bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State.

Ms. Vinita Raghav, Ld. Counsel for applicant through VC.

IO/SI Anjani Kumar Singh also present.

Report of IO filed.

ORDER ON BAIL APPLICATION

1. Vide this order, this Court shall adjudicate upon the anticipatory bail application filed on behalf of the accused. Arguments were heard *in extenso*, the gist whereof is discussed hereunder.
2. Ld. Counsel for applicant submitted that applicant/accused Arun Kumar has not been named in the FIR. Further, it was submitted

that the main accused namely Anil Kumar is already in custody, and no recoveries have to be affected from the accused herein. It was submitted that accused herein has been implicated merely on the disclosure of co-accused Anil Kumar. Lastly, it was submitted that all the sacks of Supari and the money has been recovered and thus, no purpose would be served in arresting the applicant/accused Arun Kumar.

3. *Per contra*, Ld Addl. PP for the State alongwith with the IO, vehemently opposed the anticipatory bail application as per law. It has been submitted that recoveries of remaining money and sacks of Supari are yet to be affected. It was submitted that raids were conducted at Muradnagar and Bapu Dham, Ghaziabad in search of accused, but he has absconded from his residence and has not joined the investigation.
4. Before adverting to the rival contentions of the parties, the facts of the present case, as alleged by the prosecution, are hereby succinctly recapitulated: It was alleged that on 09.09.2021 complainant came to P.S. Wazirabad and informed that he is dealing in grocery items and he has a warehouse at Gali No. 3, Wazirabad. He purchased 338 sacks of Supari weight 23660 KG at Rs. 47,20,170/- from Sunrise Trading Company, Mornoi Road, Krishnai, District Goalpara, Assam. On 02.09.2021 the same was booked from Sh. Ganga Sagar Transport for deliver at Gali No. 3, Wazirabad, Delhi and was loaded in a truck no. PB03 AT 5240. On

08.09.2021, transporter Anil Kumar informed that the goods have been reached at Gali No. 3, Wazirabad and received it at his warehouse. When the complainant reached at his warehouse, he did not find any truck there. The complainant requested to transporter Anil Kumar several times to deliver the goods but he has not delivered goods to the complainant yet. Hence, the complainant filed the complaint in this regard and as per the contents of the complaint present case was registered.

5. During the course of arguments, it was submitted by the IO that on the instance of co-accused Anil Kumar, co-accused Rakesh was apprehended, and on his disclosure it was revealed that the money received from the sale of stolen property was distribute to *inter alia* accused Arun Kumar. It was submitted by the IO that around Rs. 10 lacs are still with accused Arun Kumar. Further, during the course of arguments Ld. Counsel for accused had submitted that there is no connection of the accused herein with co-accused Anil Kumar. However, this contention was refuted by the State and the Court was shown a copy of sale deed entered into between accused herein Arun Kumar and co-accused Anil Kumar qua the impugned truck in question i.e. truck bearing registration no. PB03 AT 5240. Thus, it is apparent that custodial interrogation of accused herein is imperative to recover the remaining amount as well as to ascertain the whereabouts of the remaining sacks of Supari.

6. Regarding the issue of joining investigation, it would be apposite to reproduce the following extracts of ***Bhadresh Bipin Bhai Sheth Vs. State of Gujarat & Anr., (2016) 1 Supreme Court Cases 152:-***

“The principles for grant of anticipatory bail can be summarised as follows:-

(i).....

(ii).....

(iii) It is imperative for the courts to carefully and with meticulous precision evaluate the facts of the case. The discretion to grant bail must be exercised on the basis of the available material and the facts of the particular case. In cases where the court is of the considered view that the accused has joined the investigation and he is fully cooperating with the investigating agency and is not likely to abscond, in that event, custodial interrogation should be avoided. A great ignominy, humiliation and disgrace is attached to arrest. Arrest leads to many serious consequences not only for the accused but for the entire family and at times for the entire community. Most people do not make any distinction between arrest at a pre-conviction stage or post-conviction stage.....”

7. Under these circumstances, taking into the account the gravity of the offence, severity of the punishment that the offence entails, the role attributed to the accused herein and the fact that accused has not joined the investigation, this Court is of the opinion that the accused ought not to be granted anticipatory bail at this juncture. Accordingly, the present anticipatory bail application is hereby dismissed.

8. Needless to say, the abovementioned observations are predicated solely on the facts as alleged, and brought forth at this juncture, and are not findings on merits, and would also have no bearing on the merits of the case. With these conditions, and observations, the anticipatory bail application stands disposed off.
9. Copy of the order be uploaded on the website of the District Court.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/06.10.2021

Bail Application No.2647/2021
FIR No. 115/2021
P.S. Hashim
U/s 394/397//34 IPC
State Vs. Hashim

06.10.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad.

This is an application moved for accused/applicant Hashim under Section 439 Cr.P.C., for grant of bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State.
Sh. Tarun Upadhyay, Ld. Counsel for applicant/accused.

Reply of the application be called from IO/SHO for NDOH.

List for arguments on 08.10.2021.

Copy of this order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/06.10.2021

Bail Application No.2646/2021
FIR No. 240/2020
P.S. Wazirabad
U/s 308/325/342/394/34 IPC
State Vs. Premwati & Ors.

06.10.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad.

This is an application moved for accused/applicant Premwati under Section 438 Cr.P.C., for grant of anticipatory bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State.

Sh. Arun Kasana, Ld. Counsel for applicant/accused.

Sh. Ravish Dedha, Ld.counsel for complainant with complainant.

Both parties submitted that there is possibility of settlement in the present matter. At request of both the parties, matter is hereby referred to Mediation Centre for tomorrow i.e., 07.10.2021 at 2 p.m.

Reply of the application be also called from IO/SHO for 11.10.2021.

List on 11.10.2021.

Copy of this order be uploaded on the website.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/06.10.2021

Bail Application No.2546/21
FIR No. 98/21
P.S. Burari
U/s 307/411/120B/34 IPC
State Vs. Imran

06.10.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad.

This is an application moved for accused/applicant Imran under Section 439 Cr.P.C., for grant of bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State.

Sh. Rustam Kureshi, Ld. Counsel for applicant/accused through VC.

IO has not joined the proceedings.

Reply of the IO has been received. However, the previous conviction report of the accused has not been placed on record. IO is directed to file detailed reply on NDOH.

Put up for arguments on 09.10.2021.

Order be uploaded on the website

(Arul Varma)

ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/06.10.2021

**IN THE COURT OF SH. ARUL VARMA, ADDL. SESSIONS JUDGE/
SPECIAL JUDGE, ELECTRICITY, COURT NO. 2, CENTRAL, THC**

Bail Application No. 2541/21
FIR No. 180/21
U/s 356/379/34 IPC
P.S. Bara Hindu Rao
State Vs. Pawan Kumar @ Pappu @ Mama

06.10.2021

Vide order No. 887/37133-168/Bail Power/Gaz/2021 dated 01.07.2021 issued by Ld. Principal District & Sessions Judge (HQs), Delhi, the undersigned has been authorized to dispose of bail / urgent criminal applications pertaining to the PS Pratap Nagar (Gulabi Bagh), Civil Lines, Roop Nagar, Timarpur, Burari, Subzi Mandi, Bara Hindu Rao, Maurice Nagar, Crime Branch of Central Police District and Wazirabad.

Present application u/s 439 Cr.P.C. has been filed on behalf of accused Asif @ Lamboo for grant of regular bail.

Present: Sh. Balbir Singh, Ld. Addl. PP for State.
Ms. Ruksana, Ld. Counsel for applicant through VC.
IO/ HC Harender in person.
Reply of IO has been received.

ORDER ON BAIL APPLICATION

1. Vide this order, this Court shall adjudicate upon the bail application filed on behalf of the accused Pawan Kumar @ Pappu @ Mama. Arguments were heard *in extenso*, the gist whereof is discussed hereunder.

2. Ld. Counsel for applicant/accused contended that applicant has been falsely implicated in the present case. Further, it was contended that applicant is in J/C since 31.08.2021, and no recovery has been effected from the accused. He further submitted that accused is on bail in all other cases pending against him, and he has already been acquitted in 3 cases. Ld. Counsel submitted that the assailants of the present case only used the bike of the applicant herein, and on the basis of that, accused has been named in the present FIR, and therefore applicant ought to be granted anticipatory bail. Thus, the applicant ought to be granted anticipatory bail.
3. *Per contra*, Ld Addl. PP for the State alongwith with the IO, vehemently opposed the anticipatory bail application as per law. Further, it was submitted that the applicant is a BC (bad character) of the area, and he has been previously involved in 24 cases.
4. In rebuttal Ld. Counsel for applicant submitted that out of 24 cases, applicant has already been acquitted in 3 cases, and in remaining cases he is on bail.
5. Before adverting to the rival contentions of the parties, the facts of the present case, as alleged by the prosecution, are hereby succinctly recapitulated: The present complaint was registered on the complaint of complainant Ms. Laxmi Shukla, wherein she had alleged that when she was coming her house from Gopal Sweet, her mobile make Samsung was snatched by the one person with his associate who was sitting on Splendour motorcycle. She shouted "Chor Chor". The co-accused sitting on the motorcycle was apprehended by PCR officials and the main

accused who snatched the mobile phone, was managed to flee away from the spot. Therefore, the present FIR came to be registered.

6. Adverting to the rival contentions of both sides, a perusal of the record reveals that allegations of committing snatching of the mobile phone of complainant have been levelled against co-accused the applicant. The motorcycle has already been recovered. Since the accused is in J/C, recovery of mobile phone would not be effected from him. Both co-accused have already been granted bail. The only allegations against the accused herein is that his bike was used in the commission of the offence and that the snatched mobile phone was handed over to him. With respect to the contentions of the State qua previous involvements of the applicant herein, a perusal of SCRB report reveals that the applicant has been acquitted in 3 cases, discharged in 2 cases, and is on bail in number of cases. A perusal of the SCRB would also reveal that all the other cases against the applicant are of old vintage. Apart from this case, there seem to be no recent involvements of the applicant. Ordinarily, previous involvements of an applicant weigh in the mind of the Court, and the tilt is towards dismissal of bail applications, however in the present case, for the aforementioned reasons, the previous involvements are not being considered. As far as the apprehension that the applicant may create further nuisance in the area is concerned, appropriate directions are being mentioned in this order to take care of such eventuality.
7. Under these circumstances, this Court is of the considered view that no purpose would be served in keeping the accused in custody any longer. Accordingly, the accused Pawan Kumar @ Pappu @ Mama is admitted

on bail on furnishing bail bond and surety bond of Rs 10,000/- with one surety of like amount to the satisfaction of Ld CMM/Ld. MM/Ld. Link MM/Ld. Duty MM as the case may be, subject to the following conditions:

- i. He shall not establish any contact with the complainant or any other witness, nor try threaten influence, intimidate etc. any witness.
 - ii. He shall not hamper the trial or investigation in any manner.
 - iii. He shall furnish his present and permanent address with supporting documents alongwith affidavit/undertaking to inform about any change qua the same, without any delay, to the IO/Court.
 - iv. He shall join the investigation/attend trial without default.
 - v. He shall report to the SHO, P.S. Bara Hindu Rao, and mark his presence, on every Monday at 6 PM for a period of two months from today.
8. Needless to say, the abovementioned observations are predicated solely on the facts as alleged, and brought forth at this juncture, and are not findings on merits, and would also have no bearing on the merits of the case. With these conditions, and observations, the bail application stands disposed off.
9. Copy of the order be uploaded on the website of the District Court.

(Arul Varma)
ASJ/Special Judge, Electricity
Court No. 02, Central
Tis Hazari/Delhi/06.10.2021