Bail Application

Bail Matters No.: 1260/2020
State Vs CHANDAN
FIR No. :29/2020
PS: DBG ROAD
U/S: 307, 392, 397, 120B, 34 IPC AND 25, 27 ARMS ACT

28/09/2020

Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC.
Mr. Rahul Tyagi, learned counsel for Accused through VC.

Vide this order, the regular bail application dated 16/09/2020 under section 439 Cr.P.C. on behalf of accused filed through counsel is disposed of.

I have heard both the sides and have gone through the record.

The personal liberty is a priceless treasure for a human being. It is founded on the bed rock of constitutional right and accentuated further on human rights principle. The sanctity of liberty is the fulcrum of any civilized society. Deprivation of liberty of a person has enormous impact on his mind as well as body. Further article 21 Of the Constitution mandates that no person shall be deprived of his life or personal liberty except according to procedure established by law. Further India is a signatory to the International Covenant On Civil And Political Rights, 1966 and, therefore, Article 21 of the Constitution has to be understood in the light of the International Covenant On Civil And Political Rights, 1966. *Further* Presumption of innocence is a human right. Article 21 in view of its expansive meaning not only protects life and liberty ,but also envisages a fair procedure. Liberty of a person should not ordinarily be interfered with unless there exist cogent grounds therefor. The fundamental principle of our system of

justice is that a person should not be deprived of his liberty except for a distinct breach of law. If there is no substantial risk of the accused fleeing the course of justice, there is no reason why he should be imprisoned during the period of his trial. The basic rule is to release him on bail unless there are circumstances suggesting the possibility of his fleeing from justice or thwarting the course of justice. When bail is refused, it is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution.

Further it has been laid down from the earliest time that the object of Bail is to secure the appearance of the accused person at his trial by reasonable amount of Bail. The object of Bail is neither punitive nor preventive. Deprivation of liberty must be considered a punishment unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after convictions, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earlier times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial ,but in such case 'necessity' is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the constitution that any persons should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty under Article 21 of the Constitution upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances. Apart from the question of prevention being the object of a refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and it would be improper for any court to refuse bail as mark of disapproval of former conduct whether the accused has been

convicted for it or not or to refuse bail to an unconvicted person for the purpose of giving him a taste of imprisonment as a lesson. While considering an application for bail either under Section 437 or 439 CrPC, the court should keep in view the principle that grant of bail is the rule and committal to jail an exception. Refusal of bail is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution. Seriousness of the offence not to be treated as the only consideration in refusing bail : Seriousness of the offence should not to be treated as the only ground for refusal of bail. (Judgment of **Sanjay Chandra Vs. Central Bureau of Investigation, AIR 2012 SC 830 relied).**

But, the liberty of an individual is not absolute. The Society by its collective wisdom through process of law can withdraw the liberty that it has sanctioned to an individual when an individual becomes a danger to the societal order. A society expects responsibility and accountability form the member, and it desires that the citizens should obey the law, respecting it as a cherished social norm. Therefore, when an individual behaves in a disharmonious manner ushering in disorderly thing which the society disapproves, the legal consequences are bound to follow.

Further discretionary jurisdiction of courts u/s 437 and 439 CrPC should be exercised carefully and cautiously by balancing the rights of the accused and interests of the society. Court must indicate brief reasons for granting or refusing bail. Bail order passed by the court must be reasoned one but detailed reasons touching merits of the case, detailed examination of evidence and elaborate documentation of merits of case should not be done.

At this stage , it can also be fruitful to note that requirements for bail u/s 437 & 439 are different. Section 437 Cr.P.C. severally curtails the power of the Magistrate to grant bail in context of the commission of non-bailable offences punishable with death or imprisonment for life, the two higher Courts have only the procedural

requirement of giving notice of the Bail application to the Public Prosecutor, which requirement is also ignorable if circumstances so demand. The regimes regulating the powers of the Magistrate on the one hand and the two superior Courts are decidedly and intentionally not identical, but vitally and drastically dissimilar. (**Sundeep Kumar Bafna Vs. State of Maharashtra, AIR 2014 SC 1745).**

Further at this stage it can be noted that interpreting the provisions of bail contained u/s 437 & 439 Cr.P.C., the Hon'ble Supreme Court in its various judgments has laid down various considerations for grant or refusal of bail to an accused in a non-bailable offence like, (i) Whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) Nature of accusation and evidence therefor, (iii) Gravity of the offence and punishment which the conviction will entail, (iv) Reasonable possibility of securing presence of the accused at trial and danger of his absconding or fleeing if released on bail, (v) Character and behavior of the accused, (vi) Means, position and standing of the accused in the Society, (vii) Likelihood of the offence being repeated, (viii) Reasonable apprehension of the witnesses being tampered with, (ix) Danger, of course, of justice being thwarted by grant of bail, (x) Balance between the rights of the accused and the larger interest of the Society/State, (xi) Any other factor relevant and peculiar to the accused. (xii) While a vague allegation that the accused may tamper with the evidence or witnesses may not be a ground to refuse bail, but if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. Furthermore, in the landmark judgment of **Gurucharan Singh and others v. State** (AIR 1978 SC 179), it was held that there is no hard and fast rule and no inflexible principle governing the exercise of such discretion by the courts. It was further held that there cannot be any inexorable formula in the matter of

granting bail. It was further held that facts and circumstances of each case will govern the exercise of judicial discretion in granting or refusing bail. It was further held that such question depends upon a variety of circumstances, cumulative effect of which must enter into the judicial verdict. Such judgment itself mentioned the nature and seriousness of nature, and circumstances in which offences are committed apart from character of evidence as some of the relevant factors in deciding whether to grant bail or not.

Further it may also be noted that it is also settled law that while disposing of bail applications u/s 437/439 Cr.P.C., courts should assign reasons while allowing or refusing an application for bail. But detailed reasons touching the merit of the matter should not be given which may prejudice the accused. What is necessary is that the order should not suffer from non-application of mind. At this stage a detailed examination of evidence and elaborate documentation of the merit of the case is not required to be undertaken. Though the court can make some reference to materials but it cannot make a detailed and in-depth analysis of the materials and record findings on their acceptability or otherwise which is essentially a matter of trial. Court is not required to undertake meticulous examination of evidence while granting or refusing bail u/s 439 of the CrPC.

In the present case, it is submitted on behalf of the accused that there is no previous conviction record of the present accused; that he is having two small school going children; that investigation / chargesheet does not show any recovery from the accused; that he was not even present at the place of incident; that his previous interim bail application was dismissed by learned ASJ on 14th August, 2020.

On the other hand, it is stated in the reply filed by ASI Adesh Vats, as also argued by the learned Addl.PP for the state that complainant stated that two persons robbed him of cash of Rs. 5 lacs and when he objected, they even fired upon him.

On going through the cctv footage one of such accused was found at the present accused Chandan, who was ex-employee of the complainant. As such, he was arrested and he confessed his involvement in the present case alongwith co-accused persons. Present accused took them to the gali of the complainant and kept a watch while co-accused committed the offence in question. It is stated that present accused is the mastermind of the present offence. It is further claimed that the part of the looted amount is recovered from the accused. It is further stated that chargesheet is already filed.

The offence is serious in nature. Further, there are specific incriminating evidence against the present accused including the cctv footage. Further, present accused was the ex-employee of the complainant. Further, during committing such offence, the gun shot injury from bullet was accidently received by the co-accused Jaan Mohd. himself. As such, it also appears that attempt was made to fire the same upon the complainant. Accordingly, having regard to the nature of offence, stage of the trial and role assigned to the present accused, this court do not find any fresh ground to grant regular bail to the present accused at this stage.

With these observations present bail application is disposed of as dismissed. Further, both the sides are at liberty to collect the order through electronic mode. Copy of order be uploaded on the website. Further a copy of this order be sent to SHO / IO concerned. Further, copy of this order be also sent to concerned Jail Superintendent. Further, a copy of this order be also uploaded on the website.

NAVEEN KUMAR KASHYAP

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Date: 2020.09.28 16:16:18 +05'30'

(Naveen Kumar Kashyap)
Additional Sessions Judge-04
Central/THC/Delhi/28/09/2020

Bail Matters No.: 1260/2020
State Vs CHANDAN
FIR No. :29/2020
PS: DBG ROAD
U/S: 307, 392, 397, 120B, 34 IPC AND 25, 27 ARMS ACT

IN THE COURT OF SH. NAVEEN KUMAR KASHYAP
ADDITIONAL SESSIONS JUDGE-04: CENTRAL:
TIS HAZARI COURTS: DELHI

Application No.:1271/2020
State Vs Anand Singh
FIR No. 366/2020
P. S. Kotwali
U/s: 380, 457 IPC

28/09/2020

Present: Mr. Pawan Kumar, Learned Addl. PP for State is available through VC.
Mr. Subhash Chauhan, learned counsel for accused through VC.

Vide this order, bail application u/s 439 Cr.PC dated 14/09/2020 filed by applicant through counsel is disposed of.

It is stated in the application that he has been falsely implicated in the present case; that he does not have previous criminal record; that nothing is recovered from him except the planted case property; that he is recently got married in June, 2020; that he is permanent resident of Delhi. As such, it is prayed that he be granted regular bail.

On the other hand, in reply filed by the IO, as also argued by learned Addl.PP for the State that his regular bail application is already dismissed by learned MM on 10/09/2020; the present accused was arrested later on U/s 102 r/w section 41.1(d) Cr.PC and in his disclosure statement he confessed his involvement in present case. That Rs.2,000/- out of case property of Rs.10,000/- in cash was recovered from the present accused. That he is previously involved in two other criminal case. That

he is likely to commit similar offence if released on bail. As such, present bail application is strongly opposed.

I have heard both the sides.

The personal liberty is a priceless treasure for a human being. It is founded on the bed rock of constitutional right and accentuated further on human rights principle. The sanctity of liberty is the fulcrum of any civilized society. Deprivation of liberty of a person has enormous impact on his mind as well as body. Further article 21 Of the Constitution mandates that no person shall be deprived of his life or personal liberty except according to procedure established by law. Further India is a signatory to the International Covenant On Civil And Political Rights, 1966 and, therefore, Article 21 of the Constitution has to be understood in the light of the International Covenant On Civil And Political Rights, 1966. *Further* Presumption of innocence is a human right. Article 21 in view of its expansive meaning not only protects life and liberty, but also envisages a fair procedure. Liberty of a person should not ordinarily be interfered with unless there exist cogent grounds therefor. The fundamental principle of our system of justice is that a person should not be deprived of his liberty except for a distinct breach of law. If there is no substantial risk of the accused fleeing the course of justice, there is no reason why he should be imprisoned during the period of his trial. The basic rule is to release him on bail unless there are circumstances suggesting the possibility of his fleeing from justice or thwarting the course of justice. When bail is refused, it is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution.

Further it has been laid down from the earliest time that the object of Bail is to secure the appearance of the accused person at his trial by reasonable amount of Bail. The object of Bail is neither punitive nor preventive. Deprivation of liberty must be considered a punishment unless it can be required to ensure that an accused person will stand his trial

when called upon. The courts owe more than verbal respect to the principle that punishment begins after convictions, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earlier times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial ,but in such case 'necessity' is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the constitution that any persons should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty under Article 21 of the Constitution upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances. Apart from the question of prevention being the object of a refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and it would be improper for any court to refuse bail as mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an unconvicted person for the purpose of giving him a taste of imprisonment as a lesson. While considering an application for bail either under Section 437 or 439 CrPC, the court should keep in view the principle that grant of bail is the rule and committal to jail an exception. Refusal of bail is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution. Seriousness of the offence not to be treated as the only consideration in refusing bail : Seriousness of the offence should not to be treated as the only ground for refusal of bail. (Judgment of **Sanjay Chandra Vs. Central Bureau of Investigation, AIR 2012 SC 830 relied).**

But, the liberty of an individual is not absolute. The Society by its collective wisdom through process of law can withdraw the liberty that

it has sanctioned to an individual when an individual becomes a danger to the societal order. A society expects responsibility and accountability form the member, and it desires that the citizens should obey the law, respecting it as a cherished social norm. Therefore, when an individual behaves in a disharmonious manner ushering in disorderly thing which the society disapproves, the legal consequences are bound to follow.

Further discretionary jurisdiction of courts u/s 437 and 439 CrPC should be exercised carefully and cautiously by balancing the rights of the accused and interests of the society. Court must indicate brief reasons for granting or refusing bail. Bail order passed by the court must be reasoned one but detailed reasons touching merits of the case, detailed examination of evidence and elaborate documentation of merits of case should not be done.

At this stage , it can also be fruitful to note that requirements for bail u/s 437 & 439 are different. Section 437 Cr.P.C. severally curtails the power of the Magistrate to grant bail in context of the commission of non-bailable offences punishable with death or imprisonement for life, the two higher Courts have only the procedural requirement of giving notice of the Bail application to the Public Prosecutor, which requirement is also ignorable if circumstances so demand. The regimes regulating the powers of the Magistrate on the one hand and the two superior Courts are decidedly and intentionally not identical, but vitally and drastically dissimilar. (**Sundeep Kumar Bafna Vs. State of Maharashtra, AIR 2014 SC 1745).**

Further at this stage it can be noted that interpreting the provisions of bail contained u/s 437 & 439 Cr.P.C., the Hon'ble Supreme Court in its various judgments has laid down various considerations for grant or refusal of bail to an accused in a non-bailable offence like, (i) Whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) Nature of accusation and evidence

therefor, (iii) Gravity of the offence and punishment which the conviction will entail, (iv) Reasonable possibility of securing presence of the accused at trial and danger of his absconding or fleeing if released on bail, (v) Character and behavior of the accused, (vi) Means, position and standing of the accused in the Society, (vii) Likelihood of the offence being repeated, (viii) Reasonable apprehension of the witnesses being tampered with, (ix) Danger, of course, of justice being thwarted by grant of bail, (x) Balance between the rights of the accused and the larger interest of the Society/State, (xi) Any other factor relevant and peculiar to the accused. (xii) While a vague allegation that the accused may tamper with the evidence or witnesses may not be a ground to refuse bail, but if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. Furthermore, in the landmark judgment of **Gurucharan Singh and others v. State** (AIR 1978 SC 179), it was held that there is no hard and fast rule and no inflexible principle governing the exercise of such discretion by the courts. It was further held that there cannot be any inexorable formula in the matter of granting bail. It was further held that facts and circumstances of each case will govern the exercise of judicial discretion in granting or refusing bail. It was further held that such question depends upon a variety of circumstances, cumulative effect of which must enter into the judicial verdict. Such judgment itself mentioned the nature and seriousness of nature, and circumstances in which offences are committed apart from character of evidence as some of the relevant factors in deciding whether to grant bail or not.

Further it may also be noted that it is also settled law that while disposing of bail applications u/s 437/439 Cr.P.C., courts should assign reasons while allowing or refusing an application for bail. But detailed reasons touching the merit of the matter should not be given

which may prejudice the accused. What is necessary is that the order should not suffer from non-application of mind. At this stage a detailed examination of evidence and elaborate documentation of the merit of the case is not required to be undertaken. Though the court can make some reference to materials but it cannot make a detailed and in-depth analysis of the materials and record findings on their acceptability or otherwise which is essentially a matter of trial. Court is not required to undertake meticulous examination of evidence while granting or refusing bail u/s 439 of the CrPC.

In the present case, the maximum punishment of the offences alleged against the present accused is 14 years but it is matter of record that accused was not arrested on the spot but later on based on his disclosure statement. Further, as far as present accused is concerned, nothing remains to be recovered at his instance. In fact, the period for seeking police remand is already over. As such, no purpose would be served by keeping such accused in JC. Trial is likely to take time. Further, it may be noted that there is fundamental presumption of innocence in any criminal case of present nature. In present case, no previous conviction record is placed on record by the IO and at best there are cases alleging involvement of present accused in other similar cases.

In above facts and circumstances, such accused is granted bail subject to furnishing of **personal bond in the sum of Rs. 10,000/- with *two* sound surety of like amount**, subject to the satisfaction of the learned Trial court and the following additional conditions:

i) That he will appear before IO / Trial Court as and when called as per law.

ii) He will not indulge in any kind of activities which are alleged against him in the present case.

iii) That he will not leave India without

permission of the Court.

iv) He will not threaten the witness or tampering with evidence.

v) He shall convey any change of address immediately to the IO and the court;

vi) He shall also provide his mobile number to the IO;

It is clarified that in case if the applicant/ accused is found to be violating any of the above conditions, the same shall be a ground for cancellation of bail and the State shall be at liberty to move an application for cancellation of bail.

I may observe that certain guidelines had been laid down by the Hon'ble Delhi High Court in the case of **"*Ajay Verma Vs. Government of NCT of Delhi*" WP (C) 10689/2017 dated 08.03.2018** wherein it was observed and I quote as under:

> *"..... The trial courts should not only be sensitive but extremely vigilant in cases where they are recording orders of bail to ascertain the compliance thereof.....When bail is granted, an endorsement shall be made on the custody warrant of the prisoner, indicating that bail has been granted, along with the date of the order of bail.*
>
> a) *In case of inability of a prisoner to seek release despite an order of bail, it is the judicial duty of the trial courts to undertake a review for the reasons thereof.*
> b) *Every bail order shall be marked on the file.*
> c) *It shall be the responsibility of every judge issuing an order of bail to monitor its execution and enforcement.*
> d) *In case a judge stands transferred before the execution, it shall be the responsibility of the successor judge to ensure execution....."*

I note that in the present case the bail bonds have been directed to be furnished before the Ld. Trial Court/ Ld. MM and hence in terms of the above observations, the Ld. MM is impressed upon to inform this court about the following:

a) *The date on which conditions imposed by this court are satisfied;*

b) *The date of release of prisoner from jail;*

c) *Date of ultimate release of prisoner in case the prisoner is in jail in some other case.*

The copy of this order be sent to **Ld. MM** and also to the **Superintendent Jail** who shall also inform this court about all the three aspects as contained in the para herein above. The Superintendent Jail is also directed to inform this court if the prisoner is willingly not furnishing the personal bond or in case if he is unable to furnish the surety or any other reason given by the prisoner for not filing the bonds. One copy of this order be also sent to the **SHO Concerned** to ensure compliance.

The bail application is accordingly disposed off. Learned counsel for applicant is at liberty to obtain copy of this order through electronic mode. Copy of order be uploaded on website.

NAVEEN KUMAR KASHYAP

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Date: 2020.09.28 16:19:07 +05'30'

(NAVEEN KUMAR KASHYAP)
ASJ-04(Central/Delhi
28.09.2020

INTERIM BAIL APPLICATION

State Vs. Parmod & others
Application of accused Parmod
FIR No. : 485/2014
PS: Timar Pur
U/S: 397, 411, 34 IPC & 25 Arms Act

28.09.2020
Present: Mr. Pawan Kumar, Ld. Addl. PP for the State through VC
Mr. Vikram Singh Saini, Ld. Counsel from for Accused through VC.

1. Vide this order interim bail application filed by applicant / accused Parmod through counsel is disposed of.

2. Reply already filed by IO through electronic mode dated 28/09/2020.

3. Arguments heard.

4. In nutshell, it is stated and argued on behalf of accused that accused's wife is not keeping well and she is advised surgery for NDVH and Rectocele repair which is scheduled for 01/10/2020. That there is nobody to take care of ailing wife. That accused needs to make arrangement for funds and post operative care of his wife. That he was granted interim bail on earlier occasions also and his conduct is satisfactory. As such, it is prayed that he be granted interim bail for 45 days.

5. On the other hand, in reply filed by IO as also argued by learned Addl. PP for the state, it is argued that present offence is very serious in nature and offences charged against the accused are punishable upto imprisonment for life. It is further stated that an FIR u/s 195A, 323 IPC is also registered against such accused for giving threats to the complainant. That

he is involved in five criminal cases. But the fact of medical condition of the wife is not disputed. As such, present application for interim bail is opposed.

6. As present accused is involved in other criminal cases, he do not fall under the relaxed interim bail criteria prescribed by the Hon'ble High Power committee.

7. That although, the medical condition of the wife is not in dispute, but having regard to the nature of offence, allegations against the present accused including that of threat to witness and his involvement in other criminal cases, this court do not find sufficient ground to admit him to interim bail. With these observations, present interim bail application is dismissed.

8. ***Learned counsel for the applicant / accused is at liberty to collect the order through electronic mode. Copy of this order be sent to Jail Superintendent concerned. Copy of this order be also sent to SHO / IO concerned. Copy of order be uploaded on the website.***

NAVEEN KUMAR KASHYAP

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Date: 2020.09.28 16:19:43 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/THC
28.09.2020.

Bail Application No.: 1324/2020

State v. Baljeet Singh
FIR no.: 143/2020
PS:Kotwali
U/S: 394,397,411,120B,34 IPC

28.09.2020

Present: Mr. Pawan Kumar, Learned Addl. PP for State through VC.
Sh. S.N. Shukla, Ld. LAC for applicant.

This is an application by the applicant/accused Baljeet Singh for modification of Bail Bond condition and releasing him on personal bond only as he is unable to furnish surety.

Arguments heard.

At request, put up for further arguments/filing of case law/further appropriate orders on 06.10.2020.

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Date: 2020.09.28 16:20:16 +05'30'

(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
28.09.2020

Bail Application No.: 1382/2020

State v. Nazbul Hassan @ Jaigum
FIR no.:
PS:

28.09.2020

Present: Mr. Pawan Kumar, Learned Addl. PP for State through VC.
Sh. Ravinder Kumar, Ld. Counsel for applicant.

Reply filed by IO dated 26.09.2020. Copy of the same supplied to Ld. Counsel for applicant/accused.

Arguments in detail heard regarding the present accused.

IO has filed reply in which involvement of this accused is shown in 91 cases. Not only that, out of such 91 cases, he is convicted in three of the cases, as per such reply.

As such, put up for further arguments including why section 413 IPC is not attracted in this case and why section 75 IPC is not invoked.

Issue notice to the SHO alongwith IO for the next date of hearing through VC.

Put up for 07.10.2020.

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Date: 2020.09.28 16:20:37 +05'30'

(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
28.09.2020

Bail Application No.: 1137/2020

State v. Mohd. Mumtaz
FIR no.: 79/2019
PS: Sadar Bazar

28.09.2020

Present: Mr. Pawan Kumar, Learned Addl. PP for State through VC.
Sh. Sohrab Khan. Ld. Counsel for applicant through VC.

IO is stated to be busy in some other cases.

As such, **issue fresh notice to IO as well as to complainant** in terms of previous order dated 17.09.2020.

Under these circumstances, without commenting on merit of present application, IO is directed not to take any coercive action against both accused/applicant till next date of hearing only provided they join investigation, if so directed by IO.

Put up on 08.10.2020.

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Date: 2020.09.28 16:20:52 +05'30'

(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
28.09.2020

MISC Application
State v. Manoj Chaudhary
FIR no.: 58/2018
PS:EOW Cell

28.09.2020

At 12.50 pm.

An application for early hearing filed on behalf of applicant through e-mail. Same is put up by VC by the concerned court staff.

Present: None for the applicant through VC or otherwise.

Be awaited for learned counsel for applicant at 2 pm.

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Date: 2020.09.28 16:21:08 +05'30'

(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
28.09.2020

At 2 pm.

Present: None for the applicant through VC or otherwise.

Be awaited.

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Date: 2020.09.28 16:21:22 +05'30'

(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
28.09.2020

At 3.15 PM

Present: None.

Tomorrow is the *Physical hearing day* of this court as per the schedule already given by the Ld. Distict and Session judge for regular matter of this court. **Put up for consideration/appropriate orders on this application through VC for 30.09.2020 i.e.** next immediate VC day for appearance of learned counsel for applicant, submissions and appropriate orders on this early hearing application.

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Date: 2020.09.28 16:21:37 +05'30'

(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
28.09.2020

Bail Application No.: 1383/2020

State v. Irfan
FIR no.: 181/2020
PS: DBG Road

28.09.2020

Present: Mr. Pawan Kumar, Learned Addl. PP for State through VC.

Sh. Mahesh Patel, Ld. Counsel for applicant.

Arguments in detail heard.

No time left.

Put up for orders/clarifications, if any on 29.09.2020.

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Date: 2020.09.28 16:22:04 +05'30'

(NAVEEN KUMAR KASHYAP)
Additional Sessions Judge-04/Central
28.09.2020

Bail Application No.: 1376/2020
State vs Kunal Soni s/o Sanjay Kumar Soni
FIR No.164/2020
P. S. Sadar Bazar
U/s: 307, 34 IPC

28.09.2020

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.

Mr. Jitendra Sethi, learned counsel for the applicant / accused through VC.

It is stated that the reply of the bail application received only today by the learned counsel for the applicant through e-mail. He seeks short adjournment to go through the same.

Put up for arguments / appropriate orders on the same for **05/10/2020**.

NAVEEN KUMAR KASHYAP

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Date: 2020.09.28 16:22:46 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/28.09.2020

Bail Application No.:1377/2020
State vs Akash @ Arav s/o Jitender
FIR No.195/2020
P. S.Subzi Mandi
U/s: 307, 427, 440, 452, 506, 147, 148, 149 IPC & 25, 54, 59 Arms Act

28.09.2020

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.

Mr. Aman Goyal, learned counsel for the applicant / accused through VC.

This is an application seeking regular bail but in the reply dated 28/09/2020 filed by IO SI Satender, it is stated that such accused is still not formally arrested in the present case.

As such, at request of counsel for the accused, put up for further appropriate proceedings including regarding maintainability of the present regular bail application under these circumstances.

Put up for **05/10/2020**.

NAVEEN KUMAR KASHYAP

Digitally signed by NAVEEN KUMAR KASHYAP
Date: 2020.09.28 16:23:52 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/28.09.2020

Bail Application No.: 1378/2020
State vs Tarun s/o Ramesh
FIR No.200/2020
P. S. Pahar Ganj
U/s: 308, 34 IPC

28.09.2020

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.

Mr. Naveen Gaur, learned counsel for the applicant through VC.

Mr. Manoj Sharma, learned counsel for the complainant.

Reply filed by the IO to this regular bail application.

Part arguments heard in detail.

Put up for further arguments regarding role of present accused as per the investigation carried out so far. Let notice be issued to the IO to appear through VC with case file on the next date of hearing.

Put up for **05/10/2020**.

NAVEEN KUMAR KASHYAP

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Date: 2020.09.28 16:24:08 +05'30'

(Naveen Kumar Kashyap)

ASJ-04/Central/28.09.2020

Bail Application No.: 1380/2020
State vs Ajeet Kumar s/o Sunil Mandal
FIR No. 421/2020
P. S. Kotwali
U/s: 308, 34 IPC

28.09.2020

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.

Mr. Rakesh Kumar Giri, learned counsel for the applicant through VC.

Copy of reply supplied to the learned counsel for the accused through e-mail.

Learned counsel for the accused seeks sometime to go through the same.

Put up for arguments and appropriate order for **05/10/2020**.

NAVEEN KUMAR KASHYAP
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Date: 2020.09.28 16:24:34 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/28.09.2020

Bail Application No.:1205/2020
State vs Bhupinder Kumar s/o Bharm Prakash
FIR No. 221/2020
P. S. Pahar Ganj
U/s:498A, 406, 354, 34 IPC

28.09.2020

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.

Mr. Bhaskar Upadhyaya, learned counsel for the applicant through VC.

Mr. Vimlesh Kumar, learned counsel for complainant alongwith complainant through VC.

ASI Brij Mohan IO in person through VC.

Part arguments heard in detail from both the sides.

Before further arguments and appropriate orders, let copy of the bail application alongwith documents annexed there with as well as video supplied by the applicant side be supplied to the complainant side through e-mail during the course of the day. **Learned counsel for the complainant to provide his e-mail address on the e-mail ID of this court.**

Put up for further arguments and appropriate orders for **07/10/2020**. In the meanwhile, IO is directed not to take any coercive action against the applicant till the next date of hearing only. Applicant is directed to join the investigation as and when called by the IO.

NAVEEN KUMAR KASHYAP
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Date: 2020.09.28 16:24:49 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/28.09.2020

Bail Application No.:1206/2020
State vs Shekhar Kumar s/o Bharm Prakash
FIR No. 221/2020
P. S. Pahar Ganj
U/s:498A, 406, 354, 34 IPC

28.09.2020

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.

Mr. Bhaskar Upadhyaya, learned counsel for the applicant through VC.

Mr. Vimlesh Kumar, learned counsel for complainant alongwith complainant through VC.

ASI Brij Mohan IO in person through VC.

Part arguments heard in detail from both the sides.

Before further arguments and appropriate orders, let copy of the bail application alongwith documents annexed there with as well as video supplied by the applicant side be supplied to the complainant side through e-mail during the course of the day. Learned counsel for the complainant to provide his e-mail address on the e-mail ID of this court.

Put up for further arguments and appropriate orders for **07/10/2020**. In the meanwhile, IO is directed not to take any coercive action against the applicant till the next date of hearing only. Applicant is directed to join the investigation as and when called by the IO.

NAVEEN KUMAR KASHYAP

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Date: 2020.09.28 16:25:04 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/28.09.2020

Bail Application No.:1207/2020
State vs Bharm Kumar s/o Richa Ram
FIR No. 221/2020
P. S. Pahar Ganj
U/s:498A, 406, 354, 34 IPC

28.09.2020

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.
Mr. Bhaskar Upadhyaya, learned counsel for the applicant through VC.
Mr. Vimlesh Kumar, learned counsel for complainant alongwith complainant through VC.
ASI Brij Mohan IO in person through VC.

Part arguments heard in detail from both the sides.

Before further arguments and appropriate orders, let copy of the bail application alongwith documents annexed there with as well as video supplied by the applicant side be supplied to the complainant side through e-mail during the course of the day. Learned counsel for the complainant to provide his e-mail address on the e-mail ID of this court.

Put up for further arguments and appropriate orders for **07/10/2020**. In the meanwhile, IO is directed not to take any coercive action against the applicant till the next date of hearing only. Applicant is directed to join the investigation as and when called by the IO.

NAVEEN KUMAR KASHYAP
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Date: 2020.09.28 16:25:20 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/28.09.2020

Bail Application No.:1208/2020
State vs Deepak Kumar s/o Brham Prakash
FIR No. 221/2020
P. S. Pahar Ganj
U/s:498A, 406, 354, 34 IPC

28.09.2020

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.

Mr. Bhaskar Upadhyaya, learned counsel for the applicant through VC.

Mr. Vimlesh Kumar, learned counsel for complainant alongwith complainant through VC.

ASI Brij Mohan IO in person through VC.

Part arguments heard in detail from both the sides.

Before further arguments and appropriate orders, let copy of the bail application alongwith documents annexed there with as well as video supplied by the applicant side be supplied to the complainant side through e-mail during the course of the day. Learned counsel for the complainant to provide his e-mail address on the e-mail ID of this court.

Put up for further arguments and appropriate orders for **07/10/2020**. In the meanwhile, IO is directed not to take any coercive action against the applicant till the next date of hearing only. Applicant is directed to join the investigation as and when called by the IO.

NAVEEN KUMAR KASHYAP
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Date: 2020.09.28 16:25:38 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/28.09.2020

Bail Application No.:1209/2020
State vs Shakuntala Devi w/o Bharm Prakash
FIR No. 221/2020
P. S. Pahar Ganj
U/s:498A, 406, 354, 34 IPC

28.09.2020

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.

Mr. Bhaskar Upadhyaya, learned counsel for the applicant through VC.

Mr. Vimlesh Kumar, learned counsel for complainant alongwith complainant through VC.

ASI Brij Mohan IO in person through VC.

Part arguments heard in detail from both the sides.

Before further arguments and appropriate orders, let copy of the bail application alongwith documents annexed there with as well as video supplied by the applicant side be supplied to the complainant side through e-mail during the course of the day. Learned counsel for the complainant to provide his e-mail address on the e-mail ID of this court.

Put up for further arguments and appropriate orders for **07/10/2020**. In the meanwhile, IO is directed not to take any coercive action against the applicant till the next date of hearing only. Applicant is directed to join the investigation as and when called by the IO.

NAVEEN KUMAR KASHYAP

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Date: 2020.09.28 16:25:53 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/28.09.2020

Bail Application No.: 1057/2020
State vs Vishal Gaur s/o Ravi Gaur
FIR No. 192/2020
P. S. Pahar Ganj
U/s: 323, 341, 354, 34 IPC

28.09.2020

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.

Mr. Anil Kumar Jain, learned counsel for the applicant Vishal Gaur through VC.

Victim / complainant through VC with counsel.

IO SI Jagat Singh in person through VC.

It is stated by the victim side that she has to attend her office today. As such, at request of victim side, put up for further arguments and appropriate orders for **30/09/2020**.

NAVEEN KUMAR KASHYAP

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Date: 2020.09.28 16:26:09 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/28.09.2020

Bail Application

State v. Rahul Sharma
FIR No. :339/2016
PS: Daryaganj
U/S: 395,397,412,120B IPC

28.09.2020

Undersigned is also discharging bail roster duty.

Present: Mr. Pawan Kumar ,Ld. Addl. PP for the State through VC.
Sh. S.N. Shukla, Ld. LAC for accused Rahul Sharma through VC.

Medical report was filed by Jail Superintendent concerned later on, on the last date of hearing. Copy of the same be supplied to LAC for accused/applicant.

Put up for appropriate order for 05.10.2020.

NAVEEN KUMAR KASHYAP
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Date: 2020.09.28 16:26:40 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/28.09.2020

Interim Bail Application

State v. Sunil @ Kalu
(applicant Sunil @ Maya)
FIR No. : 303/2014
PS: Subzi Mandi
U/S: 302,307,120B,34 IPC

28.09.2020

Undersigned is also discharging bail roster duty.

Present: Mr. Pawan Kumar ,Ld. Addl. PP for the State through VC.
Sh. Naresh Kumar, Ld. Counsel for accused applicant Sunil @ Maya through VC.

This is an application for interim bail.

Issue notice of the same to the IO to file reply particularly regarding the medical condition of the mother of the accused.

Put up on 03.10.2020.

NAVEEN KUMAR KASHYAP
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Date: 2020.09.28 16:27:06 +05'30'

(Naveen Kumar Kashyap)

ASJ-04/Central/28.09.2020

Misc Application

CA: 100/2020
State v. Suresh Jain

28.09.2020

Undersigned is also discharging bail roster duty.

Present: Sh.B.K. Wadhwa, Ld. Counsel for Respondent no. 2 through electronic mode.

This is an application by Respondent no.2 for supplying copy of Appeal.

It is stated by concerned court staff that learned counsel Sh.B.K. Wadhwa called and stated that he wants to withdraw his application. As such, documents are now already received.

As such, present application is disposed of as withdrawn.

NAVEEN KUMAR KASHYAP
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Date: 2020.09.28 16:27:20 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/28.09.2020

Bail Bond

State v. Vinod @ Dada
(Bail Bond of Deepak @ Gaddad)
FIR No. : 39/2019
PS: Lahori Gate
U/S: 394,397,307,411 IPC

28.09.2020

Undersigned is also discharging bail roster duty.

Present: Mr. Pawan Kumar ,Ld. Addl. PP for the State through VC.
Sh. Harsh Hardy, Ld. Counsel for accused through VC.

Bail Bond verification report filed by SI Sandeep Singh, PS Lahori Gate. Such report verification annexed the address of the surety but security/motorbike given by such surety is not verified from the concerned Transport Authority. IO/SHO concerned is directed to verify the same and file its report on or before 30.09.2020.

Put up on 30.09.2020 at 2 pm.

NAVEEN KUMAR KASHYAP
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Date: 2020.09.28 16:27:36 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/28.09.2020

Interim Bail Application
State vs Mahesh @ Mannu
FIR No.699/2014
P. S. Karol Bagh
U/s: 302, 201 IPC

28.09.2020

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.

Mr. Rajiv Pratap Singh, learned counsel for the applicant through VC.

This is an application dated 11/09/2020 seeking interim bail filed by the applicant / accused Mahesh @ Mannu through counsel Mr. Rajiv Pratap Singh on medical ground.

Issue notice of this application to IO to file reply.

Also issue notice of this application to the Jail Superintendent concerned to file reply regarding medical condition of such accused by the next date of hearing.

Put up for reply, arguments and appropriate orders for **07/10/2020**.

NAVEEN KUMAR KASHYAP
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Date: 2020.09.28 16:28:17 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/28.09.2020

Misc. Application
State vs Mahesh @ Mannu
FIR No.699/2014
P. S. Karol Bagh
U/s: 302, 201 IPC

28.09.2020
Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.

Mr. Rajiv Pratap Singh, learned counsel for the applicant through VC.

This is an application dated 11/09/2020 seeking medical facility to the accused at Tihar Jail filed by the applicant / accused Mahesh @ Mannu through counsel Mr. Rajiv Pratap Singh on medical ground.

Issue notice of this application to the Jail Superintendent concerned to file reply regarding the same by the next date of hearing.

Put up for reply, arguments and appropriate orders for **07/10/2020**.

NAVEEN KUMAR KASHYAP
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Date: 2020.09.28 16:28:37 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/28.09.2020

State vs Shakeel s/o Shabbir
FIR No.142/2017
P. S.Lahori Gate
U/s: 395, 397, 412, 34 IPC & 25, 27 Arms Act

28.09.2020

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.

Mr. Ayub Ahmed Qureshi, learned counsel for applicant through VC.

Part arguments heard in detail.

Put up for further argument, if any, / appropriate order with case file for **06/10/2020**.

NAVEEN KUMAR KASHYAP

Digitally signed by NAVEEN KUMAR KASHYAP
Date: 2020.09.28 16:28:51 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/28.09.2020

IN THE COURT OF SH. NAVEEN KUMAR KASHYAP
ADDITIONAL SESSIONS JUDGE-04:CENTRAL DISTRICT
TIS HAZARI: NEW DELHI

CR Number : 580/2019
Unique ID/CNR No. : DLC T01-012287-2019
U/S : 406,420,120B Cr.P.C.

Arising out of :-

FIR No.: 11/14
U/s: 406,420,120-B IPC
PS : EOW (Central District)

VIJAY MANCHANDA
A-34, SUBHADRA COLONY,
SARAI ROHILLA,
DELHI-110035.

..... Revisionist/Accused

Versus

STATE OF NCT OF DELHI
(THROUGH THE SHO)
POLICE STATION : EOW,
MANDIR MARG,
CONNAUGHT PLACE,
NEW DELHI-110001.

.....Respondent

Date on which present revision is received in this court : 12/09/2019.

Date on which arguments Heard : 16/09/2020.

Date of Order : 28/09/2020.

ORDER

1. This order shall dispose of the present revision petition arising out of impugned order dated 29.07.2019 in quesiton passed by Ld. CMM,

Central district, Tis Hazari Delhi whereby the learned CMM was pleased to partly disallow the applicaton u/s 451 Cr.P.C. filed by the present Revisionist/original accused regarding operation of bank accounts and de-freezing the same.

2. Notice of the present petition was issued to the respondent / State, who is the only respondent made by the present revisionist. But, it is seen that during court proceedings even the learned counsel for the original complainant bank appeared and wanted to assist this court, although his locus was seriously challenged by the present revisionist.

3. Arguments heard from the revisionist as well as from respondent/state. Inter-Alia in such argument, the maintainability of the present revision petition itself is challanged. As such, arguments in detail heard on the maintainability of the present revision petition, apart from on merit.

4. Learned Counsel for revisionist argued in detail. He further relied upon certain case laws passed by Hon'ble High Court of Madras in support of his contention that present revision petiton is maintainable against the order of dismissal of his part prayer made in the application under section 451 Cr.P.C.

5. On the other hand, learned Addl. PP for the state relied upon two case law of Hon'ble High Court of Delhi. Based on such case law, it is argued that present revision petition itself is not maintainable.

6. I have heard arguments from both sides and also perused the court record. Further, I have gone through the case law filed by both sides.

7. Section 457 of the Code deals with the custody and disposal of property pending trial. It provides that:-

> "When any property is produced before any Criminal Court during any inquiry or trial, the Court may make such orders as it thinks fit for the proper custody of such property pending the conclusion of the inquiry or trial, and, if the property is subject to speedy natural decay or if it is otherwise expedient

so to do, the Court may, after recording such evidence as it thinks necessary order it to be sold or otherwise disposed of."

8. In the case of **Shiva Leasing Co. vs State[1999 IIIAD Delhi 6, 79 (1999) DLT 148, 1999 (49) DRJ 289]** it was held :

5.In the instant case, the prayer was the one falling under Section 451 of the Code and the same would be interlocutory in nature inasmuch as the orders as regards proper custody before the court during any inquiry or trial.

6. Sub-section (2) of Section 397 of the code provides that the powers of revision conferred by sub-section (1) shall not be exercised in relation to any interlocutory order passed in any appeal, inquiry, trial or other proceedings.

7. In the case of **Anisa Begum Vs. Masoom Ali & others** reported in 30(1996) DLT page 107, it is held that:-

"An order under Section 451 of the Code with regard to custody and disposal of the property does not decide anything finally. It is made during the progress of the inquiry or trial for a specific purpose i.e. interim custody of the property produced before the court. It is a different thing that while doing so the court may, inter alia, take into consideration, as to who is the person, prima facie, entitled to its possession but that would not mean that any party is entitled to interim custody of the property as of right. If the court does so, it is only to facilitate proper exercise of judicial discretion and nothing more. It is further held that to sum up, therefore, I find that the learned Addl. Sessions Judge, did not have jurisdiction to revise the order of the Magistrate in view of specific bar contained in Section 397(2) of the Code."

In the decision in the case of Madhu Limaye Vs. State of Maharashtra , the principles enunciated in relation to the exercise of the inherent powers of the High Court to quash the interlocutory order are as follows :-

"1. That the power is not to be resorted to if there is a specific provision in the Code for the redress of the grievance of the aggrieved party;

2. That it should be exercised very sparingly to prevent abuse of process of any Court or otherwise to secure the ends of justice;

3. That it should not be exercised as against the express bar of law engrafted in any other provision of the Code."

9. The case relied by Ld. Counsel for Revisionist is of Hon'ble High court other hand that of our Hon'ble Delhi High Court, which has only persuasive value . Whereas the the above memntioned case **Shiva Leasing Co.(supra)** is by our Hon'ble Delhi High Court, which is binding on this court. Under the facts and circumstances of the present case and the law discussed above in detail, it is held that present revision petition against the impugned order is not maintainable. **Accordingly, present revision petition stands dismissed.**

10. In fact it need to be observed that to rely and cite before this trial a case law which is contrary to case law of our Hon'ble Delhi High Court, is not proper on the part of Ld. Counsel for Revisionist to say the least.

11. A copy of this order be sent to learned Trial court concerned. Ahlmad is directed to do the needful accordingly. Revision files be consigned to record room as per rules.

Announced in the open court through VC/Webex on 29th September, 2020.

NAVEEN KUMAR KASHYAP

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Date: 2020.09.28 16:52:05 +05'30'

(NAVEEN KUMAR KASHYAP)
ASJ-04/Central/Revision Court
Tis Hazari:Delhi.

Criminal Appeal: 149/2020
M/s. Space Services India Pvt. Ltd. v. State

28.09.2020

Fresh Appeal received by way of assignment .Same be checked and registered separately.

Undersigned is also discharging work of Bail Roster duty.

Present: Ld. Counsel for Appellant .

Put up for consideration and appropriate order on 29.09.2020.

NAVEEN KUMAR KASHYAP
Digitally signed by NAVEEN KUMAR KASHYAP
Date: 2020.09.28 16:40:24 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/28.09.2020

Criminal Appeal :150/2020
M/s. Space Services India Pvt. Ltd. v. State

28.09.2020

Fresh Appeal received by way of assignment .Same be checked and registered separately.

Undersigned is also discharging work of Bail Roster duty.

Present: Ld. Counsel for Appellant .

Put up for consideration and appropriate order on 29.09.2020.

NAVEEN KUMAR KASHYAP

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Date: 2020.09.28 16:40:45 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/28.09.2020

IN THE COURT OF SH. NAVEEN KUMAR KASHYAP
ADDITIONAL SESSIONS JUDGE-04: CENTRAL:
TIS HAZARI COURTS: DELHI

Application No.:1381/2020
State Vs Parvez @ Pachhu s/o Chhote Khan
FIR No.366/2020
P. S. Kotwali
U/s: 457, 380, 411, 34 IPC

28/09/2020

Present: Mr. Pawan Kumar, Learned Addl. PP for State is available through VC.
Mr. Ravinder Kumar, learned counsel for accused through VC.

Vide this order, bail application u/s 439 Cr.PC dated 24/09/2020 filed by applicant through counsel is disposed of.

It is stated in the application that he has been falsely implicated in the present case; there is spread of corona virus including in the jail; that no recovery made from the present accused; that he is in custody since 02/09/2020 and no purpose would be served by keeping him in JC. It is further argued that investigation is already complete. Present accused was arrested based on his disclosure statement only. As such, it is prayed that he be granted regular bail.

On the other hand, in reply filed by the IO, as also argued by learned Addl.PP for the State that his regular bail application is already dismissed by learned MM on 21/09/2020; the present accused was arrested later on U/s 102 r/w section 41.1(d) Cr.PC and in his disclosure statement he confessed his involvement in present case. That there are a number of previous involvement of present accused. That he is likely to commit similar offence if released on bail. As such, present bail

application is strongly opposed.

I have heard both the sides.

The personal liberty is a priceless treasure for a human being. It is founded on the bed rock of constitutional right and accentuated further on human rights principle. The sanctity of liberty is the fulcrum of any civilized society. Deprivation of liberty of a person has enormous impact on his mind as well as body. Further article 21 Of the Constitution mandates that no person shall be deprived of his life or personal liberty except according to procedure established by law. Further India is a signatory to the International Covenant On Civil And Political Rights, 1966 and, therefore, Article 21 of the Constitution has to be understood in the light of the International Covenant On Civil And Political Rights, 1966. *Further* Presumption of innocence is a human right. Article 21 in view of its expansive meaning not only protects life and liberty, but also envisages a fair procedure. Liberty of a person should not ordinarily be interfered with unless there exist cogent grounds therefor. The fundamental principle of our system of justice is that a person should not be deprived of his liberty except for a distinct breach of law. If there is no substantial risk of the accused fleeing the course of justice, there is no reason why he should be imprisoned during the period of his trial. The basic rule is to release him on bail unless there are circumstances suggesting the possibility of his fleeing from justice or thwarting the course of justice. When bail is refused, it is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution.

Further it has been laid down from the earliest time that the object of Bail is to secure the appearance of the accused person at his trial by reasonable amount of Bail. The object of Bail is neither punitive nor preventive. Deprivation of liberty must be considered a punishment unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the

principle that punishment begins after convictions, and that every man is deemed to be innocent until duly tried and duly found guilty. From the earlier times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial ,but in such case 'necessity' is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the constitution that any persons should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty under Article 21 of the Constitution upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances. Apart from the question of prevention being the object of a refusal of bail, one must not lose sight of the fact that any imprisonment before conviction has a substantial punitive content and it would be improper for any court to refuse bail as mark of disapproval of former conduct whether the accused has been convicted for it or not or to refuse bail to an unconvicted person for the purpose of giving him a taste of imprisonment as a lesson. While considering an application for bail either under Section 437 or 439 CrPC, the court should keep in view the principle that grant of bail is the rule and committal to jail an exception. Refusal of bail is a restriction on personal liberty of the individual guaranteed by Article 21 of the Constitution. Seriousness of the offence not to be treated as the only consideration in refusing bail : Seriousness of the offence should not to be treated as the only ground for refusal of bail. (Judgment of **Sanjay Chandra Vs. Central Bureau of Investigation, AIR 2012 SC 830 relied).**

But, the liberty of an individual is not absolute. The Society by its collective wisdom through process of law can withdraw the liberty that it has sanctioned to an individual when an individual becomes a danger to

the societal order. A society expects responsibility and accountability form the member, and it desires that the citizens should obey the law, respecting it as a cherished social norm. Therefore, when an individual behaves in a disharmonious manner ushering in disorderly thing which the society disapproves, the legal consequences are bound to follow.

Further discretionary jurisdiction of courts u/s 437 and 439 CrPC should be exercised carefully and cautiously by balancing the rights of the accused and interests of the society. Court must indicate brief reasons for granting or refusing bail. Bail order passed by the court must be reasoned one but detailed reasons touching merits of the case, detailed examination of evidence and elaborate documentation of merits of case should not be done.

At this stage , it can also be fruitful to note that requirements for bail u/s 437 & 439 are different. Section 437 Cr.P.C. severally curtails the power of the Magistrate to grant bail in context of the commission of non-bailable offences punishable with death or imprisonement for life, the two higher Courts have only the procedural requirement of giving notice of the Bail application to the Public Prosecutor, which requirement is also ignorable if circumstances so demand. The regimes regulating the powers of the Magistrate on the one hand and the two superior Courts are decidedly and intentionally not identical, but vitally and drastically dissimilar. (**Sundeep Kumar Bafna Vs. State of Maharashtra, AIR 2014 SC 1745).**

Further at this stage it can be noted that interpreting the provisions of bail contained u/s 437 & 439 Cr.P.C., the Hon'ble Supreme Court in its various judgments has laid down various considerations for grant or refusal of bail to an accused in a non-bailable offence like, (i) Whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) Nature of accusation and evidence therefor, (iii) Gravity of the offence and punishment which the conviction

will entail, (iv) Reasonable possibility of securing presence of the accused at trial and danger of his absconding or fleeing if released on bail, (v) Character and behavior of the accused, (vi) Means, position and standing of the accused in the Society, (vii) Likelihood of the offence being repeated, (viii) Reasonable apprehension of the witnesses being tampered with, (ix) Danger, of course, of justice being thwarted by grant of bail, (x) Balance between the rights of the accused and the larger interest of the Society/State, (xi) Any other factor relevant and peculiar to the accused. (xii) While a vague allegation that the accused may tamper with the evidence or witnesses may not be a ground to refuse bail, but if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. Furthermore, in the landmark judgment of **Gurucharan Singh and others v. State** (AIR 1978 SC 179), it was held that there is no hard and fast rule and no inflexible principle governing the exercise of such discretion by the courts. It was further held that there cannot be any inexorable formula in the matter of granting bail. It was further held that facts and circumstances of each case will govern the exercise of judicial discretion in granting or refusing bail. It was further held that such question depends upon a variety of circumstances, cumulative effect of which must enter into the judicial verdict. Such judgment itself mentioned the nature and seriousness of nature, and circumstances in which offences are committed apart from character of evidence as some of the relevant factors in deciding whether to grant bail or not.

Further it may also be noted that it is also settled law that while disposing of bail applications u/s 437/439 Cr.P.C., courts should assign reasons while allowing or refusing an application for bail. But detailed reasons touching the merit of the matter should not be given which may prejudice the accused. What is necessary is that the order

should not suffer from non-application of mind. At this stage a detailed examination of evidence and elaborate documentation of the merit of the case is not required to be undertaken. Though the court can make some reference to materials but it cannot make a detailed and in-depth analysis of the materials and record findings on their acceptability or otherwise which is essentially a matter of trial. Court is not required to undertake meticulous examination of evidence while granting or refusing bail u/s 439 of the CrPC.

In the present case, the maximum punishment of the offences alleged against the present accused is 14 years but it is matter of record that accused was not arrested on the spot but later on based on his disclosure statement. Further, as far as present accused is concerned, nothing remains to be recovered at his instance. In fact, the period for seeking police remand is already over. As such, no purpose would be served by keeping such accused in JC. Trial is likely to take time. Further, it may be noted that there is fundamental presumption of innocence in any criminal case of present nature. In present case, no previous conviction record is placed on record by the IO and at best there are cases alleging involvement of present accused in other similar cases.

In above facts and circumstances, such accused is granted bail subject to furnishing of **personal bond in the sum of Rs. 10,000/- with *two* sound surety of like amount**, subject to the satisfaction of the learned Trial court and the following additional conditions:

i) That he will appear before IO / Trial Court as and when called as per law.

ii) He will not indulge in any kind of activities which are alleged against him in the present case.

iii) That he will not leave India without permission of the Court.

iv) He will not threaten the witness or tampering with evidence.

v) He shall convey any change of address immediately to the IO and the court;

vi) He shall also provide his mobile number to the IO;

It is clarified that in case if the applicant/ accused is found to be violating any of the above conditions, the same shall be a ground for cancellation of bail and the State shall be at liberty to move an application for cancellation of bail.

I may observe that certain guidelines had been laid down by the Hon'ble Delhi High Court in the case of **"*Ajay Verma Vs. Government of NCT of Delhi*" WP (C) 10689/2017 dated 08.03.2018** wherein it was observed and I quote as under:

> *"..... The trial courts should not only be sensitive but extremely vigilant in cases where they are recording orders of bail to ascertain the compliance thereof.....When bail is granted, an endorsement shall be made on the custody warrant of the prisoner, indicating that bail has been granted, along with the date of the order of bail.*
>
> a) *In case of inability of a prisoner to seek release despite an order of bail, it is the judicial duty of the trial courts to undertake a review for the reasons thereof.*
> b) *Every bail order shall be marked on the file.*
> c) *It shall be the responsibility of every judge issuing an order of bail to monitor its execution and enforcement.*
> d) *In case a judge stands transferred before the execution, it shall be the responsibility of the successor judge to ensure execution....."*

I note that in the present case the bail bonds have been

directed to be furnished before the Ld. Trial Court/ Ld. MM and hence in terms of the above observations, the Ld. MM is impressed upon to inform this court about the following:

a) *The date on which conditions imposed by this court are satisfied;*

b) *The date of release of prisoner from jail;*

c) *Date of ultimate release of prisoner in case the prisoner is in jail in some other case.*

The copy of this order be sent to **Ld. MM** and also to the **Superintendent Jail** who shall also inform this court about all the three aspects as contained in the para herein above. The Superintendent Jail is also directed to inform this court if the prisoner is willingly not furnishing the personal bond or in case if he is unable to furnish the surety or any other reason given by the prisoner for not filing the bonds. One copy of this order be also sent to the **SHO Concerned** to ensure compliance.

The bail application is accordingly disposed off. Learned counsel for applicant is at liberty to obtain copy of this order through electronic mode. Copy of order be uploaded on website.

NAVEEN KUMAR KASHYAP

Digitally signed by NAVEEN KUMAR KASHYAP
Date: 2020.09.28 16:29:38 +05'30'

(NAVEEN KUMAR KASHYAP)
ASJ-04(Central/Delhi
28.09.2020

SC: 27481/2016
FIR No:386/2014
PS: Paharganj
State v. Pawan Sharma

28.09.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

Undersigned is also discharging work of Bail Roster duty.

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.
Sh. Rahul Tyagi, Ld. Counsel for accused through VC.

This case is at the stage of final arguments.

Part arguments heard in detal.

Ld. Counsel is also at liberty to file written arguments not exceeding four pages in addition to or in alternative to further final arguments.

At request, put up for further arguments through VC for 22.10.2020.

NAVEEN KUMAR KASHYAP
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Date: 2020.09.28 16:30:22 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/28.09.2020

SC: 414/2018
FIR No.:18/2018
PS:ODRS
State v. Ram Prasad

28.09.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular date of hearing was 28.07.2020.

On 28.07.2020, matter was adjourned for 28.09.2020.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing today through VC.

Undersigned is also discharging work of Bail Roster duty.

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.
Sh. S.N. Shukla, Ld. Counsel for accused Ram Prasad through VC.
Accused is stated to be on bail in this case.

Put up for purpose fixed i.e. PE in terms of previous order for 01.02.2021.

NAVEEN KUMAR KASHYAP
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Date: 2020.09.28 16:31:03 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/28.09.2020

SC: 372/2019
FIR No: 213/2018
PS: Lahori Gate
State v. Vipin Sharma

28.09.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular date of hearing was 03.04.2020,01.03.2020 and 28.07.2020.

On 28.07.2020, matter was adjourned for 28.09.2020.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing today through VC.

Undersigned is also discharging work of Bail Roster duty.

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.
Sh. Ravi Kaushal, Ld. Counsel for accused Vipin Sharma through VC.
Sh. Virender Tyagi, Ld. Counsel for accused Sahil through VC.

An application for cancellation of NBW and grant of interim bail filed.

Part arguments heard.

Case file of court is needed, as such, put up for physical hearing tomorrow.

In the meanwhile, NBW issued against accused are stayed till tomorrow.

Put up for further arguments and appropriate orders for 29.09.2020.

NAVEEN KUMAR KASHYAP
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Date: 2020.09.28 16:31:19 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/28.09.2020

SC: 27173/2016
FIR No: 67/2016
PS: Hauz Qazi
State v. Rajeev Sharma @ Billu @ Ballu

28.09.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular date of hearing was 03.04.2020,01.06.2020 and 28.07.2020.

On 28.07.2020, matter was adjourned for 28.09.2020.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing today through VC.

Undersigned is also discharging work of Bail Roster duty.

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.
Sh. O.P. Saxena, Ld. Counsel for accused Rajeev Sharma who is stated to be on bail in this case through VC.
Sh. S.U. Mirza, Ld. Counsel for complainant alongwith complainant in person through VC.

Put up for arguments in terms of previous order for 30.01.2021.

NAVEEN KUMAR KASHYAP
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Date: 2020.09.28 16:31:42 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/28.09.2020

SC: 702/2018
FIR No: 152/2016
PS: Hauz Qazi
State v. Naved

28.09.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular date of hearing was 03.04.2020,01.06.2020 and 28.07.2020.

On 28.07.2020, matter was adjourned for 28.09.2020.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing today through VC.

Undersigned is also discharging work of Bail Roster duty.

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.
Accused in person on bail with counsel Sh. S.U. Mirza through VC.
Sh. O.P. Saxena, Ld. Counsel for complainant through VC.

Put up for PE in terms of previous order for 30.01.2021.

NAVEEN KUMAR KASHYAP
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Date: 2020.09.28 16:31:57 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/28.09.2020

SC: 27314/2016
FIR No: 64/2014
PS: Hazrat Nizamuddin Railway Station
State v. Rattan Singh

28.09.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular date of hearing was 03.04.2020,01.06.2020 and 28.07.2020.

On 28.07.2020, matter was adjourned for 28.09.2020.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing today through VC.

Undersigned is also discharging work of Bail Roster duty.

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.
Sh. Vivek Vidyarthi, Ld. Counsel for all the accused through VC.
All accused are stated to be on bail.

Put up for PE in terms of previous order for 01.02.2021.

NAVEEN KUMAR KASHYAP
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Date: 2020.09.28 16:32:16 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/28.09.2020

SC: 27618/2016
FIR No: 152/2015
PS: Darya Ganj
State v. Saurabh

28.09.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular date of hearing was 30.03.2020 and 28.07.2020.

On 28.07.2020, matter was adjourned for 28.09.2020.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing today through VC.

Undersigned is also discharging work of Bail Roster duty.

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.
None for accused.

No adverse order is being passed in the interest of justice in the present situation.

Issue P/w of the accused, if any in JC for next date through VC or otherwise as the situation may prevail on next date of hearing.

Put up for PE in terms of previous order for 01.02.2021.

NAVEEN KUMAR KASHYAP

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Date: 2020.09.28 16:32:34 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/28.09.2020

SC: 28710/2016
FIR No: 252/2015
PS: Kotwali
State v. Sunder

28.09.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular date of hearing was 03.04.2020,01.06.2020 and 28.07.2020.

On 28.07.2020, matter was adjourned for 28.09.2020.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing today through VC.

Undersigned is also discharging work of Bail Roster duty.

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.
None for accused.

No adverse order is being passed in the interest of justice in the present situation.

Issue P/w of the accused, if any in JC for next date through VC or otherwise as the situation may prevail on next date of hearing.

Put up for PE in terms of previous order for 01.02.2021.

NAVEEN KUMAR KASHYAP
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Date: 2020.09.28 16:32:50 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/28.09.2020

SC: 29006/2016
FIR No: 535/2014
PS : Roop Nagar
State v. Ashuthosh Mishra

28.09.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular date of hearing was 03.04.2020,01.06.2020 and 28.07.2020.

On 28.07.2020, matter was adjourned for 28.09.2020.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing today through VC.

Undersigned is also discharging work of Bail Roster duty.

Present: Mr. Pawan Kumar, learned Addl.PP for State through VC.
Sh. Amzad Khan, Ld. Counsel for accused alongwith accused Rizwan Iqbal on bail in person through VC.
It is stated that two of the accused are in JC.

Fresh vakalatnama filed on behalf of accused Ashutosh Mishra. Same is taken on record.

No adverse order is being passed against remaining accused in the interest of justice in the present situation.

Issue P/w of the accused, if any in JC for next date through VC or otherwise as the situation may prevail on next date of hearing.

Put up for PE in terms of previous order for 02.02.2021.

NAVEEN KUMAR KASHYAP
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Date: 2020.09.28 16:33:07 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/28.09.2020

CA: 360/2018
VCI Hospitality Ltd. & Anr v. Income Tax Office

28.09.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular date of hearing was 03.04.2020, 01.06.2020 and 28.07.2020.

On 28.07.2020, matter was adjourned for 28.09.2020.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing today through VC.

Undersigned is also discharging work of Bail Roster duty.

Present: None for Appellant.
Sh. Yash Batra proxy counsel for Sh. Manmeet, Ld. Counsel for respondent/ITO through VC.

It is stated by counsel for respondent that part arguments have already heard.

In the interest of justice, one last and final opportunity is given to the Appellant to address arguments physically on next date of hearing on the physical hearing day of this court on **27.10.2020.**

In the alternative, they are also given liberty to address arguments through VC, if so desired.

Put up on 27.10.2020.

NAVEEN KUMAR KASHYAP
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Date: 2020.09.28 16:33:25 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/28.09.2020

CA: 127/2019
Vimal Kumar Taheem v. State & Ors.

28.09.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular date of hearing was 03.04.2020,01.06.2020 and 28.07.2020.

On 28.07.2020, matter was adjourned for 28.09.2020.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing today through VC.

Undersigned is also discharging work of Bail Roster duty.

Present: Sh. Abdul proxy counsel for Appellant through VC.
Mr. Pawan Kumar, learned Addl.PP for State/respodent no.1 through VC.
Sh. O.P. Bhatia, Ld. Counsel for respondent no.2/original complainant.

Adjournment sought on behalf of appellant. Last and final opportunity is given to address arguments on the next date of hearing.

Put up for arguments physically on 16.10.2020.

Further, both sides are at liberty to address arguments alternatively through VC on the next date of hearing. Further, both sides are at liberty to file written arguments not exceeding two pages in alternative to oral arguments.

NAVEEN KUMAR KASHYAP
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Date: 2020.09.28 16:33:42 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/28.09.2020

Crl. Rev.: 690/2019
Awani deo & Ors. v. state

28.09.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

In the present case, last regular date of hearing was 27.03.2020 and 28.07.2020.

On 28.07.2020, matter was adjourned for 28.09.2020.

Thereafter, as per directions from Hon'ble High Court, matter was adjourned was far due to lock-down. But in view of latest directions, matter is taken up today for hearing today through VC.

Undersigned is also discharging work of Bail Roster duty.

Present: None for Revisionist.
Mr. Pawan Kumar, learned Addl.PP for State/respondent through VC.

Put up for arguments/purpose fixed on 30.01.2021.

NAVEEN KUMAR KASHYAP
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Date: 2020.09.28 16:34:00 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/28.09.2020

Crl. Rev.: 580/2019
Vijay Manchanda . v. state

28.09.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

Undersigned is also discharging work of Bail Roster duty.

Present: None for Revisionist.
Mr. Pawan Kumar, learned Addl.PP for State/respondent through VC.
Sh. Gaurav Gupta, Ld. Counsel for original complainant is also present through VC.

Today, this revision petition was fixed for orders/clarifications, if any.

Judgment dictated through VC.

Vide separate judgment pronounced in open court through VC/Webex, present revision petition dismissed.

Put up for arguments/purpose fixed on 30.01.2021.

NAVEEN KUMAR KASHYAP
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Date: 2020.09.28 16:34:23 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/28.09.2020

Crl. Rev.: 580/2019
Vijay Manchanda . v. state

28.09.2020

File taken up today in terms of directions received vide letter No.:417/DHC/2020 of the Registrar General, Delhi High Court and Circular No.: 23456-23616/DJ(HQ)/Covid lockdown/Physical Courts Roster/2020 dated 30/08/2020 of Learned District & Sessions Judge(HQs), Delhi.

In view of the above-mentioned orders/directions, file is taken up through Webex.

Undersigned is also discharging work of Bail Roster duty.

Present: None for Revisionist.

Mr. Pawan Kumar, learned Addl.PP for State/respondent through VC.

Sh. Gaurav Gupta, Ld. Counsel for original complainant is also present through VC.

Today, this revision petition was fixed for orders/clarifications, if any. Judgment dictated through VC.

Vide separate judgment pronounced in open court through VC/Webex, present revision petition dismissed.

A copy of this order be sent to learned Trial court concerned. Revision files be consigned to record room as per rules.

NAVEEN KUMAR KASHYAP
Digitally signed by NAVEEN KUMAR KASHYAP
Date: 2020.09.28 17:28:55 +05'30'

(Naveen Kumar Kashyap)
ASJ-04/Central/28.09.2020