

Dharmender Kumar vs The State on 1 February, 2023

Author: Amit Sharma

Bench: Amit Sharma

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IN THE HIGH COURT OF DELHI AT NEW DELHI
BAIL APPLN. 3403/2022
DHARMENDER KUMAR

Through:

Mr. R.K. Bali, Advocat

versus

THE STATE

Through:

Mr. Aman Usman, APP f
SI Rajender Singh, P.
Colony.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

% 01.02.2023 The present application under Section 438 of the Code of Criminal Procedure, 1973, has been filed seeking anticipatory bail in case FIR No. SED-AC-000626, under Section 380/457/34 of the IPC registered at P.S. Amar Colony, South East Delhi.

The present FIR was lodged at the instance of Mr. Bijender Kumar, who was reportedly an accountant, working at Delhieez Hotel, stating that article(s)/ belonging(s) were stolen from the office of Sh. Vishal Singh, i.e., owner of the Hotel, between 02:00 AM and 03:00 PM on 22.08.2022.

Learned APP for State, on instructions from the Investigating Officer SI Rajender Singh, P.S. Amar Colony, submits that during investigation, the applicant/co-accused Pintu was arrested and upon interrogation, he stated that the offence was committed along with his friends, including the present applicant. As per his disclosure statement, a sum of Rs. 20,000/- was taken by the present applicant.

On the last date of hearing the learned counsel appearing on behalf of applicant on instructions from the wife of the applicant, who was present in Court, had submitted that without prejudice to his rights and contentions, the applicant would pay a sum of Rs. 20,000/- to show his bona fide.

Learned counsel for the Petitioner submits that the said sum of Rs. 20,000/- has since been paid to the complainant, which is verified by the Investigating Officer SI Rajender Singh, who is present in Court today.

In view of the facts and circumstances, the present application is allowed.

In the event of his arrest, the applicant shall be released forthwith, on furnishing a personal bond in the sum of Rs. 15,000/- with one surety of the like amount to the satisfaction of Investigating Officer/ Arresting Officer, further subject to the following conditions:-

i. The applicant shall not leave the country without prior permission of the trial Court.

ii. The applicant shall intimate the trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address. iii. The applicant shall appear before the Court as and when the matter is taken up for hearing iv. The applicant shall join investigation as and when called by the Investigating Officer concerned.

v. The applicant shall provide his mobile number to the Investigating Officer and intimate about any change.

The application is allowed and disposed of accordingly.

Order be uploaded on the website of this court forthwith.

AMIT SHAR

FEBRUARY 01, 2023/sn

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ BAIL APPLN. 2044/2022 & CRL.M.(BAIL) 822/2022 (Interim B
TAIYAAB HUSSAIN Pet

Through: Mr. Syed Hasan Isfahani a
Mr. Syed Mohd. Hassan, Ad

versus

STATE OF NCT OF DELHI Respo
Through: Mr. Utkarsh, APP for State.

Mr. Dharmendra Kumar Singh, ACP/DIU/NDD. Mr. S.S. Ahluwalia, Advocate for
R-2/complainant along with complainant in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA ORDER % 01.02.2023 The present application under Section 439 read with Section 482 of the Code of Criminal Procedure, 1973, seeks regular bail in case FIR No.119/2021, under Section 420/120B of IPC, registered at P.S. Barakhamba Road, Delhi.

The case of the prosecution is that the complainant was introduced to one Mr. Haqmuddin through his daughter, being the latter's neighbor residing in Gurugram and induced the complainant to become a member of a scheme of the company called BTC ADS PRO that was trading in bitcoin. It was further represented that the said group has their own mining, shopping mall and was shortly coming up with their own trading exchange blockchain.

It was represented that the said group has a sound business model and on making an investment, the investor would normally get a return of double their investment. It is further averred that a booklet with details of the company was shown to the applicant.

It is further alleged that believing the representation of Mr. Haqmuddin to be true, the complainant paid three cheques of Rs. 80,800/- each and Rs. 4,00,000/- in cash towards the said scheme.

Subsequently, Mr. Haqmuddin introduced the complainant to the applicant, the alleged head of the group, who induced him to make investments. The complainant had paid a total of Rs. 60,00,000/- over a period of one month, to Mr. Haqmuddin and Mr. Islamuddin, at the behest of the present applicant.

Learned counsel for the applicant submits that without prejudice to his rights and contentions, the applicant had deposited a sum of Rs. 10,00,000/- in pursuance to the order dated 08.07.2022, passed by this Court at the time of issuing notice on the present application.

Learned counsel further submits that as per instructions of the applicant, latter is willing to deposit a further sum of Rs. 5,00,000/- to show his bona fide without prejudice to his rights and contentions. It is submitted that the applicant may be released on interim bail so that he may settle the present dispute.

In view of the above, learned counsel for the complainant, on instructions of latter, who is present in Court, submits that he has no objection if the applicant is released on interim bail.

In view thereof, subject to the applicant depositing a sum of Rs. 5,00,000/- with the learned Registrar General of this Court, he shall be released on interim bail for a

period of 45 days from the date of his release, on furnishing a personal bond in the sum of Rs. 1,00,000/- with one surety of the like amount to the satisfaction of the trial Court/link Court, further subject to the following conditions:-

i. The applicant shall not leave the country without prior permission of the trial Court.

ii. The applicant shall intimate the trial Court by way of an affidavit and to the Investigating Officer regarding any change in residential address. iii. The applicant shall appear before the Court as and when the matter is taken up for hearing iv. The applicant shall join investigation as and when called by the Investigating Officer concerned.

v. The applicant shall provide his mobile number to the Investigating Officer and intimate about any change.

List on 24.03.2023.

Order be uploaded on the website of this court forthwith.

AMIT

FEBRUARY 01, 2023/sn

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IN THE HIGH COURT OF DELHI AT NEW DELHI

ARVIND BHADURIYA

Through: Mr. Amit Chadda & Mr. Pr
Chauhan, Advocates.

versus

THE STATE ON NCT OF DELHI & ANR.

Through: Mr. Aman Usman, APP for
SI Sachin Dhama, PS Shal

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA
ORDER
01.02.2023

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CRL.M.A. 23826/2022 (Exemption-Certified) Exemption allowed, subject to just exceptions. The application is disposed of accordingly.

The present application under Section 438 of the Cr.P.C. seeks anticipatory bail in case FIR No. 534/2017 dated 15.11.2017, under Section 363/376 IPC & Section 6, POCSO Act, registered at PS Shalimar Bagh.

Learned counsel appearing on behalf of the applicant submits that the present FIR was registered on 15.11.2017 and thereafter no investigation in the present FIR was conducted till 25.11.2021. Non-Bailable warrants were issued against the present applicant. He further submits that no efforts were made by the Investigating Officer to summon the present applicant or to inform him about the ongoing investigation.

Learned APP for the State submits that the present application under 438 of the Cr.P.C. is not maintainable, in view of the Section 438(4) of the Cr.P.C, as the complainant/victim in the present FIR was below 15 years at the relevant point of time.

The aforesaid fact is disputed by the learned counsel for the applicant and submits that they are in possession of a copy of Aadhar Card belonging to the complainant/victim, which could demonstrate that she was not below 15 years of age at that relevant point of time.

Let the applicant join the investigation on 03.02.2023 at 02.30 PM, at PS Shalimar Bagh and handover the copy of the Aadhar card of the complainant/victim to the Investigating Officer.

On the applicant joining the investigation on 03.02.2023 at 02.30 PM, at PS Shalimar Bagh, and joining investigation as and when directed by the Investigating Officer, no coercive action shall be taken against the applicant till the next date of hearing.

List on 17.03.2023.

Order be uploaded on the website of this Court forthwith.

FEBRUARY 1, 2023/bsr

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IN THE HIGH COURT OF DELHI AT NEW DELHI

MAJID

Through: Mr. Ravindra Narayan,
Narayan, Advocates.

versus

STATE OF NCT OF DELHI

Through: Mr. Aman Usman, APP fo
with S.I. Deepak Dhand
Vihar.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA
ORDER

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01.02.2023

The present application under Section 438 of Cr.P.C. seeks anticipatory bail in FIR No. 49/2023 under Sections 323/307/34 IPC, registered at P.S. Sarita Vihar.

The allegation with respect to the present applicant in the FIR is that he held the hand of injured, Kamal Hassan, while the applicant's son, Amir hit him on his head. As per the FIR, there were three other persons who were injured in the incident.

Learned counsel for the applicant submits that the incident took place on 14.01.2023, at about 09:30 PM. However, the FIR was registered after one day, i.e., on 15.01.2023 at about 10:30 PM, at the instance of father of Kamal Hassan, who was not even present at the spot. It is submitted that the name of the present applicant was introduced later, on account of previous enmity between the parties. It is submitted that the applicant is ready to join investigation as and when called by the Investigating Officer.

Issue notice.

Learned APP for the State accepts notice and seeks time to file status report. Let the same be done before the next date of hearing.

List on 03.03.2023.

In the meantime, on the applicant joining investigation as and when directed by the Investigating Officer, no coercive steps shall be taken against him, till the next date of hearing.

AMIT SHARMA, J FEBRUARY 1, 2023/ab