

\$~14 to 18, 43 to 51, 54, 55, 64 to 67, 69 & 71

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ BAIL APPLN. 2273/2019

NANAK SINGH

..... Petitioner

Through

Dr. K.S. Chauhan, Mr. Sunil
Kumar, Hem Raj Murmu, Ms.
Indra Charan Tudu, Mr. Vipin
and Mr. Ajit, Advs.

versus

STATE

..... Respondent

Through

Mr.Amit Chadha, APP with
Inspector Mukesh Kumar

+ BAIL APPLN. 2275/2019

BOOTA SINGH

..... Petitioner

Through

Dr. K.S. Chauhan, Mr. Sunil
Kumar, Hem Raj Murmu, Ms.
Indra Charan Tudu, Mr. Vipin
and Mr. Ajit, Advs.

versus

STATE

..... Respondent

Through

Mr.Amit Chadha, APP with
Inspector Mukesh Kumar

+ BAIL APPLN. 2280/2019

LAKHVINDER SINGH

..... Petitioner

Through

Dr. K.S. Chauhan, Mr. Sunil
Kumar, Hem Raj Murmu, Ms.
Indra Charan Tudu, Mr. Vipin
and Mr. Ajit, Advs.

versus

STATE

..... Respondent

Through

Mr.Amit Chadha, APP with
Inspector Mukesh Kumar

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+ BAIL APPLN. 2282/2019
VIRENDER KUMAR
Through Petitioner
Dr. K.S. Chauhan, Mr. Sunil
Kumar, Hem Raj Murmu, Ms.
Indra Charan Tudu, Mr. Vipin
and Mr. Ajit, Advs.

versus

STATE Respondent
Through Mr.Amit Chadha, APP with
Inspector Mukesh Kumar

+ BAIL APPLN. 2355/2019
CHIRAG
Through Petitioner
Mr. Ajay Burman, Sr. Adv.
with Mr. Vijay Joshi, Mr.
Mahipal Khanagwal, Mr.
Shoumendu Mukherjee, Ms.
Archana Sharma, Mr. Rajinder
Pal Singh, Mr. Sushil Kumar
Pandey, Mr. Trilok Singh, Mr.
Chiranjeev Kumar and Mr.
Himanshu Pathak, Advs.

versus

STATE Respondent
Through Mr.Amit Chadha, APP with
Inspector Mukesh Kumar

+ BAIL APPLN. 2485/2019 & CrI.M.A.37267/2019
SATISH KUMAR
Through Petitioner
Mr. Mehmood Pracha, Mr.
R.H.A. Sikander, Mr. Jatin
Bhatt, Mr. Sujeet Samrat, Mr.
Hira Lal, Mr. Suraj Mohan
Arya and Mr.O.P. Bharti, Advs.

versus

STATE Respondent
Through Mr.Amit Chadha, APP with

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Insp. Mukesh Kumar, PS
Govind Puri, Delhi

+ BAIL APPLN. 2486/2019 & CrI.M.A.37268/2019
SUNNY Petitioner
Through Mr. Mehmood Pracha, Mr.
R.H.A. Sikander, Mr. Jatin
Bhatt, Mr. Sujeet Samrat, Mr.
Hira Lal, Mr. Suraj Mohan
Arya and Mr.O.P. Bharti, Advs.
versus
STATE Respondent
Through Mr.Amit Chadha, APP with
Insp. Mukesh Kumar, PS
Govind Puri, Delhi

+ BAIL APPLN. 2487/2019 & CrI.M.A.37269/2019
TOFAN LAL Petitioner
Through Mr. Mehmood Pracha, Mr.
R.H.A. Sikander, Mr. Jatin
Bhatt, Mr. Sujeet Samrat, Mr.
Hira Lal, Mr. Suraj Mohan
Arya and Mr.O.P. Bharti, Advs.
versus
STATE Respondent
Through Mr.Amit Chadha, APP with
Insp. Mukesh Kumar, PS
Govind Puri, Delhi

+ BAIL APPLN. 2488/2019 & CrI.M.A.37271/2019
MANISH Petitioner
Through Mr. Mehmood Pracha, Mr.
R.H.A. Sikander, Mr. Jatin
Bhatt, Mr. Sujeet Samrat, Mr.
Hira Lal, Mr. Suraj Mohan
Arya and Mr.O.P. Bharti, Advs.
versus
STATE Respondent

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Through Mr.Amit Chadha, APP with
Insp. Mukesh Kumar, PS
Govind Puri, Delhi

+ BAIL APPLN. 2491/2019 & CrI.M.A.37289/2019
BALRAM

..... Petitioner

Through Mr. Mehmood Pracha, Mr.
R.H.A. Sikander, Mr. Jatin
Bhatt, Mr. Sujeet Samrat, Mr.
Hira Lal, Mr. Suraj Mohan
Arya and Mr.O.P. Bharti, Advs.

versus

STATE

..... Respondent

Through Mr.Amit Chadha, APP with
Insp. Mukesh Kumar, PS
Govind Puri, Delhi

+ BAIL APPLN. 2496/2019 & CrI.M.A.37322/2019
PANKAJ GAUTAM

..... Petitioner

Through Mr. Mehmood Pracha, Mr.
R.H.A. Sikander, Mr. Jatin
Bhatt, Mr. Sujeet Samrat, Mr.
Hira Lal, Mr. Suraj Mohan
Arya and Mr.O.P. Bharti, Advs.

versus

STATE

..... Respondent

Through Mr.Amit Chadha, APP with
Insp. Mukesh Kumar, PS
Govind Puri, Delhi

+ BAIL APPLN. 2497/2019 & CrI.M.A.37328/2019
RAHUL

..... Petitioner

Through Mr. Mehmood Pracha, Mr.
R.H.A. Sikander, Mr. Jatin
Bhatt, Mr. Sujeet Samrat, Mr.
Hira Lal, Mr. Suraj Mohan

Arya and Mr.O.P. Bharti, Adv.

versus

STATE

..... Respondent

Through

Mr.Amit Chadha, APP with
Insp. Mukesh Kumar, PS
Govind Puri, Delhi

+ BAIL APPLN. 2501/2019 & CrI.M.A.37341/2019

KULDEEP SAROY

..... Petitioner

Through

Mr. Mehmood Pracha, Mr.
R.H.A. Sikander, Mr. Jatin
Bhatt, Mr. Sujeet Samrat, Mr.
Hira Lal, Mr. Suraj Mohan
Arya and Mr.O.P. Bharti, Adv.

versus

STATE

..... Respondent

Through

Mr.Amit Chadha, APP with
Insp. Mukesh Kumar, PS
Govind Puri, Delhi

+ BAIL APPLN. 2502/2019 & CRL.M.A. 37345/2019

GAURAV

..... Petitioner

Through

Mr. Mehmood Pracha, Mr.
R.H.A. Sikander, Mr. Jatin
Bhatt, Mr. Sujeet Samrat, Mr.
Hira Lal, Mr. Suraj Mohan
Arya and Mr.O.P. Bharti, Adv.

versus

STATE

..... Respondent

Through

Mr.Amit Chadha, APP with
Insp. Mukesh Kumar, PS
Govind Puri, Delhi

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+ BAIL APPLN. 2537/2019 & CRL.M.A.37617/2019
SOM PAL Petitioner
Through Mr. Mehmood Pracha, Mr.
R.H.A. Sikander, Mr. Jatin
Bhatt, Mr. Sujeet Samrat, Mr.
Hira Lal, Mr. Suraj Mohan
Arya and Mr.O.P. Bharti, Adv.

versus

STATE Respondent
Through Mr.Amit Chadha, APP with
Insp. Mukesh Kumar, PS
Govind Puri, Delhi

+ BAIL APPLN. 2539/2019 & CRL.M.A.37627/2019
SUMIT Petitioner
Through Mr. Mehmood Pracha, Mr.
R.H.A. Sikander, Mr. Jatin
Bhatt, Mr. Sujeet Samrat, Mr.
Hira Lal, Mr. Suraj Mohan
Arya and Mr.O.P. Bharti, Adv.

versus

STATE Respondent
Through Mr.Amit Chadha, APP with
Insp. Mukesh Kumar, PS
Govind Puri, Delhi

+ BAIL APPLN. 2517/2019 & CRL.M.A.37459/2019
RICH PAL @ RISH PAL Petitioner
Through Mr. Ajay Burman, Sr. Adv.
with Mr. Vijay Joshi, Mr.
Mahipal Khanagwal, Mr.
Shoumendu Mukherjee, Ms.
Archana Sharma, Mr. Rajinder
Pal Singh, Mr. Sushil Kumar
Pandey, Mr. Trilok Singh, Mr.
Chiranjeev Kumar and Mr.

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| | | Himanshu Pathak, Advs. |
| | versus | |
| STATE | | Respondent |
| | Through | Mr.Amit Chadha, APP with
Insp. Mukesh Kumar, PS
Govind Puri, Delhi |
- + BAIL APPLN. 2519/2019 & CRL.M.A.37468/2019
- | | | |
|-------------|---------|---|
| BANTI KUMAR | | Petitioner |
| | Through | Mr. Mehmood Pracha, Mr.
R.H.A. Sikander, Mr. Jatin
Bhatt, Mr. Sujeet Samrat, Mr.
Hira Lal, Mr. Suraj Mohan
Arya and Mr.O.P. Bharti, Advs. |
| | versus | |
| STATE | | Respondent |
| | Through | Mr.Amit Chadha, APP with
Insp. Mukesh Kumar, PS
Govind Puri, Delhi |
- + BAIL APPLN. 2520/2019 & CRL.M.A.37470/2019
- | | | |
|-------|---------|---|
| VINOD | | Petitioner |
| | Through | Mr. Mehmood Pracha, Mr.
R.H.A. Sikander, Mr. Jatin
Bhatt, Mr. Sujeet Samrat, Mr.
Hira Lal, Mr. Suraj Mohan
Arya and Mr.O.P. Bharti, Advs. |
| | versus | |
| STATE | | Respondent |
| | Through | Mr.Amit Chadha, APP with
Insp. Mukesh Kumar, PS
Govind Puri, Delhi |
- + BAIL APPLN. 2522/2019 & CRL.M.A.37477/2019
- | | | |
|-------|---------|---|
| ANKUR | | Petitioner |
| | Through | Mr. Mehmood Pracha, Mr.
R.H.A. Sikander, Mr. Jatin |

Bhatt, Mr. Sujeet Samrat, Mr.
Hira Lal, Mr. Suraj Mohan
Arya and Mr.O.P. Bharti, Adv.

versus

STATE

..... Respondent

Through Mr.Amit Chadha, APP with
Insp. Mukesh Kumar, PS
Govind Puri, Delhi

+ BAIL APPLN. 2524/2019 & CRL.M.A.37481/2019
LAKHVINDER SINGH @ LAKHWINDER
SINGH

..... Petitioner

Through Mr. Ajay Burman, Sr. Adv.
with Mr. Vijay Joshi, Mr.
Mahipal Khanagwal, Mr.
Shoumendu Mukherjee, Ms.
Archana Sharma, Mr. Rajinder
Pal Singh, Mr. Sushil Kumar
Pandey, Mr. Trilok Singh, Mr.
Chiranjeev Kumar and Mr.
Himanshu Pathak, Adv.

versus

STATE OF NCT OF DELHI

..... Respondent

Through Mr.Amit Chadha, APP with
Insp. Mukesh Kumar, PS
Govind Puri, Delhi

+ BAIL APPLN. 2529/2019 & CRL.M.A.37504/2019
NANDU

..... Petitioner

Through Mr. Ajay Burman, Sr. Adv.
with Mr. Vijay Joshi, Mr.
Mahipal Khanagwal, Mr.
Shoumendu Mukherjee, Ms.
Archana Sharma, Mr. Rajinder
Pal Singh, Mr. Sushil Kumar
Pandey, Mr. Trilok Singh, Mr.

//

Chiranjeev Kumar and Mr.
Himanshu Pathak, Advs.

versus

STATE

Through

..... Respondent
Mr.Amit Chadha, APP with
Insp. Mukesh Kumar, PS
Govind Puri, Delhi

CORAM:

HON'BLE MR. JUSTICE CHANDER SHEKHAR

ORDER

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09.10.2019

1. The present bail applications have been filed by the petitioners for the grant of bail in FIR bearing No.280/2019 under Sections 143/147/148/149/186/353/332/308/323/435/427/120-B/34 of the Indian Penal Code, 1860, Sections 3/4 of the Prevention of Damage to Public Property Act, 1984 and Section 27 of the Arms Act, 1959, registered at P.S. Govind Puri, New Delhi.
2. Learned counsels for the petitioners submitted that the petitioners are innocent and have been falsely implicated in the present case. Learned counsels for the petitioners also submitted that the bare perusal of the FIR demonstrates that the FIR does not disclose any specific role of the petitioners in the commission of the alleged offences. Learned counsels for the petitioners further submitted that the petitioners were taken into custody on 21.8.2019 and they are in judicial custody since then.
3. Learned counsels for the petitioners, without prejudice to the rights and contentions of the petitioners, further submitted that they

have been instructed to give an undertaking to this Court that the petitioners shall not indulge in any such criminal activities in future and in case the petitioners do so, the State may move an application for the cancellation of the bail of the petitioners, subject to all rights available to the petitioners under the law.

4. *Per contra*, learned APP opposed the bail applications and submitted that the aggressive demonstrations were held on 18.8.2019 and 19.8.2019 but were contained by handling of the police force.

5. Learned APP further submitted that one pistol with three live cartridges were recovered from one protestor Roshinder while he was brandishing it in the air. Learned APP further submitted that thirty two (32) police personnel were injured in the incident; some of them are having head injury and one is having grievous injury. It is also submitted that four Delhi Police gypsies and one bus were damaged and one government motorcycle was burnt and two DTC buses were also damaged by the rioters.

6. It is further submitted by the learned APP for the State that the petitioners have actively participated in the commission of the crime and were arrested from the spot. The offence committed by the petitioners is of a grave nature, committed against the society, individuals, Govt. officials, and the life and limbs of the public officials were attacked and further, the public and private properties were damaged by the petitioners and their accomplices. The said offence was committed individually as well as in furtherance of common intention and knowledge.

7. Learned APP further submitted that the petitioners have

wilfully participated in violent unlawful agitation and protest which caused damage to the public and private property and injury to public servants against the order of the Supreme Court, and the petitioners are not the residents of Delhi and if they are granted bail, they may come again to protest at the removed site.

8. Learned APP, on the query of the Court, submitted that the accused Roshinder is not one of the applicants/petitioners herein before this Court, at this stage. Learned APP, on the instructions of the IO, submitted that petitioners are no more required for the purpose of interrogation and nothing is required to be recovered from them.

9. In the matter of *State of Rajasthan v. Balchand*, (1977) 4 SCC 308, the Supreme Court held as under:

“2. The basic rule may perhaps be tersely put as bail, not jail, except where there are circumstances suggestive of fleeing from justice or thwarting the course of justice or creating other troubles in the shape of repeating offences or intimidating witnesses and the like, by the petitioner who seeks enlargement on bail from the Court. We do not intend to be exhaustive but only illustrative.

3. It is true that the gravity of the offence involved is likely to induce the petitioner to avoid the course of justice and must weigh with us when considering the question of jail. So also the heinousness of the crime. Even so, the record of the petitioner in this case is that the petitioners are not having any criminal antecedents, there is nothing to suggest that he has abused the trust placed in him by the court; his social circumstances also are not so unfavourable in the sense of his being a desperate character or unsocial element who is likely to betray the confidence that the court may place in him to

turn up to take justice at the hands of the court. He is stated to be a young man of 27 years with a family to maintain. The circumstances and the social milieu do not militate against the petitioner being granted bail at this stage. At the same time any possibility of the absconsion or evasion or other abuse can be taken care of by a direction that the petitioner will report himself before the police station at Baren once every fortnight.”

10. The undertaking of the learned counsels for the petitioners that the petitioners shall not indulge in any such criminal activities in future and in case the petitioners do so, the State may move an application for the cancellation of the bail of the petitioners, subject to all rights available to the petitioners under the law, is accepted.

11. This Court taking into consideration the aforesaid undertaking of the learned counsels for the petitioners on behalf of the petitioners, their age, their socio-economic background and the fact that there is nothing on the record which suggests that the petitioners may betray the confidence of the Court and/or may take up the law at their hands in future, without commenting on the merits of the allegations made in the FIR against the petitioners, is of the opinion that this Court should take a lenient view at this stage, more so, in view of the fact that no other criminal case is stated to have been registered and/or pending against the petitioners. Even otherwise, no fruitful purpose would be served to keep the petitioners languishing in the judicial custody, at present, rather they should be given a chance to introspect and reform themselves while staying with their families.

12. Accordingly, the petitioners are admitted to bail during the pendency of the case in FIR No.280/2019 under Sections

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143/147/148/149/186/353/332/308/323/435/427/120-B/34 of the Indian Penal Code, 1860, Sections 3/4 of the Prevention of Damage to Public Property Act, 1984 and Section 27 of the Arms Act, 1959, registered at P.S. Govind Puri, New Delhi and they shall be released, if not required in any other case, subject to each of them furnishing bail bonds in the sum of Rs.15,000/- each with one surety of the like amount, to the satisfaction of the Trial Court. It is clarified that the petitioners shall not indulge in any such activity which may prejudice the investigation, tamper with the evidence or influence the witnesses in any manner. The petitioners shall also not leave the country without prior permission of the Trial Court. The petitioners shall furnish to the IO their respective current addresses and mobile numbers on which they can be contacted, within one week after their release on bail and if there is any change either in the addresses or mobile numbers in future, they shall promptly inform the IO as well as the Trial Court.

13. It is made clear that nothing stated or observed hereinabove shall tantamount to any expression on the merits of the case.

14. The bail applications are disposed of accordingly. Pending applications also stand disposed of.

Dasti.


CHANDER SHEKHAR, J

OCTOBER 09, 2019/rk