

FIR No. 116/21

PS Lodhi Colony

State Vs. Navneet Kalra

U/s 3/ 7 of Essentials Commodities Act, 3 of Epidemic Disease Act & 420/188 / 120B/34IPC.

20.05.2021

At 2:30 Pm

Today the Undersigned is also working as Duty MM.

Matter taken up through Video Conferencing as per VC Rules, 2020 passed by the Hon'ble High Court of Delhi and vide Rule 11.1 read with 2 (viii).

Present: Sh. A Srivastava, Ld. APP for State.
IO along with accused Naveet Kalra.
Sh. Vinit Malhotra Ld. Counsel for accused.

Accused produced by the IO through VC.

This is an application moved by the IO requesting extension of Police Custody for five days of accused Navneet Kalra, in the present case FIR.

MLC perused which reveals that there are no fresh injuries upon the person of the accused.

Ld. APP Mr. Atul Srivastav has argued at length for the extension of the police custody of the accused on the grounds that at the time of the arrest of the accused two mobile phones have been recovered from the accused and the mirror images of the said phones are yet to be prepared and accused is yet to be interrogated. Also during the PC remand the laptop has been recovered from the accused which contains bills of the oxygen concentrators and details of the other transactions, these bills are yet to be segregated and therefore the accused is required to be interrogated for the same.

Ld. APP further submits that the transactions involved in the present case are voluminous and the replies have been called from as much as 23 banks seeking clarification upon the same transactions. Also the recoveries have been made from the farm house of the accused of one i-pad and the diary of the accused which further contain information pertaining to the transactions involved in the case at hand. Therefore in the light of the

humungous data that is involved in the present case some more time is sought so that the accused can be thoroughly confronted with the said recoveries.

Per Contra Ld. Counsel for the accused has vehemently opposed the said application on the grounds that all the recoveries have already been made and nothing remains that would require the further custodial interrogation of the accused. Ld. Counsel further argues that creating the “mirror images” of the said mobile phones does not require personal presence of the accused. Moreover, accused has been cooperating with the investigating agency and therefore there is no requirement for the accused to be sent to Police Custody.

Arguments heard and material perused.

The offence in question in the present case is of grave nature and has serious implications upon the society at large. In these testing times when utmost humanity and compassion have been exhibited by people a few miscreants in the society have resorted to vices like hoarding and black-marketing of essential drugs and medical equipments which could otherwise have averted so much death and destruction.

However, the Courts of law are not expected to be carried away by the public sentiment and therefore cannot authorise detention merely because some stringent and non-bailable sections have been slapped upon the accused by the prosecution. It is their sacrosanct responsibility to apply their judicial mind and delve into the said question deeply.

In the light of the submissions made by the IO wherein all the incriminating material available against the accused has been recovered and what remains is the mere confrontation of the accused with the said material, this court is of the view that the Police Remand of the accused is not warranted in the said case. The contention that the mirror images of the recovered mobile phones are yet to be created, or the data from the recovered laptop is yet to be segregated and therefore requires the custody of the accused is flawed at the very outset and I do not find any force in it. Even if the accused is remanded to JC or enlarged upon bail, nothing whatsoever is an impediment upon the investigating agency to confront or interrogate the accused. Also the fact that the replies of the various banks is still awaited cannot be made a ground to deny the accused his valuable Right. Whatever substantial had to be achieved by the investigating agency through the Police Remand of the accused has already been achieved and no fruitful purpose would be served by extending the

Police custody of the accused.

Therefore, I do hereby reject police remand application for abovementioned reasons.

Accused be sent to J/C for 14 days.

He be produced on 03.06.2021 before Concerned/ Court/ Ld. Duty MM.

Custody warrant be prepared, accordingly.

Copy of this order be also sent along with the Custody Warrant.

Copy of this order be also given to the IO and Ld. Counsel for the accused.

(AKANKSHA GARG)
MM (NI Act) DIGITAL COURT-02
SOUTH EAST/ New Delhi/20.05.2021

FIR No. 116/21

PS Lodhi Colony

State Vs. Navneet Kalra

U/s 3/ 7 of Essentials Commodities Act, 3 of Epidemic Disease Act & 420/188 / 120B/34IPC.

20.05.2021

At 2:30 PM

Today the Undersigned is also working as Duty MM.

Matter taken up through Video Conferencing as per VC Rules, 2020 passed by the Hon'ble High Court of Delhi and vide Rule 11.1 read with 2 (viii).

Present: Sh. A Srivastava, Ld. APP for State.

IO along with accused Naveet Kalra.

Sh. Vinit Malhotra Ld. Counsel for accused.

Accused produced by the IO through VC.

This is an application U/s 437 Cr. P.C seeking regular bail of accused/ applicant Navneet Kalra.

Reply from the IO had been called by Ld. Duty MM vide order dated 19.05.2021. However, no such reply has yet been placed on record.

IO seeks time to file the same.

Be adjourned for 3:00 PM.

(AKANKSHA GARG)

MM (NI Act) DIGITAL COURT-02
SOUTH EAST/ New Delhi/20.05.2021

At 3:30 Pm

Present: Sh. A Srivastava, Ld. APP for State.

IO along with accused Naveet Kalra.

Sh. Vinit Malhotra Ld. Counsel for accused.

Accused produced by the IO through VC.

Reply has been filed by the IO. However, Ld. Counsel for accused submits that since the reply is delayed he is not currently in a position to argue on the said reply and therefore, at request of Ld. Counsel, the said bail application is adjourned for next date i.e. 22.05.2021.

Be put up before Ld. Duty MM on 22.05.2021.

(AKANKSHA GARG)
MM (NI Act) DIGITAL COURT-02
SOUTH EAST/ New Delhi/20.05.2021