

FIR No.03/05.01.2023
U/s 379, 411 IPC
P.S. Kiratpur Sahib

Present: Ms. Meena Kalia, Advocate for applicant/accused Dharminder Kumar @ Gannu.
Sh. S.S.Saini, learned APP for the State.

Heard on bail application filed on behalf of applicant/accused. It has been averred in the application that the applicant/accused is in judicial custody and he has been falsely implicated in the above titled case and he has no concern with the offences mentioned in the FIR. It is further averred that applicant/accused is innocent and that alleged recovery has already been effected and thus no fruitful purpose will be served by keeping him behind the bars as trial of case will take long time. It is further contended that applicant/accused undertakes not to jump over the bail and will not leave India without prior permission of the Court and will appear in the Court on each and every date of hearing. It has been accordingly prayed that the applicant/accused may kindly be released on bail.

2. Notice of the bail application was given to the State through learned APP for the State who filed reply to the same submitting therein that the instant FIR was lodged against the accused/applicant on the basis of secret information that he along with his two co-accused committed theft of old tyres from village Bhageri, District Bilaspur (HP) and after loading the same in truck No.HP-12D-7596, they were coming towards Kiratpur Sahib and that at naka laid near village Kalyanpur on Bilaspur-Kiratpur Sahib road, they were apprehended and on search, 24 old tyres of trucks were found loaded in the truck which were stolen one and same were taken into police possession and

thus Section 411 IPC as added. It is further submitted that the accused/applicant is habitual offender and he has been found involved in the following cases also:

Sr. No.	Particulars of case
1.	FIR No.23/2008, U/s 341, 324, 34 IPC, P.S. Swarghat, District Bilaspur, HP.
2.	FIR No.35/2017, U/s 279, 337 IPC, P.S. Swarghat, District Bilaspur, HP.
3.	FIR No.53/2017, U/s 279, 304-A IPC, P.S. Nurpur Bedi, District Rupnagar
4.	FIR No.36/2017, U/s 379, 34, 411 IPC, P.S. Ram Sher, District Solan, HP.
5.	FIR No.47/2017, U/s 341, 379 IPC, P.S. Ram Sher, District Solan, HP.

On merits, it is while denying the other contents of the bail application, a prayer has been made to dismiss the same.

3. I have heard learned counsel for the applicant/accused, learned APP for the State and have also gone through the file carefully.

4. Perusal of remand papers shows that initially FIR in the present case was registered under Section 379 IPC regarding theft of tyres of truck and thereafter the applicant/accused along with other co-accused were found in possession of stolen tyres which were loaded in truck No.HP-12D-7596 and accordingly, offence under Section 411 IPC was added in the present case. As per reply filed by the State, there are other cases also registered against the applicant/accused. So, keeping in view the serious allegations against the applicant/accused in the present case as noted above and also keeping in view the reply filed by the State as noted above, this Court is of the view that the applicant/accused is a habitual offender and thus, he is not entitled for

concession of bail. Hence, the present bail application is hereby **dismissed** accordingly. Papers be attached with the FIR/remand papers/challan.

Pronounced in Open Court:
Dated: 21.01.2023

(Garima Gupta),
Judicial Magistrate Ist Class,
Sri Anandpur Sahib, UID-PB0535

Jaswinder Singh, STG Gr.I