

Harmesh Singh @ Ramesh Singh @ Meshi Vs. State.

Registration No. 18178 of 02.06.2021

CNR No. PBSG01-005954-2021

FIR No. 36 dated 23.02.2021

Under Sections 399,402, 411,465, 467, 468,471, 483,
120-B IPC.

Police Station: Dirba.

Application under Section 439 Cr.P.C.

Present: Sh.R.K.Bhan counsel for the bail-applicant.
Sh.Mohd. Hasib Addl. PP for the State.

ORDER:

1. The present regular bail application has been filed by applicant Harmesh Singh @ Ramesh Singh @ Meshi in FIR No.36 dated 23.02.2021,under Sections 399,402, 411,465, 467, 468,471, 483, 120-B IPC added later on, Police Station Dirba.

2. Notice of the bail application was given to the State through Ld. Addl.PP for the State and record has been requisitioned.

3. The Ld. counsel for the applicant has submitted that he has been falsely implicated in the present case He has argued that no offence under Section 399, 402 of IPC is made out against the applicant. The cars alleged to have been recovered are on the basis of the disclosure statement and it is debatable that whether the said recovery is admissible in evidence or not. The present applicant is in custody since 23.02.2021

and nothing is to be recovered from him. The conclusion of the trial is to take sufficient long time. No useful purpose would be served by keeping the applicant under incarceration and prayer has been made for the grant of bail.

4. The Ld.Addl.PP for the State has contested the bail application on the ground that anticipatory bail application as well as regular bail applications of some of the accused have already been dismissed and on the basis of disclosure statement of Paramjeet Singh, four cars make I-20, Alto, Maruti car, Mahindra Bolero Pick up have been got recovered and said recoveries are discovery of fact and is admissible in evidence. It was further submitted that FIRs have been got registered regarding the said thefts of cars in Haryana, Malerkotla, Dirba and Khanauri respectively. It was further submitted by the State counsel that from the present accused Kirch was recovered and on the basis of his disclosure statement gold chain and RC of the vehicle has been recovered which was found to be forged. Car bearing registration no.PB-13AC-4343 have also been got recovered and the registration number of the said car has also been found to be forged. The gravity of offence does not entitle the applicant to be released on bail and chances of accused indulging in similar offences also cannot be ruled out.

5. Heard. Record perused. From the perusal of the record it transpires that FIR in the present case was lodged on the basis of secret information that applicants/accused along with other co-accused, who were brandishing deadly weapons were in the habit of committing thefts

and robberies and they have formed a gang for this purpose and at present Pawandeep Singh @ Pamma, Harmesh Singh @ Meshi, Lovepreet Singh @ Lovi, Surinder Singh and Paramjeet Singh were present under the Bohar tree in the area of village Sullar Gharath near the bridge of canal located on the katcha path going towards village Rotalan and planning to rob either a petrol pump, liquor vend or snatching of vehicles or some passerbys and they have Swift car No.PB13-AC-4343 and they are waiting for Jaspreet Singh @ Jassi, Sukhwinder Singh @ Laddi, Gurjot Singh @ Jot and Gopi to join them and if raid be conducted they can be apprehended. Thereafter, on the basis of secret information, ruqa was sent for registration of FIR.

6. From the perusal of record it transpires that there are allegations against the accused that he alongwith his accomplices have assembled and have made preparation for the purpose of committing dacoity and Pawandeep Singh, Harmesh Singh (present applicant), Lovepreet Singh, Surinder Singh and Paramjeet Singh were arrested from the spot and two kirchs and three iron rods alongwith car bearing registration no.PB13-AC-4343 has been got recovered and during interrogation on the disclosure statement of Paramjeet Singh I-20 car, Alto car, Maruti car and Mahindra Bolero Pick up which have been stolen have been got recovered. On the disclosure statement of present applicant Harmesh Singh RC of car bearing registration No.HR-08AC-3706 and one gold chain weighing 11 grams has also been recovered. The arguments raised by the Id. Counsel for the applicant that offence under

Sections 402, 399 IPC are not made out are matter of trial which would be appreciated at the time trial. The challan has been presented and the complainant is yet to be examined. There is active involvement of the present accused and in the light of the fact that since challan has been presented the chances of accused dissuading the witnesses cannot be ruled out. Seeing the nature of accusations and gravity of offence there is no ground to grant the relief of bail to the present applicant. Accordingly, the present regular bail application filed by the present applicant is hereby **dismissed.**

Anything stated herein-before will not be construed as opinion on the merits of the case. Police record be returned. File be consigned to record room.

Pronounced in open Court on 10.06.2021
Kulwant Singh Stenographer-1.

Smriti Dhir
Additional Sessions Judge/
Vacation Judge
Sangrur (UID No.PB0518).