

State vs Beant Singh and others
FIR No.115 dated 13.06.2020
U/S 379,411 of IPC,
Police Station City Dhuri.

Present:- Shri Harpreet Singh, Advocate for applicant-accused
Ajay Kumar (through V.C)
Shri Mahesh Goyal, Ld. A.P.P for the State.(through V.C)

ORDER

This order of mine shall dispose of bail application filed on behalf of applicant-accused **Ajay Kumar** under Section 437 Criminal Procedure Code for releasing him on bail in this case, on the ground that the accused/applicant is in custody and he has been falsely by the police officials of PS City Dhuri. It was further submitted that the accused/applicant is an innocent person and has not committed any offence. Nothing has been recovered from the accused/applicant. The trial of the case will take long time and no useful purpose will be served by keeping the applicant-accused behind the bars. It was further submitted that it is the first bail application of the accused. Hence prayer has been made to release the applicant-accused on bail till the final decision of the present case.

2. Notice of the present bail application was given to the Ld. APP for the State, who hotly opposed the said bail application on the ground that the present accused is habitual offender and he has not mended his ways **and more than six other FIRs are pending against the accused** and he has formed a cartel to commit the offences one after the another, whose detail is as under:-

1 FIR No. 23 dated 04.02.2019 under section 457,380 of IPC, PS City Dhuri.

2. FIR No. 48 dated 05.03.2019 under section 457,380 of IPC, PS City Dhuri

3. FIR No. 76 dated 12.04.2019 under section 61 Excise Act, PS City Dhuri

4. FIR No. 145 dated 22.08.2019 under section 457,380 of IPC, PS City Dhuri.

5. FIR No. 158 dated 07.09.2019, under section 457,380 of IPC, PS City Dhuri.

6. FIR No. 178 dated 06.10.2019 under section 457,380 of IPC, PS City Dhuri.

Granting bail to such like accused shall amount to giving a pat on his back in his wrong doing and he will again engage himself in committing further offences and there are grave chances that this accused shall hamper and tamper with the investigation of the case and may cause inducement to the persons acquainted with the fact and circumstances of this case and a prayer was made to dismiss the present bail application.

3. I have heard the Ld. APP for the State and the counsel for the accused/applicant at length and after giving a thoughtful consideration to the rival submissions, this court finds sufficient merit in the contentions as put forth by the Ld. APP for the State, which are not repeated over here for the sake of brevity and to avoid undue repetition of discussion.

The present application has been filed on the ground that no offence has been committed by the applicant and the investigation with regard to the above said FIR will take its own time and no useful purpose would be served by keeping the applicant behind the bars. However, the offence and manner in which this accused has committed the offence in question is quite serious in nature. Granting bail to such like habitual accused shall definitely hamper with the investigation and also has the higher chances of this accused in inducing or issuing threat or promise to the person who are acquainted with the facts and circumstances of this case and also has the chances of evidence of this case getting tampered with. As such,

for the aforesaid reasons and discussion, in the opinion of this court, the accused/applicant does not deserve the concession of bail at this stage. Accordingly, the bail application of accused Ajay Kumar stands dismissed and disposed of accordingly.

Nothing observed over here shall be deemed to be the expression of mind over the merit of the case as it was only for exempted purpose to decide the application under consideration. Miscellaneous papers be attached with the remand papers.

Pronounced:-

10.11.2020

Ritu Rani, stenographer-II.

(Pankaj Verma), PCS,

Sub Divisional Judicial Magistrate,

Dhuri, (UID No.PB-0314)

(Direct Dictation)