
(2019) 12 SHI CK 0046

In the High Court Of Himachal Pradesh

Case No : Criminal Miscellaneous Petition (M) No. 2041 Of 2019

Bhumi Nand

APPELLANT

Vs

State Of Himachal Pradesh

RESPONDENT

Date of Decision : 16-12-2019

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 438

Indian Penal Code, 1860 — Section 120B, 420, 467, 468, 471

Citation : (2019) 12 SHI CK 0046

Hon'ble Judges : Chander Bhusan Barowalia, J

Bench : Single Bench

Advocate : Jagdish Thakur, Shiv Pal Manhans, P.K. Bhatti, Amit Kumar Dhumal

Final Decision : Allowed

Judgement

Chander Bhusan Barowalia, J

1. The present bail application under Section 438 of the Code of Criminal Procedure has been maintained by the petitioner for releasing him on bail, in the event of his arrest, in case FIR No. 34/17, dated 28.03.2017, under Sections 420, 467, 468, 471 and 120-B of the Indian Penal Code (for short "IPC"), registered at Police Station Karsog, District Mandi, H.P.

2. As per the averments made in the petition, the petitioner is innocent and has been falsely implicated in the present case. Further, he is neither in a position to tamper with the prosecution evidence nor in a position to flee from justice, so he may be released on bail.

3. Police report stands filed. As per the prosecution story, on 28.03.2017, Smt. Promila Devi, Pradhan, Gram Panchayat Bhadarnu/complainant, got registered a complaint against the petitioner, alleging therein that the Department of NSFDC had imparted training for fruit processing to the women belonging to the Scheduled Caste category w.e.f. 22.01.2010 to 15.02.2010. As per the said training programme, a sum of Rs. 5,000/- towards Kaushal Vikaas Bhatta, per

women, was to be paid to them, however, only Rs. 2,000/- per women by way of Cheque was paid to them. As per the allegations, Him. Con. Ltd. was found to have shown another training programme having been organized at Karsog, however, which as a matter of fact, was not at all organized. Consequently, FIR No. 34/17, dated 28.03.2017, under Sections 420, 467, 468, 471 and 120-B IPC came to be registered against the petitioner.

4. I have heard the learned Counsel for the petitioner, learned Additional Advocate General for the State and gone through the record, including the report of the police, carefully.

5. The learned Counsel for the petitioner has argued that the petitioner is innocent and he is neither in a position to tamper with the prosecution evidence nor in a position to flee from justice, so the application be allowed and the petitioner be released on bail. On the other hand, learned Additional Advocate General, has argued that the petitioner was found involved in non cognizable offences and in case at this stage he is enlarged on bail, he may tamper with the prosecution evidence and may also flee from justice. He has further argued that at this stage the petitioner may not be released on bail and his application be dismissed.

6. At this stage, taking into consideration the fact that the petitioner is joining the investigation, he is resident of the place and neither in a position to tamper with the prosecution nor to flee from justice and other material which has come on record, this Court finds that no fruitful purpose would be served by keeping the petitioner behind the Bars. So, the present is a fit case where the judicial discretion to admit the petitioner on bail, in the event of his arrest, is required to be exercised in his favour. Accordingly, the present bail application is allowed and the petitioner is ordered to be released on bail, in the event of his arrest, in case FIR No. 34/17, dated 28.03.2017, under Sections 420, 467, 468, 471 and 120-B IPC, registered at Police Station Karsog, District Mandi, H.P., on his furnishing personal bond to the tune of 25,000/- (rupees twenty five thousand only) with one surety in the like amount to the satisfaction of the Investigating Officer. The bail is granted subject to the following conditions:

(i) That the petitioner will join investigation of the case as and when called for by the Investigating Officer in accordance with law.

(ii) That the petitioner will not leave India without prior permission of the Court.

(iii) That the petitioner will not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Investigating Officer or Court.

7. In view of the above, the petition is disposed of.