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**(2017) 05 SHI CK 0084**  
**In the High Court Of Himachal Pradesh**  
**Case No : 547 of 2017**

Chetan Chauhan

APPELLANT

Vs

State of Himachal Pradesh

RESPONDENT

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**Date of Decision :** 17-05-2017

**Acts Referred:**

[Code of Criminal Procedure, 1973](#), [Section 438](#) - Direction for grant of bail to person apprehending arrest  
[Indian Penal Code, 1860](#), [Section 34](#), [Section 379](#), [Section 511](#) - Acts done by several persons in furtherance of common intention - Punishment for theft - Punishment for attempting to commit offences punishable with imprisonment for life or other imprisonment

**Citation :** (2017) 05 SHI CK 0084

**Hon'ble Judges :** Chander Bhusan Barowalia

**Bench :** Single Bench

**Advocate :** Daleep Singh Kaith, Pushpinder Singh Jaswal, Rajat Chauhan

**Final Decision :** Disposed

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## Judgement

1. The present bail application is maintained by the petitioner under Section 438 of the Code of Criminal Procedure for releasing him on bail in case FIR No. 71/2017, dated 14.04.2017, under Sections 379, 511 & 34 of the Indian Penal Code, registered at Police Station Rampur, District Shimla, H.P.
2. As per the petitioner, he is innocent and has been falsely implicated in this case. Further he belongs to a respectable family and has not committed any offence whatsoever.
3. Police report filed. As per the prosecution story, on 13.07.2017, on complaint, the petitioner alongwith two other persons was found removing the parts of the DG Set, installed at Rajpura Hydro Power Project, in order to steal them and when complainant noticed them, the accused alongwith one other co-accused fled away from the spot, but with the help of local residents of that place, the driver of the vehicle was apprehended alongwith his vehicle and FIR No. 71 of

2017, under Sections 379, 511 & 34 of the Indian Penal Code was registered against the accused persons. It has further come on record that the petitioner earlier also found involved in some other theft cases.

4. Learned counsel for the petitioner has argued that the petitioner is a young boy of 22 years of age, doing a job of auto driver and has been falsely implicated in the present case. He further argued that if the petitioner is kept behind the bars alongwith professional criminals, there are chances that the life of the petitioner will be spoiled. On the other hand learned Deputy Advocate General, has argued that the petitioner has committed heinous crime and he is a habitual thief, so the present bail application is required to be dismissed.

5. Heard. After hearing the learned counsel for the parties and gone through the record, this Court finds that the petitioner is a young boy of 22 years of age and though there is an another case is pending against him, with regard to theft, but at this stage, it cannot be taken that the petitioner has committed that crime, only and unless he found guilty in that case. As far as present case is concerned, the co-accused in the present case have already been released on bail. Thus, taking into consideration the fact, which has come on record and the manner in which offence alleged to have been committed, as well as the fact that the petitioner is joining and cooperating in the investigation, not in a position to flee from justice and also not in a position to tamper with the prosecution evidence. The interest of justice demands that judicial discretion to admit the petitioner on bail is required to be exercised in favour of the petitioner. So, it is ordered that in the event of his arrest in this case, the petitioner be released on bail, on furnishing personal bond to the sum of Rs. 10,000/- (rupees ten thousand) with one surety in the like amount to the satisfaction of Investigating Officer. The bail is granted subject to the following conditions: i. That the petitioner will join investigation of 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.

6. Accordingly, the petition is disposed of. Copy dasti.