
(2011) 01 SHI CK 0035
In the High Court Of Himachal Pradesh
Case No : Criminal MP (M) No. 7 of 2011

Daleep Singh

APPELLANT

Vs

State of H.P.

RESPONDENT

Date of Decision : 14-01-2011

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 439
Penal Code, 1860 (IPC) — Section 302, 34

Citation : (2011) 01 SHI CK 0035

Hon'ble Judges : Kuldeep Singh, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Kuldeep Singh, J.—This is an application u/s 439 Code of Criminal Procedure for releasing the Petitioner on bail in F.I.R. No. 35/09 dated 12.5.2009, registered at Police Station, Brow, Tehsil Nirmand, under Sections 302, 34, IPC.

2. The case of the Petitioner is that Petitioner was arrested on 14.5.2009 on suspicion. The Petitioner was remanded upto 20.5.2009 by learned Sub Divisional Judicial Magistrate, Rampur and thereafter the Petitioner is in judicial custody. The other accused was Roshan Lal.

3. It has been stated that Roshan Lal has committed suicide on 16.5.2009 during investigation. The Petitioner is innocent. The Petitioner had earlier filed bail application which was dismissed by learned Sessions Judge, Kinnaur camp at Rampur on 22.12.2009. The prosecution has already examined eight witnesses and none has supported the case of the prosecution. The Petitioner undertakes to abide by all the terms and conditions of the bail in case he is released on bail. The learned Counsel for the Petitioner has prayed for grant of bail to the Petitioner.

4. The bail application has been opposed by learned Addl. Advocate General. It has been submitted that Petitioner is involved in a serious case and the

prosecution evidence is in progress. It has been denied that the prosecution witnesses have not supported the prosecution case. The evidence of the prosecution is in progress and therefore, it will not be proper to comment on the evidence recorded till now. The case is now fixed for prosecution evidence on 18/19.1.2011. In the facts and circumstances of the case the Petitioner is not entitled to bail at this stage. Accordingly, application is dismissed.