

(2010) 05 SHI CK 0288

In the High Court Of Himachal Pradesh

Case No : Criminal MP (M) No. 433 of 2010

Harmesh alias Meshi

APPELLANT

Vs

State of H.P.

RESPONDENT

Date of Decision : 17-05-2010

Acts Referred:

Arms Act, 1959 — Section 25

Criminal Procedure Code, 1973 (CrPC) — Section 439

Penal Code, 1860 (IPC) — Section 382, 392, 395, 397

Citation : (2010) 05 SHI CK 0288

Hon'ble Judges : Surinder Singh, J

Bench : Single Bench

Judgement

Surinder Singh, J.—Petitioner is an accused in FIR No. 154 of 2008, dated 30th June, 2008, under Sections 382, 392, 395, 397 of the Indian Penal Code and Section 25 of the Arms Act, registered in Police Station, Nalagarh. He was denied bail by the Court of Sessions, hence instant application has been moved u/s 439 of the Code of Criminal Procedure for his enlargement on bail.

2. Heard and gone through the record.

3. Precisely, the allegation against the Petitioner is that during the interrogation, he was named by co-accused Kulvinder, Ravinder, Jatinder Pal and Manjit as their accomplice in committing the alleged offence. During investigation police came to know that Petitioner is the cousin of Manager of "M/S. Aradhana Wine Company" and he knew and pointed out the office of the said Company to the other accused from where the alleged dacoity had taken place which facilitated them to execute the plan.

4. On this information supplied by the co-accused, on 30th July, 2008 Petitioner was arrested from the clinic of co-accused Dr. Shiv Kumar at Nurpur Bedian (Punjab), after one month of the alleged occurrence at that time he was found in possession of Rs. 800/-, which is stated to be a part of the looted amount. Except this, there is no legal evidence to connect him with the crime.

5. Respondent has no record of the previous history of the Petitioner with respect to his indulgence in any other crime. The recovered amount is not connected with the cash stolen from the office of Company. Therefore, prima facie in these circumstances suffice it to say that the Petitioner has a case for bail. Accordingly, the application is allowed and the Petitioner is hereby ordered to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 15,000/- with two sureties of the like amount, out of which one should be a local surety, to the satisfaction of the learned Chief Judicial Magistrate, Solan and this bail shall be subject to the condition that the Petitioner:

(a) shall present himself in this case before the learned Additional Sessions Judge, Solan Camp at Nalagarh on 8th June, 2010 on which date the case has been fixed for the statements of the prosecution witnesses and - 3 shall regularly attend the Court on all dates of hearing till the termination of trial,

(b) Shall not indulge in any criminal activity in future, and

(c) shall 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 from disclosing such facts to the court or to any police officer; and

6. In case, the Petitioner shall make breach any of the conditions aforesaid, his bail shall be cancelled.

7. The observations made hereinabove are strictly for the disposal of this bail petition and the same shall not be treated as an expression of opinion on the merits of the case.

8. An authenticated copy of this order be sent to the Chief Judicial Magistrate, Solan for information and necessary action at his end. If the parties apply for urgent copy of this order, it be supplied to them forthwith as per rules.

9. The petition shall stand disposed of.