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**(2021) 01 SHI CK 0110**

**In the High Court Of Himachal Pradesh**

**Case No :** Criminal Miscellaneous Petition (M) No.1628, 2014, 2015, 2017, 2019, 2020 Of 2020

Harvinder Chauhan And Others

APPELLANT

Vs

State Of Himachal Pradesh

RESPONDENT

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**Date of Decision :** 06-01-2021

**Acts Referred:**

Indian Penal Code, 1860 — Section 34, 147, 148, 149, 302, 323, 325, 341, 451, 452, 504

Code Of Criminal Procedure, 1973 — Section 154, 439

Protection Of Children From Sexual Offences Act, 2012 — Section 3, 5, 7, 9, 29

**Citation :** (2021) 01 SHI CK 0110

**Hon'ble Judges :** Vivek Singh Thakur, J

**Bench :** Single Bench

**Advocate :** Deepak Kaushal, Raju Ram Rahi

**Final Decision :** Disposed Of

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## **Judgement**

Vivek Singh Thakur, J

1. Petitioners herein are accused in case FIR No. 44 of 2020, dated 2.6.2020, registered under Sections 452, 147, 148, 149, 323, 325, 504, 302 IPC, in

Police Station Shillai, District Sirmour, H.P.

2. As per status report, on 2.6.2020, telephonic information was received in Police Station, Shillai from Medical Officer, Community Health Centre

(CHC), Shillai that a person injured in a quarrel had been brought for treatment in CHC. The said information was reduced into writing as GD No.

004, dated 2.6.2020 at 7:36 A.M. and Head Constable Naveen Kumar along with Constable Gaurav was sent to CHC Shillai, who in CHC had

recorded statement of complainant Kiran, an eye witness, under Section 154 Cr.P.C., wherein she had stated that on 31.5.2020, on path approaching

cowshed of her Chacha Sasur (father-in-law) Chander Singh, cemented concrete was laid to stop the rainy water entering therein and on 2.6.2020 at

about 6:30 A.M., when she was working in kitchen, accused Rajinder, Kuldeep, Varinder, Amit, Balbir, Hitesh, Harvinder and Lal Singh came to their

house and started questioning her father-in-law Bishan (now deceased), reason for cementing edge of the path, whereupon her father-in-law had

replied that it had been done to stop rainy water entering in cowshed of Chander Singh. Thereafter accused person started abusing her father-in-law

and dragged him outside the house and started beating him. At that time Rajinder and Varinder were having iron rod and iron pipe, respectively, in

their hands and others were having dandas in their hands. Upon this her Taya Sasur Partap Singh and Chacha Sasur Chander Singh had come on spot

to save her father-in-law Bishan. Accused persons had beaten them also and thereafter all accused left the place and in this incident her father-in-law

Bishan received injuries on his head, ear and other parts of body and Taya Sasur Partap Singh in his head and hand and Chacha Sasur Chander Singh

in his head. On the basis of statement of complainant, recorded at about 9:10 A.M., rucka was prepared and sent to the Police Station for registration

of FIR and FIR was registered.

3. It is apparent from record produced by Police that during intervening time, accused persons, namely, Kuldeep Singh and Amit Kumar had

approached the Police Station at 8:53 A.M. and submitted an application to the SHO, stating therein that on 2.6.2020, Kuldeep Singh, on waking up at

about 6-6:30 A.M., saw that in ancestral path approaching their house, with the help of wooden planks, concrete had been laid, resulting into closure of

their path, which earlier was also obstructed by Chander Singh and his brother. So Kuldeep Singh questioned Chander Singh about reason for doing so,

who at that time was sowing crop of wheat in his field situated adjacent to house of Kuldeep Singh, whereupon Chander Singh started arguing with

him and hearing noise of altercation, his brother Bishan Singh, Pratap Singh, Swaran Singh and his nephew Dinesh, Sunita, Kamla Devi, Nisha Devi,

Seema Devi had also come to the spot near his house and started quarreling with him. Dinesh was having danda in his hand and he hit the head of

Kuldeep Singh with the same from behind, whereupon Amit, brother of Kuldeep Singh, on hearing noise, had come to rescue Kuldeep Singh but he

(Amit) was also pulled down by Chander Singh and Bishan Singh, causing him injuries in his leg and body. According to Kuldeep Singh, persons

namely Nater Singh, Giar Singh, Banssi, Vinod, Narender Singh etc. had come on the spot and had rescued them from Chander Singh etc. and in this

incident Kuldeep Singh had received injuries on his head and his brother Amit had received injuries in legs and other parts of body. On the basis of this

complaint of Kuldeep Singh, FIR No. 43 of 2020, dated 2.6.2020 was registered under Sections 147, 148, 149, 451, 323 and 341 IPC.

4. Injured Bishan (now deceased) was referred from CHC Shillai to Civil Hospital, Paonta Sahib. At about 1:30 P.M. telephonic information was

received in Police station Shillai from Police Station Paonta Sahib that Bishan Singh had expired, whereupon Dy. S.P. Paonta Sahib had constituted a

Special Investigating Team (SIT) for investigation of the case and Section 302 IPC was also added in the FIR.

5. During investigation postmortem report of Bishan Singh was obtained, wherein it had been opined by the Doctors that most probable cause of death was head injury, leading to failure of vital function of brain and cardiac arrest.

6. Blood samples from the spot were also picked up and sent for chemical analysis. MLCs of injured Pratap Singh and Chander Singh were also

received from the Medical Officer and injury of Chander Singh was found to be grievous in nature, whereas injury of Pratap Singh was simple in

nature. On the basis of Medico Legal Certificate of Chander Singh, Section 325 IPC was also incorporated in the case FIR.

7. As per status report, during investigation, it has come that accused persons had entered the house of Bishan Singh with intention to attack him to beat him, therefore, Section 451 IPC was converted into Section 452 IPC.

8. As per status report, from the road till last house of the village, there is 4-5 feet wide ancestral public path, but near cowshed of Chander Singh, its

width is about 3 feet and the house of petitioners-accused is situated 15-20 feet away, whereas house of accused persons is situated on the other side

of the path opposite to cowshed of complainant party and path on that portion is in the shape of stairs. Earlier this path was kachcha and now through

Panchayat, under MMGPY Scheme, it has been cemented under the supervision of Up Pradhan Diwan Singh, Ward Member Kalpana and local

resident accused Rajinder Singh on 30.5.2019 with tile flooring. During

investigation, it has been disclosed by complainant party that rainy water of this path was entering in the cowshed of Chander Singh, whereupon Chander Singh etc., to stop the rainy water entering in his cowshed, had cemented the side of the path adjacent to the wall of cowshed on 31.5.2020. It is further case of the prosecution that on 2.6.2020 when Shanta wife of Chander Singh was going to cowshed for milking at about 6:30 A.M., then accused Rajinder Singh had met her on the public path near lintel of cowshed and had asked reason for laying concrete on the side of the path along with wall of cowshed, whereupon Shanta had explained that it had been done to stop rainy water entering in the cowshed. Thereafter accused persons conspired and dismantled/removed the concrete, cement laid by Chander Singh and then they went to the house of Bishan Singh and dragged him to the spot near lintel of cowshed and beat him with iron rod and pipe carried by Rajinder Singh and Virender Singh and with dandas carried by Kuldeep Singh, Balbir, Lal Singh, Harvinder, Amit Kumar and juvenile Hitesh Chaunan. Brothers of Bishan Singh were also beaten by them when they tried to save Bishan Singh from clutches of accused persons. Bishan Singh fell on the lintel unconscious after receiving injuries in his head and Pratap Singh and Chander Singh also received injuries and thereafter accused persons ran away from the spot.

9. Learned counsel for the petitioners submits that instead of accused persons, complainant party in present case is aggressor. To substantiate his plea, he has stated that accused Kuldeep and Amit had approached the Police Station immediately after the incident and had lodged FIR No. 43 of 2020 with respect to the incident which is prior to FIR lodged by complainant and, therefore, FIR lodged by complainant party in present case is an afterthought and counter blast to the FIR lodged by Kuldeep against them. Further he submits that accused persons in present case never had any intention to kill Bishan Singh and as there was no intention to kill Bishan Singh, accused persons are entitled for bail for absence of such intention despite the fact that Bishan Singh had succumbed to injuries. It is also canvassed by learned counsel for the petitioners that carrying a danda in hand is not carrying a lethal weapon in hand with intention to kill and further that injuries received by Bishan Singh also reflect that there was no intention to kill as it is reported in the postmortem report that deceased had received three

injuries only and there was only one injury in his head because, had accused persons have intention to kill Bishan Singh, they would have not given single blow on head, but would have beat him mercilessly and, therefore, all the petitioners are entitled for bail.

10. It is further submitted that as per prosecution case only Rajinder was having iron rod in his hand and thus even if it is presumed for argument sake

only that he was having intention to kill, then also it cannot be presumed that all other accused were also having the same intention as that of accused

Rajinder, who is not one of the petitioners herein. He has further submitted that Harvinder Chauhan is 19 years old and is physically handicapped and

further that Lal Singh, who is 61 years old, has been roped in the case in order to implicate all male members of the family and minor Hitesh has also

been implicated despite the fact that all the accused were not present on the spot.

11. Learned Additional Advocate General, submits that not only Rajinder, but Varinder alias Bindu Ram was also having iron rod in his hand and other

accused accompanying them, carrying dandas in their hands, cannot be said not having any intention to commit murder, as any prudent man can easily

visualize that by hitting a person with iron road and iron pipe in the head may cause death and, therefore, according to him, all accused were having

knowledge of result of their action that by attacking with iron road and iron pipe, it may cause death of a victim and, therefore, all of them have

definitely joined Rajinder and Varinder with intention to kill the opposite party.

12. Incident in present case is an admitted fact, as cross FIR has also been lodged by petitioner Kuldeep Singh, alleging that he and Amit had received

injuries. Therefore, presence of Kuldeep and Amit on the spot is also an admitted fact. Though FIR No. 43 lodged by Kuldeep Singh has been

registered at 8:30 A.M. and statement of complainant Kiran under Section 154 Cr.P.C. has been recorded at 9:10 A.M. and FIR No. 44 of 2020 on

the basis of that statement has been registered lateron, but recording of statement of complainant and lodging of FIR in consonance thereto at a time

later than the registration of FIR No. 43 of 2020 is inconsequential as complainant party in present case, instead of approaching the Police had rushed

the victim to the hospital for treatment, who was in serious condition and lateron succumbed to his injuries in the hospital at Paonta Sahib. Whereas,

Kuldeep Singh and Amit Kumar instead of getting any treatment had gone to the Police Station to lodge the complaint prior in time than the complainant party in present case.

13. This Court in case Sandeep Vs. State of Himachal Pradesh, reported in 2019 (1) Shim. LC 263, on the basis of judgments of the Supreme Court, has enumerated various principles and relevant factors, evolved in those pronouncements, to be taken into consideration and to be kept in mind at the time of consideration of bail application, which reads as under:-

13. Some of the principles evolved in various pronouncements of the apex Court are as under:

1. Grant of bail is general rule and putting a person in jail or in a prison or in correction home during trial is an exception and presumption of innocence,

i.e. person is believed to be innocent until found guilty is fundamental postulate of criminal jurisprudence. But, these principles are not applicable in

cases where there is reverse onus and/or statutory presumption with regard to commission of offence. Such cases are to be dealt with differently

keeping in view statutory presumption and reverse onus provided under the relevant statute. (See Dataram Singh versus State of Uttar Pradesh and another, (2018) 3 SCC 22, para 1)

2. While making a general statement of law that the accused is innocent, till proved guilty, the statutory provisions of relevant Act, like Section 29 of

the POCSO Act, have to be taken into consideration which provides for presumption as to commission of any offence under Sections 3, 5, 7 and 9 of

the Act. (See State of Bihar versus Rajballav Prasad alias Rajballav Prasad Yadav alias Rajballabh Yadav, (2017) 2 SCC 178, para 22)

3. Each criminal case presents its own peculiar factual scenario and, therefore, certain grounds peculiar to a particular case may have to be taken into

account by the Court. The Court has only to opine as to whether there is prima facie case against the accused. The Court must not undertake

meticulous examination of the evidence collected by the police and comment upon the same. Such assessment of evidence and premature comments

are likely to deprive the accused of a fair trial. (See Kanwar Singh Meena versus State of Rajasthan and another, (2012) 12 SCC 180)

4. A bail application is not to be entertained on the basis of certain observations made in a different context. There has to be application of mind and

appreciation of the factual score and understanding of the pronouncements in the field. (See Virupakshappa Gouda and another versus State of

Karnataka and another, (2017) 5 SCC 406, para 14)

5. It has also to be kept in mind that for the purpose of granting bail, the legislature has used the words "reasonable grounds for believing" instead

of "the evidence" which means the court dealing with the grant of bail can only satisfy itself as to whether there is a genuine case against the

accused and that the prosecution will be able to produce prima facie evidence in support of the charge. It is not expected, at this stage, to have the

evidence establishing the guilt of the accused beyond reasonable doubt. (See Virupakshappa Gouda and another versus State of Karnataka and

another, (2017) 5 SCC 406, para 16; CBI versus Vijay Sai Reddy, (2013) 7 SCC 452)

6. The Courts are not oblivious of the fact that the liberty is a priceless treasure for a human being. It is founded on the bedrock of the constitutional

right and accentuated further on human rights principle. It is basically a natural right. In fact, some regard it as the grammar of life. No one would like

to lose his liberty or barter it for all the wealth of the world. People from centuries have fought for liberty, for absence of liberty causes sense of

emptiness. The sanctity of liberty is the fulcrum of any civilised society. It is a cardinal value on which the civilisation rests. It cannot be allowed to be

paralysed and immobilised. Deprivation of liberty of a person has enormous impact on his mind as well as body. A democratic body polity which is

wedded to rule of law, anxiously guards liberty. But, a pregnant and significant one, the liberty of an individual is not absolute. [The] society by its

collective wisdom through process of law can withdraw the liberty that it has sanctioned to an individual when an individual becomes a danger to the

collective and to the societal order. Accent on individual liberty cannot be pyramided to that extent which would bring chaos and anarchy to a society.

A society expects responsibility and accountability from its members, and it desires that the citizens should obey the law, respecting it as a cherished

social norm. No individual can make an attempt to create a concavity in the stem of social stream. It is impermissible. Therefore, when an individual

behaves in a disharmonious manner ushering in the disorderly things which the society disapproves, the legal consequences are bound to follow. At

that stage, the court has a duty. It cannot abandon its sacrosanct obligation and pass an order at its own whim or caprice. It has to be guided by the

established parameters of law. (See *Neeru Yadav versus State of U.P.*, (2014) 6 SCC 508, para 16; *Rakesh Ranjan Yadav versus CBI*, (2007) 1

SCC 70, para 16; *Masroor versus State of U.P.*, (2009) 14 SCC 286, para 15; *Ash Mohammad versus Shiv Raj Singh alias Lalla Babu and another*,

(2012) 9 SCC 446, paras 10 & 25; *Chandrakeshwar Prasad alias Chandu Babu versus State of Bihar and another*, (2016) 9 SCC 443 paras 10, 11)

7. Detailed examination of evidence and elaborate documentation of merits of the case are to be avoided. (See *Puran versus Rambilas and another*,

(2001) 6 SCC 338, para 8; *Kalyan Chandra Sarkar v. Rajesh Ranjan* (2004) 7 SCC 528: (SCC pp. 535-36, para 11); *Vinod Bhandari versus State of*

*Madhya Pradesh*, (2016) 15 SCC 389, para 13; *Lt. Col. Prasad Shrikant Purohit versus State of Maharashtra*, (2018) 11 SCC 45,8 para 2.)

Consideration of details of the evidence is not a relevant consideration. While it is necessary to consider the prima facie case, an exhaustive

exploration of the merits of the case should be avoided by refraining from considering the merits of material/evidence collected by the prosecution.

(See *Anil Kumar Yadav versus State (NCT of Delhi) and another*, (2018) 12 SCC 129 ,para 15; and *Criminal Appeal No. 1175 of 2018*, titled *The*

*State of Orissa versus Mahimananda Mishra*, decided on 18th September, 2018)

8. It is not necessary to go into the correctness or otherwise of the allegations made against the accused as this is a subject matter to be dealt with by

the trial Judge. (See *Dataram Singh versus State of Uttar Pradesh and another*, (2018) 3 SCC 22, para 16)

9. Where prima facie involvement of the accused is apparent, material contradictions in the charge sheet are required to be tested at the time of trial

and not at the time of consideration of grant of bail. (See *Lt. Col. Prasad Shrikant Purohit versus State of Maharashtra*, (2018) 11 SCC 458, para 28)

10. Probability or improbability of the prosecution version has to be judged based on the material available to the court at the time when bail is

considered and not on the basis of discrepancies. (See *Anil Kumar Yadav versus State (NCT of Delhi) and another*, (2018) 12 SCC 129, para 21)

11. The Court granting bail should exercise its discretion in a judicious manner and not as a matter of course and reasons for grant of bail in cases



involving serious offences should be given. (See Kalyan Chandra Sarkar v. Rajesh Ranjan (2004) 7 SCC 528: (SCC pp. 535-36, para 11); Dipak

Shubhashchandra Mehta versus Central Bureau of Investigation and another, (2012) 4 SCC 134 ,para 32; Vinod Bhandari versus State of Madhya

Pradesh, (2016) 15 SCC 389, para13; Lt. Col. Prasad Shrikant Purohit versus State of Maharashtra, (2018) 11 SCC 458, para 29)

12. At the time of assigning reasons in order to grant/refuse bail, there should not be discussion of merits and demerits of the evidence. (See State of

Bihar versus Rajballav Prasad alias Rajballav Prasad Yadav alias Rajballabh Yadav, (2017) 2 SCC 178, para 15)

13. Giving reasons is different from discussing evidence/merits and demerits. (See Puran versus Rambilas and another, (2001) 6 SCC 338, para 8;

State of Bihar versus Rajballav Prasad alias Rajballav Prasad Yadav alias Rajballabh Yadav, (2017) 2 SCC 178, para 15)

14. Under Section 439 CrPC, the Sessions Court and the High Court has concurrent jurisdiction to grant bail. Therefore, an application filed before the

High Court under Section 439 CPC, after rejection of an application filed before Sessions Court under the said Section, is definitely a successive

application and is not a revision or appeal against rejection of bail application by the Sessions Court.

15. An accused has a right to make successive applications for grant of bail, the court entertaining such subsequent bail applications has a duty to

consider the reasons and grounds on which the earlier bail applications were rejected. In such cases, the court also has a duty to record the fresh

grounds which persuade it to take a view different from the one taken in the earlier applications. (See Lt. Col. Prasad Shrikant Purohit versus State of

Maharashtra, (2018) 11 SCC 458, para 30)

16. The period of incarceration by itself would not entitle the accused to be enlarged on bail. (See Anil Kumar Yadav versus State (NCT of Delhi)

and another, (2018) 12 SCC 129, para 24; Gobarbhai Naranbhai Singala versus State of Gujarat (2008) 3 SCC 77,5 para 22 and Ram Govind

Upadhyay versus Sudarshan Singh, (2002) 3 SCC 598, para 9)

17. Filing of charge sheet establishes that after due investigation the investigating agency, having found materials, has placed the charge-sheet for trial of the accused persons. (See Virupakshappa Gouda and another versus State of

Karnataka and another, (2017) 5 SCC 406, para 12) .

14. The relevant factors to be kept in mind at the time of consideration of bail applications are as follows:

(1) Satisfaction of the Court in support of the charge as to whether there is any prima facie or reasonable ground to believe that the accused had

committed the offence;

(2) Nature and gravity of the accusation/ charge;

(3) Seriousness of the offence/crime and severity of the punishment in the event of conviction;

(4) Nature and character of supportive evidence;

(5) Character, conduct, behaviour, means, position and standing of the accused;

(6) The Courts must evaluate the entire available material against the accused very carefully; circumstances which are peculiar to the accused and

the Court must also clearly comprehend the exact role of the accused in the case;

(7) The cases in which accused is implicated with the help of sections 34 and 149 of the Indian Penal Code, the court should consider with even

greater care and caution because over implication in the cases is a matter of common knowledge and concern;

(8) Position and status of accused with reference to the victim and witnesses to assess the impact that release of accused may make on the

prosecution witnesses and reasonable apprehension of the witnesses being influenced or tampered with or apprehension of threat to the complainant/

witnesses and possibility of obstructing the course of justice;

(9) The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a Court in

respect of any cognizable offence;

(10) likelihood and possibility of the accused's likelihood to repeat similar or the other offences;

(11) A reasonable possibility of the presence of the accused not being secured at the trial and danger of the accused absconding or fleeing from

justice;

(12) Impact of grant of bail on the society and danger, of course, of justice being thwarted by grant of bail affecting the larger interest of the public or

the State;

(13) While considering the prayer for grant of anticipatory bail, a balance has to be struck between two factors namely, no prejudice should be caused

to the free, fair and full investigation and there should be prevention of harassment, humiliation and unjustified detention of the accused;

(14) Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people;

(15) Whether the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her;

(16) Frivolity in prosecution should always be considered and it

is only the element of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the

genuineness of the prosecution, in the normal course of events, the accused is entitled to an order of bail;

(17) No doubt, this list is not exhaustive. There are no hard and fast rules regarding grant or refusal of bail, each case has to be considered on its own

merits. The matter always calls for judicious exercise of discretion by the Court.

(See - Gurcharan Singh v. State (Delhi Admn.) (1978) 1 SCC 118; Gurbaksh Singh Sibbia versus State of Punjab, (1980) 2 SCC 56;5 Prahlad Singh

Bhati v. State (NCT of Delhi) (2001) 4 SCC 280; Puran v. Rambilas (2001) 6 SCC 338; Ram Govind Upadhyay v. Sudarshan Singh (2002) 3 SCC

598; Chaman Lal versus State of U.P. and another, (2004) 7 SCC 525; Kalyan Chandra Sarkar v. Rajesh Ranjan (2004) 7 SCC 528, para 11);

Jayendra Saraswathi Swamigal v. State of T.N., (2005) 2 SCC 13, para 16); State of U.P. v. Amarmani Tripathi, (2005) 8 SCC 21, para 18;

Prashanta Kumar Sarkar versus Ashis Chatterjee and another, (2010) 14 SCC 496; Siddharam Satlingappa Mhetre versus State of Maharashtra and

others, (2011) 1 SCC 694; Prakash Kadam versus Ramprasad Vishwanath Gupta, (2011) 6 SCC 189; Kanwar Singh Meena versus State of

Rajasthan and another, (2012) 12 SCC 180; Anil Kumar Yadav versus State (NCT of Delhi) and another, (2018) 12 SCC 129;T he State of Orissa

versus Mahimananda Mishra, (2018) 10 SCC 516â??.

14. As per statement of complainant, which was made immediately after the incident in the hospital, co-accused Rajinder and petitioner Bindu Ram

alias Varinder were having iron rod and iron pipe in their hands and as a matter of fact, Rejoinder @ Raju has not preferred any bail application in this

Court. Presence of Kuldeep Singh and Amit Kumar on the spot is also substantiated by contents of FIR No. 43 of 2020.

15. Petitioner Harvinder is a teenager and petitioner Lal Singh is 61 years old senior citizen. Whereas, petitioner Balbir Singh has been alleged as a person present on the spot along with other accused persons.

16. Considering the role of accused persons and weapon used by them, as has come on record in the statement of complainant, content and effect of

cross FIR and also nature and gravity of offence, impact thereof on the society and period of detention of the petitioners, I am of the opinion that in

case of petitioners Kuldeep Singh in Cr.M.P. (M) No. 2020 of 2020, Bindu Ram alias Virender in Cr.M.P. (M) No. 2014 of 2020 and Amit Kumar in

Cr.M.P. (M) No. 2017 of 2020, balance of public interest is heavier than personal interest and thus they are not entitled for bail at this stage. Whereas

for their age as well as role attributed in the complaint, petitioners Lal Singh in Cr.M.P. (M) No. 2019 of 2020, Balbir Singh in Cr.M.P. (M) No. 2015

of 2020 and Harvinder Chauhan in Cr.M.P. (M) No. 1628 of 2020 can be treated differently and may be enlarged on bail.

17. In view of above, Cr.M.P. (M) Nos. 2020, 2014 and 2017 of 2020 are dismissed.

18. Petitioners in Cr.M.P. (M) Nos. 2019, 2015 and 1628 of 2020 are ordered to be enlarged on bail on furnishing personal bonds in the sum of

`50,000/- each with one surety each in the like amount, to the satisfaction of trial Court within two weeks from today and upon such further conditions

as may be deemed fit and proper by the trial Court, including the conditions enumerated hereinafter, so as to ensure the presence of the petitioners at

the time of trial:-

(i) That the petitioners shall make themselves available to the police or any other Investigating Agency or Court in the present case as and when

required;

(ii) that the petitioners 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/her from disclosing such facts to Court or to any police officer or tamper with the evidence. They shall not, in any manner, try to

overawe or influence or intimidate the prosecution witnesses;

(iii) that the petitioners shall not obstruct the smooth progress of the

investigation/trial;

(iv) that the petitioners shall not commit the offence similar to the offence to which they are accused or suspected;

(v) that the petitioners shall not misuse their liberty in any manner;

(vi) that the petitioners shall not jump over the bail;

(vii) that they shall keep on informing about the change in address, landline number and/or mobile number, if any, for their availability to Police and/or

during trial;

(viii) they shall not leave India without permission of the Court.

19. It will be open to the prosecution to apply for imposing and/or to the trial Court to impose any other condition on the petitioners, enlarged on bail, as

deemed necessary in the facts and circumstances of the case and in the interest of justice and thereupon, it will also be open to the trial Court to

impose any other or further condition on the petitioners as it may deem necessary in the interest of justice.

20. In case the petitioners, enlarged on bail, violate any conditions imposed upon them, their bail shall be liable to be cancelled. In such eventuality,

prosecution may approach the competent Court of law for cancellation of bail, in accordance with law.

21. Learned trial Court is directed to comply with the directions issued by the High Court, vide communication No.HHC.VIG./Misc. Instructions/93-

IV.7139 dated 18.03.2013.

22. Observations made in this petition hereinbefore shall not affect the merits of the case in any manner and are strictly confined for the disposal of

the bail applications.

23. The petitioners, enlarged on bail, are permitted to produce copy of order downloaded from the High Court website and the trial Court shall not

insist for certified copy of the order, however, he may verify the order from the High Court website or otherwise.

The petitions stand disposed of in the aforesaid terms.