

(2020) 07 SHI CK 0421

In the High Court Of Himachal Pradesh

Case No : Criminal Miscellaneous Petition (M) No. 910 Of 2020

Hira Lal

APPELLANT

Vs

State Of Himachal Pradesh And Ors

RESPONDENT

Date of Decision : 02-07-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 34, 323, 341, 354A(i), 354A(ii), 354A(iv)
Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section
3(1)(s), 3(1)(w)(i), 3(1)(w)(ii), 3(2)(va)

Citation : (2020) 07 SHI CK 0421

Hon'ble Judges : Vivek Singh Thakur, J

Bench : Single Bench

Advocate : H.S. Rangra, Shiv Pal Manhans, R.P. Singh, Raju Ram Rahi, Gaurav Sharma

Final Decision : Disposed Of

Judgement

Vivek Singh Thakur, J

1. This petition has been preferred seeking regular bail under Section 439 Criminal Procedure Code (in short Cr.P.C.), in case FIR No.158 of 2020, dated 12.06.2020, registered under the provisions of Sections 354-A(i), (ii), (iv), 341 and 323 read with Section 34 of the Indian Penal Code (in short 'IPC') and Sections 3(1)(s), 3(1)(w)(i), 3(1)(w)(ii), 3(2)(va) of Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short 'SC & ST Act'), in Police Station, Sadar, District Mandi, H.P.

2. Status report stands filed and taken on record in Cr.M.P. (M) No.908 of 2020, wherein it is stated that interrogation of the petitioner, at this stage, is complete and nothing is to be recovered from him. Learned Deputy Advocate General, on the basis of contents of the status report, submits that custodial interrogation has not been asked for by the Investigating Officer.

3. In aforesaid facts and circumstances, I find that it is a fit case, where petitioner can be enlarged on bail at this stage. Accordingly, petitioner is directed to be enlarged on bail in case FIR No.158 of 2020, under the provisions of Sections 354-A(i), (ii), (iv), 341 and 323 read with Section 34 IPC and Sections 3(1)(s), 3(1)(w)(i), 3(1)(w)(ii), 3(2)(va) of SC & ST Act, subject to furnishing his personal bond in the sum of Rs.30,000/- with one surety in the like amount to the satisfaction of the trial Court/Special Judge, within one week from today, also subject to following further conditions:-

(i) That the petitioner shall make himself available to the police or any other Investigating Agency or Court in the present case as and when required;

(ii) that the petitioner 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. He shall not, in any manner, try to overawe or influence or intimidate the prosecution witnesses;

(iii) that he shall not obstruct the smooth progress of the investigation/trial;

(iv) that the petitioner shall not commit the offence similar to the offence to which he is accused or suspected;

(v) that the petitioner shall not misuse his liberty in any manner;

(vi) that the petitioner shall not jump over the bail; and

(vii) that he shall keep on informing about the change in addresses, landline number and/or mobile number, if any, for his availability to Police and/or during trial.

4. It will be open to the prosecution to apply for imposing and/or to the trial Court to impose any other condition on the petitioner as deemed necessary in the facts and circumstances of the case and in the interest of justice.

5. In case the petitioner violate any conditions imposed upon him, his 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.

6. Trial Court/Special Judge, 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.

7. 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 application. Petition stands disposed of in the aforesaid terms.

8. The trial Court shall not insist for certified copy of the order and can verify the same from the High Court Website and from the Registry before accepting the bail bonds to be furnished by the petitioner. Petitioner is at liberty to produce the downloaded copy of the order from the High Court Website.