

(2020) 07 SHI CK 0246

In the High Court Of Himachal Pradesh

Case No : Criminal Miscellaneous Petition (M) No. 928 Of 2020

Jagdish Sharma

APPELLANT

Vs

State Of HP

RESPONDENT

Date of Decision : 13-07-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 323, 498, 504

Scheduled Castes And Scheduled Tribes (Prevention Of Atrocities) Act, 1989 — Section 3

Citation : (2020) 07 SHI CK 0246

Hon'ble Judges : Ajay Mohan Goel, J

Bench : Single Bench

Advocate : Tarun Pathak, Manoj Pathak, Somesh Raj, Dinesh Thakur, Sanjeev Sood, Divya Sood

Final Decision : Disposed Of

Judgement

Ajay Mohan Goel, J

1. This petition has been filed under Section 439 of the Code of Criminal Procedure in case FIR No. 24/2020, dated 15.06.2020, registered under Sections 498, 323, 504 of the Indian Penal Code read with Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Women Police Station Mandi, District Mandi, H.P.

2. Heard. On instructions, learned Deputy Advocate General submits that the petitioner has joined the investigation as and when directed by the Investigating Officer. Further, as of now, no recovery etc. is to be effected from him nor any hindrance stands created by him in the course of investigation.

3. In view of the above, this petition is allowed and order dated 24.06.2020 is made absolute, subject to the following conditions:

"i) Petitioner shall make himself available for the purpose of interrogation, if so

required and regularly attend the Trial Court on each and every date of hearing and if prevented by any reason to do so, seek exemption from appearance by filing appropriate application;

ii) He shall not tamper with the prosecution evidence nor hamper the investigation of the case in any manner whatsoever.

iii) He shall not 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 Court or the Police Officer; and

iv) He shall not leave the territory of India without prior permission of the Court."

4. It is clarified that findings which have been returned by this Court while deciding this petition are only for the purpose of adjudication of the present bail application and learned Trial Court shall not be influenced by any of the findings so returned by this Court in the adjudication of this petition during the trial of the case. It is further clarified that in case the petitioner does not comply with the conditions which have been imposed upon him while granting the present bail, the State shall be at liberty to approach this Court for cancellation of the bail. The petition stands disposed of in the above terms.