
(2021) 12 SHI CK 0027

In the High Court Of Himachal Pradesh

Case No : Criminal Miscellaneous Petition (Main) No. 2195 Of 2021

Joginder Singh And Others

APPELLANT

Vs

State Of Himachal Pradesh

RESPONDENT

Date of Decision : 04-12-2021

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 323, 504, 506
Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1)(r)(s)

Citation : (2021) 12 SHI CK 0027

Hon'ble Judges : Vivek Singh Thakur, J

Bench : Single Bench

Advocate : Y.P.S Dhaulta, Dinesh Thakur

Final Decision : Disposed Of

Judgement

Vivek Singh Thakur, J

1. Petitioners have approached this Court invoking provisions of Section 439 of Criminal Procedure Code (Cr.P.C) seeking bail in case FIR No. 144/2021 dated 1.10.2021, registered in Police Station, Gagret, District Una, H.P., under Sections 323, 504 & 506 of Indian Penal Code (IPC) and Section 3(1) (r) (s) of Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act (SC & ST Act).
2. Status report stands filed. It is stated in the status report that petitioners had joined the investigation and they have been interrogated and investigation is almost complete and nothing is to be recovered from the petitioners. Further, at this stage, custodial interrogation of the petitioners is not required.
3. Taking into consideration the contents of the status report and submission made by the learned counsel for the petitioners, it is a fit case for enlargement of petitioners on bail.
4. Accordingly, petition is allowed and petitioners are ordered to be released on

bail in case FIR No. 144/2021, sated 1.10.2021 registered in Police Station, Gagret, District Una, H.P., on their furnishing personal bonds in the sum of Rs.35,000/- each with one surety each in the like amount to the satisfaction of the Special Judge, Una, within two weeks from today, upon such further conditions as may be deemed fit and proper by the trial Court, including the conditions enumerated hereinafter, so as to ensure presence of petitioners/accused 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 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 he is accused or suspected;

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

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

(vii) that in case petitioners indulge in repetition of similar offence(s) then, his bail shall be liable to be cancelled on taking appropriate steps by prosecution;

(viii) that the petitioners shall not leave the territory of India without prior permission of the Court.

(ix) that the petitioners shall inform the Police/Court their contact numbers and shall keep on informing about change in address and contact number, if any, in future.

5. 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 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.

6. In case the petitioners violate any condition 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.

7. 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.

8. 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 is disposed of in aforesaid terms. Copy dasti.

Petitioners are permitted to produce a copy of this order, downloaded from the web-page of the High Court of Himachal Pradesh, before the authorities/Court concerned, and the said authorities shall not insist for production of a certified copy.