

(2020) 09 SHI CK 0016

In the High Court Of Himachal Pradesh

Case No : Criminal Miscellaneous Petition (M) No. 1467, 1468, 1469, 1470 Of 2020

Kaul Singh And Others

APPELLANT

Vs

State Of Himachal Pradesh

RESPONDENT

Date of Decision : 03-09-2020

Acts Referred:

Indian Penal Code, 1860 — Section 34, 323, 341, 354, 427, 504, 506, 509
Scheduled Castes And Scheduled Tribes (Prevention Of Atrocities) Act, 1989 — Section 3(1)(S)

Citation : (2020) 09 SHI CK 0016

Hon'ble Judges : Jyotsna Rewal Dua, J

Bench : Single Bench

Advocate : Sunil Mohan Goel,. Anil Jaswal, Manoj Bagga

Final Decision : Disposed Of

Judgement

Jyotsna Rewal Dua, J

1. Petitioners are all family members and have been made accused in FIR No.176/2020 dated 16.06.2020, under Sections 341,354, 323, 427, 504, 506, 509, 34 of the Indian Penal Code and Section 3(1)(S) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Bhuntar, District Kullu, H.P. By means of instant petition they have prayed for release on regular bail.

2. Vide order passed on 25.08.2020, the petitioners were granted interim protection subject to conditions specified in the said order.

3. Heard learned counsel for the parties and gone through the status report.

4(i). According to the status report, the FIR in question was registered on the basis of a complaint lodged on 16.6.2020 by one Nishu to the effect that while she alongwith her mother-in-law had gone for cattle grazing in village Chanu-ragan, an altercation and scuffle took place between them & the petitioner (Kaul

Singh in CrMP(M) No.1467). Petitioner (Kaul Singh) statedly used force against the complainant and her mother-in-law, uttered words prohibited under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. This complaint resulted in lodging of the aforementioned FIR. Status report also reveals that the petitioner (Kaul Singh) alongwith co-accused had joined the investigation on 27.08.2020 as directed in the order dated 25.8.2020 and thereafter also cooperated with the investigating agency as and when directed.

4(ii) Learned Additional Advocate General fairly stated that in the fact and circumstances of the case custodial interrogation of the petitioners are not required. However, petitioners should continue to join and cooperate in the investigation

5. In view of above aspect, considering the fact that the petitioners are residents of village Shagar and post office Mohal, Tehsil Bhuntar, District Kullu, Himachal Pradesh and therefore, their presence can always be secured in the trial and considering the fair submission made by learned Additional Advocate General that custodial interrogation of the petitioners are not required, therefore, the interim order passed on 25.08.2020 is made absolute, subject to following conditions:-

(i). Petitioners are directed to join investigation of case as and when called for by the Investigating Officer in accordance with law. However in Cr.MP(M) No.1470/2020, petitioner shall not be called in the police station before 9.00 A.M. and after 5.00 P.M.

(ii). Petitioners shall not hamper the investigation;

(iii). Petitioners undertake not to contact the complainants, to threaten or browbeat them or to use any pressure tactics in any manner whatsoever;

(iv) Petitioners shall not leave India without prior permission of the Court; :::
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(v). Petitioners shall not make any inducement, threat or promise, directly or indirectly, to the Investigating Officer or any person acquainted with the facts of the case to dissuade him/her from disclosing such facts to the Court or any Police Officer;

(vi). Petitioners shall inform the Station House Officer of the concerned police station about their place of residence during bail and trial. Any change in the same shall also be communicated within two weeks thereafter. Petitioners shall furnish details of their Aadhar Card, Telephone Number, Email, PAN Card, Bank Account Numbers, if any; &

In case of violation of any of the terms & conditions of the bail, respondent-State shall be at liberty to move appropriate application for cancellation of the bail. It is made clear that observations made above are only for the purpose of adjudication of instant bail petition and shall not be construed as an opinion on

the merits of the matter. Learned Trial Court shall decide the main matter without being influenced by the above observations. With the aforesaid observations, the present petition stand disposed of, so also the pending miscellaneous applications, if any.

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