

(2023) 05 SHI CK 0107

In the High Court Of Himachal Pradesh

Case No : Criminal Miscellaneous Petition (Main) No. 1169 Of 2023

Manoj Kumar

APPELLANT

Vs

State Of H.P

RESPONDENT

Date of Decision : 22-05-2023

Acts Referred:

Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 — Section 3(1)(x)

Citation : (2023) 05 SHI CK 0107

Hon'ble Judges : Satyen Vaidya, J

Bench : Single Bench

Advocate : Lakshay Parihar, Mohinder Zharaick

Final Decision : Allowed

Judgement

Satyen Vaidya, J

1. Petitioner is an accused in case FIR No. 123 of 2023, dated 14th May, 2023, registered at Police Station Haroli, District Una, H.P., under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes Act (Prevention of Atrocities) Act. Petitioner was admitted to interim bail on 15th May, 2023.

2. Status report filed on behalf of the respondent today, reveals that the petitioner has associated himself in the investigation of the case. His custodial interrogation is not required. It is also alleged that the complainant belongs to scheduled caste and the accused/petitioner is a non scheduled caste. The complainant is working as Safai Karamchari in the industrial unit Nestle India Limited. He is an out sourced employ as the cleaning work has been assigned to a contractor. Complainant is also stated to be a Secretary of the Contract Labour Union working in the industrial unit.

3. Petitioner/accused is a Labour Welfare Officer in the same company. The complainant has alleged that the petitioner has been forcing him to leave the labour union and when the complainant refused to accept his demand, the

petitioner pressurized him and also called him by caste.

4. Learned counsel for the petitioner has submitted that the case registered against the petitioner is false. The petitioner is working as a Manager and as a Labour Welfare Officer in Nestle India Pvt. Ltd. He has been attending his duties honestly and diligently. The allegations against him are malafide and with a purpose to pressurize him to accede to the unjustified demands of the labour union.

5. I have heard learned counsel for the parties and have also gone through the record carefully.

6. The case was registered on 14th May, 2023. The investigation though is stated to be continuing, but there is nothing to suggest that investigation cannot proceed further without the custody of the petitioner. Petitioner has already joined the investigation and has associated himself. It is not a case, where the custodial interrogation of the petitioner is warranted. In this view of the matter, no fruitful purpose shall be served by allowing the petitioner to be detained in custody. Petitioner is a responsible officer of Nestle India Ltd. He is still working in the company and there is no likelihood of petitioner absconding and fleeing from the course of justice. In order to secure the fair and early conclusion of the investigation, the petitioner can be put to appropriate terms.

7. No past criminal history has been attributed to the petitioner. The allegations against him are subject to proof. No prejudice shall be caused to the investigation or the trial, in case the prayer made in the application is allowed.

8. Keeping in view the entirety of the facts and circumstances, the instant petition is allowed and the petitioner is ordered to be released on bail in case FIR No. 123 of 2023, dated 14th May, 2023, registered at Police Station Haroli, District Una, H.P., under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes Act (Prevention of Atrocities) Act, subject to his furnishing personal bond in a sum of Rs.25,000/- with one surety in the like amount to the satisfaction learned Chief Judicial Magistrate or any other Judicial Magistrate 1st Class at Una, however, subject to following conditions:-

(i) That the petitioner shall join the investigation as and when required by the police/investigating officer.

(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 from disclosing such facts to the Court; and

(iii) That the petitioner shall not leave the country without the express permission of the trial Court.

9. However, it is made clear that the observations made hereinabove shall have no bearings on the merit of the case and shall be construed for the disposal of the present petition only.