

(2023) 05 SHI CK 0151

In the High Court Of Himachal Pradesh

Case No : Criminal Miscellaneous Petition (Main) No. 1103 Of 2023

Mohammad Noor Alam Qureshi

APPELLANT

Vs

State Of Himachal Pradesh

RESPONDENT

Date of Decision : 24-05-2023

Acts Referred:

Indian Penal Code, 1860 — Section 420

Citation : (2023) 05 SHI CK 0151

Hon'ble Judges : Ajay Mohan Goel, J

Bench : Single Bench

Advocate : Javed Khan, Jitender Sharma, Tejasvi Sharma, Pusupender Jaswal, Baldev Negi, Gautam Sood

Final Decision : Allowed

Judgement

Ajay Mohan Goel, J

1. HC Vinod Kumar, No. 13, IO, Police Station Kumarsain, District Shimla, H.P. is present with case record.
2. Status report has been filed which is perused and ordered to be taken on record.
3. Heard.
4. On instructions, learned Additional Advocate General submits that the petitioner has duly participated in the course of investigation as and when directed by the Investigating Officer. Further, as of now, no recovery etc. is to be effected at his instance. However, as per him, grant of anticipatory bail is not warranted in the facts of the case.
5. I have heard learned Counsel for the parties and also gone through the status report.
6. It is not in dispute that after the grant of bail, the petitioner has duly

participated in the course of investigation and has not created any hindrance in the same. It is further not the allegation of the prosecution that in the interregnum, post grant of anticipatory bail, the petitioner has either tried to influence any witness or has created any other impediment in the course of the investigation.

7. Therefore, taking into consideration the fact that the nothing is required to be effected at the instance of the petitioner, this petition is allowed and petitioner is ordered to be released on bail in FIR No. 20 of 2023, dated 21.02.2023, registered under Sections 420 of the Indian Penal Code, at Police Station Kumarsain, District Shimla, H.P by making order dated 09.05.2023 as absolute, subject to the following conditions:-

Petitioner shall furnish personal bond in the sum of Rs. 50,000/- with one surety in the like amount to the satisfaction of the learned JMFC/ACJM/CJM concerned within two weeks.

He 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;

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

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

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

8. 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 petition and learned trial Court shall not be influenced, in any manner, whatsoever, by any of the findings so returned by this Court in the adjudication of this petition, during the course of trial of the case. It is further clarified that in case the petitioner does not complies with any of the conditions which have been imposed upon him while granting the present bail, the State shall be at liberty to approach this Court for the cancellation of the bail.

Downloaded copy of this order from the website of this Court shall be valid for compliance.