

(2023) 02 SHI CK 0020

In the High Court Of Himachal Pradesh

Case No : Criminal Miscellaneous Petition (Main) No. 235 Of 2023

Pawan Kumar

APPELLANT

Vs

State Of H.P

RESPONDENT

Date of Decision : 07-02-2023

Acts Referred:

Indian Penal Code, 1860 — Section 120B, 341, 342, 366

Citation : (2023) 02 SHI CK 0020

Hon'ble Judges : Sushil Kukreja, J

Bench : Single Bench

Advocate : Karan Kapoor, Vishal Panwar, Rajat Chauhan

Final Decision : Allowed

Judgement

Sushil Kukreja, J

1. Fresh status report stands filed.
2. A perusal of the status report reveals that the investigation in the present case is almost complete and nothing remains to be recovered from the petitioner.
3. It is not in dispute that the petitioner has been joining the investigation as and when called by the Investigating Officer.
4. The learned Additional Advocate General, on instructions from SI Pawan Kumar, Women Police Station Kullu, District Kullu, has submitted that the custodial interrogation of the petitioner is not required and no recovery is to be effected from him. Furthermore, there is no evidence on record to suggest that the petitioner will tamper with the prosecution evidence, if released on bail and there is also nothing on record to suggest that the petitioner will abscond and flee from justice, if enlarged on bail.
5. Therefore, in view of the facts and circumstances of the case and since the investigation in the case is almost complete and nothing remains to be recovered from the petitioner, coupled with the fact that his custodial interrogation is not

required, the petitioner deserves to be released on bail in FIR No.3/2023, dated 21.01.2023, registered at Women Police Station Kullu, District Kullu, under Sections 341, 342, 366 and 120-B of the Indian Penal Code. Accordingly, bail application is allowed and the interim order dated 30.1.2023, is made absolute, subject to the following conditions:-

(i) That the petitioner will appear before the Court and the Investigating Officer whenever required;

(ii) That he will 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/her from disclosing any facts to the Court or the police;

(iii) That he will not tamper with the prosecution evidence nor she will try to win over the prosecution witnesses in any manner;

(iv) That the petitioner will not leave India without prior permission of the Court.

6. Needless to say that the Investigating agency shall be at liberty to move this Court for cancellation of the bail, if any of the aforesaid conditions is violated by the petitioner.