

(2020) 07 SHI CK 0034

In the High Court Of Himachal Pradesh

Case No : Criminal Miscellaneous Petition (M) No. 1126, 1127 Of 2020

Preeti Sharma Alias Priyanka Sharma Amd Others

APPELLANT

Vs

State Of Himachal Pradesh

RESPONDENT

Date of Decision : 23-07-2020

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439

Indian Penal Code, 1860 — Section 34, 341, 323, 341, 354A, 504, 506

Scheduled Castes And Scheduled Tribes (Prevention Of Atrocities) Act, 1989 — Section 3(1)(X), 3(1) (XIV), 3(1)(XV)

Citation : (2020) 07 SHI CK 0034

Hon'ble Judges : Vivek Singh Thakur, J

Bench : Single Bench

Advocate : Mukul Sood, Shiv Pal Manhans

Final Decision : Disposed Of

Judgement

Vivek Singh Thakur, J

1. Both the petitions have been preferred seeking regular bail under Section 439 Criminal Procedure Code (in short Cr.P.C.), in case FIR No.93 of

2020, dated 08.07.2020, registered under the provisions of Sections 341, 323, 504 and 506 read with Section 34 of the Indian Penal Code (in short

â??IPCâ??) and Sections 3(1)(X), 3(1) (XIV), 3(1)(XV) of Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short

â??SC & ST Actâ??), in Police Station, Baijnath, District Kangra, H.P.

2. Status report stands filed and taken on record of Cr.M.P.(M) No.1126 of 2020.

3. It is submitted on behalf of the respondent-State that interrogation of the petitioner(s) in present case is almost complete and nothing is to be

recovered from them and their custodial interrogation is not necessary at this

stage and further that petitioners are cooperating in the investigation. It is also submitted that petitioners are influential persons and they can pressurize the witnesses and can tamper with the evidence.

4. It is submitted in the petition(s) as well as by learned counsel for the petitioner(s) that complainant in present case is a driver by profession and after consuming liquor, he used to quarrel and abuse with the people try to stop him. He further submits that in present case on 26.05.2020 at about 3.10

p.m. one Sahil, brother-in-law of complainant Amit had started abusing Ms.Preeti Sharma alias Priyanka Sharma and had also given beatings to her

and torn her clothes and also molested her, whereupon FIR No.77 of 2020, dated 26.05.2020 has also been registered against said Sahil under Sections

354-A, 323 and 504 IPC at Police Station Baijnath and after registration of the said FIR complainant in present case had started threatening and

pressurizing petitioner Preeti Sharma alias Priyanka Sharma and her mother to involve them in a false case, unless they withdraw the complaint and

FIR in present case has been lodged to mount pressure upon the petitioners.

5. Considering entire facts and circumstances, mentioned in the petition(s) as also observed in order dated 13.07.2020 and also submissions made by

learned Additional Advocate General, I find that no fruitful purpose is going to be served by sending the petitioner(s) behind the bars and it is a fit

case, where petitioner(s) can be enlarged on bail at this stage. Accordingly, petitioner(s) are directed to be released on bail in case FIR No.93 of 2020,

under the provisions of Sections 341, 323, 504 and 506 read with Section 34 IPC and Sections 3(1)(X), 3(1) (XIV), 3(1)(XV) of SC & ST Act, subject

to furnishing their personal bonds in the sum of ` 30,000/- each with one surety each in the like amount to the satisfaction of learned Special Judge,

Kangra at Dharamshala, within three weeks from today, also subject to following further conditions:-

(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/her 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 they 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 they are accused or suspected;

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

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

(vii) that they shall keep on informing about the change in addresses, landline numbers and/or mobile numbers, if any, for their availability to Police

and/or during trial.

6. 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.

7. In case the petitioners violate any conditions 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.

8. Learned Special Judge, Kangra at Dharamshala, 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.

9. 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 stands disposed of in the aforesaid terms.

10. Learned Special Judge, shall not insist for certified copy of the order and can verify the same from the High Court Website and from the Registry

before accepting the bail bonds to be furnished by the petitioners. Petitioners are at liberty to produce the downloaded copy of the order from the High

Court Website.