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**(2021) 07 SHI CK 0007**

**In the High Court Of Himachal Pradesh**

**Case No :** Criminal Miscellaneous Petition (M) No. 1171, 1172, 1173 Of 2021

Ravi Kant And Others

APPELLANT

Vs

State Of Himachal Pradesh

RESPONDENT

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**Date of Decision :** 01-07-2021

**Acts Referred:**

Indian Penal Code, 1860 — Section 34, 323, 452  
Code Of Criminal Procedure, 1973 — Section 154

**Citation :** (2021) 07 SHI CK 0007

**Hon'ble Judges :** Jyotsna Rewal Dua, J

**Bench :** Single Bench

**Advocate :** Ravinder Singh Chandel, Anil Jaswal

**Final Decision :** Disposed Of

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## **Judgement**

Jyotsna Rewal Dua, J

1. These three bail petition are in relation to FIR No.97/2021, registered on 24.6.2021, under Sections 452, 323 and 34 of Indian Penal code, at Police

Station, Theog, District Shimla. Ad-interim anticipatory bail was granted to the petitioners on 26.6.2021, subject to the terms and conditions, stipulated

in the order.

2. The prosecution case, as per the status report, is that on 24.6.2021 one Shri Vishal Khachi recorded his statement under Section 154 of Code of

Criminal procedure. He stated that he was employed as IT Manager in hotel Taj at Theog. On 23.6.2021 after finishing off his duty at 11:30 P.M., he

went to the quarter of his friend Abhishek Thakur, who was also employed in the same hotel. He and Abhishek Thakur alongwith Abhay and Harsh

had their meals in Abhishek Thakur's quarter. After having their meals, complainant Vishal Khachi and Abhishek Thakur came out of the room

for disposing the left over food. Two boys standing just outside, entered into an altercation with them. Subsequently, complainant and his friend

returned to the room. At around 3:30 A.M., hearing a knock, the door of Abhishek Thakur's quarter was opened by Vishal Khachi. 3-4 boys (later

on identified as petitioners) entered the room. After giving beatings to Vishal Khachi and Abhishek with iron rod, they fled from the place. The beating

caused injuries to Vishal Khachi and Abhishek Thakur. On the basis of this statement, the FIR was registered.

3. Learned counsel for the petitioners contended that the petitioners are all innocent and have been falsely implicated. It was also stated that pursuant

to the interim protection granted to them on 26.6.2021, they have all joined the investigation and are co-operating the investigating agency. Learned

counsel for the petitioner further submitted that the petitioners will continue to abide by the terms and conditions, which have been imposed upon them

in case the interim protection granted in their favour is confirmed.

Learned Additional Advocate General, on the basis of the instructions, submitted that pursuant to the interim protection granted to the petitioners vide

order dated 26.6.2021, they have joined the investigation and are co-operating the investigating agency. Therefore, their custodial interrogation is not

required at present, however, they be directed to join the investigation as and when directed by the investigating agency.

4. According to the status report, the petitioners have joined the investigation and are co-operating with the investigating agency. No recovery remains

to be effected from them. As per the tone and tanner of the status report, the custodial interrogation of the petitioners is not required by the

investigating agency. Considering the overall facts, as have come out in the status report, the allegations levelled against the petitioners, the mode and

manner of commission of alleged offences, the custodial interrogation of the petitioners is not warranted. Petitioners are local resident of Tehsil Theog.

Accordingly, the interim protection granted on 26.6.2021 is made absolute subject to following conditions:

(i) Petitioners are directed to join the investigation of the case as and when called for by the Investigating Officer in accordance with law. They shall

fully cooperate the Investigating Officer and will appear before him in the concerned police station as and when called in accordance with law;

(ii) Petitioners shall not tamper with the evidence or hamper the investigation in any manner whatsoever:

(iii) Petitioners shall not contact the complainant or his family members in any manner whatsoever.

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

(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) In case of launching of prosecution, petitioners shall attend the trial on every hearing, unless exempted in accordance with law.

(vii) 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 Cards, Telephone Numbers, E-

mails, PAN Cards, 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 petitions and shall not be construed as an

opinion on the merits of the matter. Learned trial Court shall decide the matter without being influenced by above observations.

With the aforesaid observations, the present petitions stand disposed of, so also the pending miscellaneous applications, if any.

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