

(2020) 07 SHI CK 0409

In the High Court Of Himachal Pradesh

Case No : Criminal Miscellaneous Petition (M) No. 1011 Of 2020

Reshma

APPELLANT

Vs

State Of Himachal Pradesh

RESPONDENT

Date of Decision : 02-07-2020

Acts Referred:

Indian Penal Code, 1860 — Section 120B, 302
Code Of Criminal Procedure, 1973 — Section 439

Citation : (2020) 07 SHI CK 0409

Hon'ble Judges : Anoop Chitkara, J

Bench : Single Bench

Advocate : N.K. Thakur, Divya Raj Singh, Nand Lal Thakur, Ram Lal Thakur

Final Decision : Disposed Of

Judgement

Anoop Chitkara, J

1. A prospective mother, aged 20 years, who is arraigned as a conspirator, in a murder case vide FIR Number 96/2020 dated 23.6.2020, registered under Sections 302, 120B of the Indian Penal Code, 1860 in Police Station, Amb, District Una, H.P., disclosing non-bailable offences, has come up before this Court under Section 439 CrPC, seeking regular bail, on the grounds that she is going to deliver a child within a week.

2. While issuing notice to the State, the Court had requested Mr. Nand Lal Thakur, Additional Advocate General to file status report either through WhatsApp/e-mail and forward the same to this Court on e-mail id hicourt-hp@nic.in and also send the scanned copy or PDF copy of the status report to the learned counsel for the petitioner on his WhatsApp number.

3. Mr. Nand Lal Thakur, learned Additional Advocate General has filed the status report through e-mail, printout whereof has been placed on record. He further submits that he has sent a copy of the status report to learned Counsel for the petitioner on his WhatsApp number.

4. I have read the status report(s) and heard Mr. Divya Raj Singh, learned counsel for the petitioner. Mr. Nand Lal Thakur, learned Additional Advocate General, assisted by Mr. Ram Lal Thakur, learned Assistant Advocate General, for the State, has opposed this bail application, on two grounds: firstly that the petitioner is involved in a murder case and secondly that she is not a native of Himachal Pradesh and there is every likelihood of her absconding.

5. Without going into the merits of the allegations, given that the accused is just 20 years of age and also given the fact that she is in an advance stage of pregnancy and likely to deliver a child within a week, this Court is inclined to grant her interim bail for a limited period i.e. till 30.9.2020. Consequently, she shall be released on bail on her furnishing personal bond in the sum of Rs.10,000/- (rupees ten thousand only) with one surety in the like amount to the satisfaction of Judicial Magistrate/Chief Judicial Magistrate/Ilaqua Magistrate/Duty Magistrate/the Court exercising jurisdiction over the concerned Police Station, where the FIR is registered. It is, however clarified that the petitioner shall surrender before the trial Court on 1.10.2020. It is further clarified that the petitioner shall not leave Una without written permission of the SHO/IO concerned. It is further clarified that the Court attesting the bonds shall not insist upon the certified copy of this order and shall download the same from the website of this Court, or accept a copy attested by an Advocate, which shall be sufficient for the record.

6. Consequently, the petitioner shall be released on bail in the present case, in connection with the FIR mentioned above, on her furnishing bail bonds in the terms described above.

7. This order does not, in any manner, limit or restrict the rights of the Police or the investigating agency, from further investigation in accordance with law.

8. The present bail order is only for the FIR mentioned above. It shall not be a blanket order of bail in any other case(s) registered against the petitioner.

9. Any observation made hereinabove is neither an expression of opinion on the merits of the case, nor shall the trial Court advert to these comments.

10. The Court Master shall handover this order to the concerned Branch of the Registry of this Court, and the said official shall immediately send a copy of this order to the Magistrate concerned, by e-mail.

With these observations, the present petition stands disposed of.