
(2018) 06 SHI CK 0007
In the High Court Of Himachal Pradesh
Case No : Cr.MP(M) No. 670 of 2018

Subhash Sharma @ Chand

APPELLANT

Vs

State of H.P.

RESPONDENT

Date of Decision : 11-06-2018

Acts Referred:

Indian Penal Code 1860 — Section 504, 506
Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 — Section 3(1)

Citation : (2018) LatestHLJ 997 (HP)

Hon'ble Judges : DHARAM CHAND CHAUDHARY

Bench : Single Bench

Advocate : Naresh Kaul, Narinder Guleria, Kunal Thakur, Navdeep Singh

Final Decision : Disposed Of

Judgement

Dharam Chand Chaudhary, J.

1. Petitioner herein is an accused in FIR No. 144/18 registered under Section 504 and 506 of the Indian Penal Code and Section 3(1) of the SC & ST

(Prevention of Atrocities) Act, 1989 in Police Station, Nurpur, District Kangra, H.P. at the instance of Jagdish Raj with the allegations that on 11th

April, 2018 around 12.15 p.m. when he met the accused-petitioner in connection with matrimonial dispute of his daughter with his son-in-law Suram

Singh, he not only called him by his caste but also hurled filthy abuses. The accused-petitioner has surrendered in this Court and also filed the present

application with a prayer to admit him on bail.

2. The I.O. Deputy Superintendent of Police, Nurpur Sh. Naveep Singh is present in person and has produced the record.

3. Status report has also been filed.

4. The investigation is almost complete, therefore, further custodial interrogation of the accused - petitioner is not required. Otherwise also, he belongs

to village and Post Office Dainkwan, Tehsil Nurpur, District Kangra, H.P. He had been Pradhan of Gram Panchayat, Dainkwan also. Presently, it is

his son Satish, who is Up-pradhan of the said Gram Panchayat. Being so, he has roots in the society. The controversy as to whether he has committed

the offence in the manner as claimed in the FIR has to be set at rest at an appropriate stage after holding full trial. However, at this stage, keeping in

view that there is no possibility of the accused-petitioner fleeing away from justice and there being no past criminal history in his credit, he deserves to

be admitted on bail.

5. Consequently, this application is allowed and the accused-petitioner is ordered to be released on bail in connection with the case registered against

him vide FIR No. 144/18 in Police Station, Nurpur, District Kangra, on his furnishing personal bond in the sum of Rs. 25,000/- with one surety in the

like amount to the satisfaction of learned Sessions Judge (Special Judge), Kangra at Dharamshala. He shall further abide by the following conditions:-

(a) make himself available for interrogation as and when called upon to do so;

(b) not tamper with the prosecution evidence nor hamper the investigation of the case in any manner whatsoever.

(c) 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.

(d) not leave the territory of India without the prior permission of the Court.

6. It is clarified that if the petitioner misuses his liberty or violate any of the conditions imposed upon him, the investigating agency shall be free to

move this Court for cancellation of the bail.

7. Any observations made hereinabove shall not be construed to be a reflection on the merits of the case and rather remain confined to the disposal of

this petition alone. Petition stands disposed of accordingly.