

(2023) 01 SHI CK 0090

In the High Court Of Himachal Pradesh

Case No : Criminal Miscellaneous Petition (Main) No. 256 Of 2023

Thakur Dass @ Sangat Ram

APPELLANT

Vs

State Of Himachal Pradesh

RESPONDENT

Date of Decision : 31-01-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 439
Indian Penal Code, 1860 — Section 34, 201, 302

Citation : (2023) 01 SHI CK 0090

Hon'ble Judges : Sushil Kukreja, J

Bench : Single Bench

Advocate : Paresh Sharma, Pushpender Singh Jaswal, Baldev Negi

Final Decision : Allowed

Judgement

Sushil Kukreja, J

1. By way of instant petition, filed under Section 439 of the Code of Criminal Procedure, the petitioner is seeking bail in case FIR No. 121/2015, dated 31.07.2015, registered at Police Station Manali, District Kullu, H.P., under Sections 302, 201, 34 of the Indian Penal Code.

2. The petitioner is seeking interim bail on the ground that his mother has passed away on 26.01.2023 and since he is the eldest son, his presence for the last rites and rituals as per Hindu Religion is necessary.

3. Since, the mother of the petitioner has passed away and being eldest son of the deceased, his presence for the last rites and rituals as per Hindu Religion is necessary, in these circumstances, on humanitarian grounds, this petition is allowed and the petitioner is ordered to be released on interim bail on furnishing personal bond to the tune of Rs.50,000/- with two sureties of the like amount to the satisfaction of the Jail Superintendent Bilaspur upto 28th February, 2023. In the event of the bail bonds being furnished by the petitioner alongwith two sureties of the like amount, he be released on bail forthwith by taking on record

his undertaking that he shall surrender himself before the Jail Superintendent concerned, i.e. Open Air Jail, Bilaspur, H.P. on or before 1st March, 2023. It is made clear that the above periodical bail has been granted to the petitioner on humanitarian grounds only and on the basis of the merits of the case, as pleaded in the petition.

4. Learned counsel for the petitioner is permitted to produce copy of order downloaded from the High Court website before the concerned authority, who shall not insist for certified copy of the order, however, it may verify the order from the High Court website or otherwise.