
Sumit Rangra Vs State Of Himachal Pradesh

Criminal Miscellaneous Petition (M) No. 1844 Of 2019

Court: High Court Of Himachal Pradesh

Date of Decision: Nov. 27, 2019

Acts Referred:

Code Of Criminal Procedure, 1973 " Section 439#Indian Penal Code, 1860 " Section 34, 323, 342, 500, 504, 506#Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 " Section 3(1)(e)(r)

Hon'ble Judges: Chander Bhusan Barowalia, J

Bench: Single Bench

Advocate: Ajay Sharma, Ajay Thakur, P.K. Bhatti, Raju Ram Rahi, Gaurav Sharma

Final Decision: Allowed

Judgement

Chander Bhusan Barowalia, J

1. The present bail application has been maintained by the petitioner under Section 439 of the Code of Criminal Procedure seeking his release in case

FIR No. 120 of 2019, dated 24.09.2019, under Section 342, 323, 504, 506, 500 IPC read with Section 34 IPC and Section 3(1)(e)(r) of SC&ST Act,

registered in Police Station Bhoranj, District Hamirpur, H.P.

2. As per the averments made in the petition, the petitioner is innocent and has been falsely implicated in the present case. He is resident of the place

and neither in a position to tamper with the prosecution evidence nor in a position to flee from justice. No fruitful purpose will be served by keeping

him behind the bars for an unlimited period, so he be released on bail.

3. Police report stands filed. As per the prosecution story, complainant made a complaint to the police, wherein he stated that his childhood friend is

Abhishek Chaudhary (co-accused) and through him he made another friend Sumit Rangra (petitioner herein). On 02.09.2019, the petitioner

telephonically called the complainant and wished birthday to him. He further asked the complainant to come to his home for celebrating birthday. On

08.09.2019 the petitioner telephonically called the complainant and in the evening again called him. On 09.09.2019, when he was in home, Abishhek

came on his motorcycle and thereafter both of them came to Tarakwadi and then to a road leading to Awahdevi. On the road Pankaj Rana (co-

assued) and Sumit Rangra (petitioner) were standing and Pankaj Rana started thrashing him with a stick. Thereafter, Abhishek Chaudhary, Pankaj

Rana and Sumit Rangra took him to a rain shelter where he was again thrashed with stick, leg and fist. Accused Pankaj did videography while the other

two accused kept on beating him. Subsequently, he was taken to another place on a motorcycle where he was again beaten and videography was

done. The complainant was also threatened with dire consequences and abused. On 23.09.2019 the complainant divulged the incident to his father, so

the matter was reported to the police. Upon the complaint, so made by the complainant, police registered a case and the investigation ensued. The

complainant was medically examined. Police prepared the spot map and recorded the statements of the witnesses. The petitioner was arrested and

the vehicles used in the commission of the crime were seized. Accused Abhishek Chaudhary was also arrested. During the course of investigation

and interrogation, the petitioner made a disclosure statement and got recovered a stick, which was allegedly used by the accused persons for giving

beatings to the complainant. Records qua the caste of the complainant and that of the accused persons were obtained, so on the basis of this recorded

police added the apt Section of SC&ST Act. Police also recovered a memory card in which the video clips of occurrence have been saved, which

was sent to RFSL, Dharamshala, for examination. Lastly, it is prayed that the bail application of the petitioner be dismissed, as the petitioner has

committed a serious offence. In case the petitioner is enlarged on bail, at this stage, he may tamper with the prosecution evidence and may also flee

from justice, so the bail application of the petitioner be dismissed.

4. I have heard the learned Counsel for the petitioner, learned Additional Advocate General for the State and gone through the record, including the

police report, carefully.

5. The learned Counsel for the petitioner has argued that the petitioner is only 18½ years old. He has further argued that the petitioner is resident of

the place and neither in a position to tamper with the prosecution evidence nor in a position to flee from justice. He has argued that no fruitful purpose

will be served by keeping the petitioner behind the bars for an unlimited period. He has further argued that co-accused Abhishek Chaudhary has

already been enlarged on bail by a Co-Ordinate Bench of this Court, so the petition be allowed and the petitioner be enlarged on bail. Conversely,

learned Additional Advocate General has argued that the petitioner has committed a serious crime and in case he is enlarged on bail, he may tamper

with the prosecution evidence and may also flee from justice, so it is prayed that the bail application of the petitioner may be dismissed.

6. In rebuttal the learned Counsel for the petitioner has argued that the petitioner cannot be kept behind the bars for an unlimited period, especially

when nothing is to be recovered from him and he is neither in a position to tamper with the prosecution evidence nor in a position to flee from justice,

as he is resident of the place. He has further argued that co-accused Abhishek Chaudhary has already been enlarged on bail by a Co-Ordinate Bench

of this Court. The custody of the petitioner is not at all required by the police, so the petition be allowed and the petitioner be enlarged on bail.

7. At this stage, considering the age of the petitioner, who is only 18½ years old, the fact that co-accused Abhishek Chaudhary has already been

enlarged on bail by a Co-Ordinate Bench of this Court, the custody of the petitioner is not at all required by the police, considering the fact that the

petitioner is ready and willing to abide by the terms and conditions of bail, in case granted, he is neither in a position to tamper with the prosecution

evidence nor in a position to flee from justice, as he is resident of the place, considering the overall material, which has come on record, and without

discussing the same at this stage, and also the fact that the petitioner cannot be kept behind the bars for an unlimited period, so this Court finds that the

present is a fit case where the judicial discretion to admit the petitioner on bail is required to be exercised in his favour. Accordingly, the petition is

allowed and it is ordered that the petitioner, now in the event of his arrest by the police, in case FIR No. 120 of 2019, dated 24.09.2019, under Section

342, 323, 504, 506, 500 IPC read with Section 34 IPC and Section 3(1)(e)(r) of SC&ST Act, registered in Police Station Bhoranj, District Hamirpur,

H.P., shall be released on bail in this case, subject to his furnishing personal bond in the sum of Rs. 25,000/- (rupees twenty five thousand) with one

surety in the like amount to the satisfaction of the learned Trial Court. The bail is granted subject to the following conditions:

(i) That the petitioner will appear before the learned Trial Court/Police/authorities as and when required.

(ii) That the petitioner will not leave India without prior permission of the Court.

(iii) That the petitioner will 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 the Investigating Officer or Court.

8. In view of the above, the petition is disposed of.