

## Munish Rana Vs State Of Himachal Pradesh & anr

**Court:** High Court Of Himachal Pradesh

**Date of Decision:** Jan. 8, 2021

**Acts Referred:** Railways Act, 1989 " Section 153

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

**Bench:** Single Bench

**Advocate:** Naresh K. Sharma, Anil Jaswal, Manoj Bagga, Rahul Mahajan

**Final Decision:** Disposed Of

### Judgement

Jyotsna Rewal Dua, J

1. Interim protection was granted to the petitioner on 2.1.2021 in Case Crime No. 53/2020, dated 18.12.2020, registered at Railway Police Force, Out

Post, Shimla, district Shimla, under Section 153 of the Railways Act.

2. Perusal of status report reveals that the allegations against the petitioner are in respect of certain constructions including breast wall/retaining

wall/lamp post/concrete blocks at Km 88/18-19 (above track/hillside) between JTO-TVI on Kalka-Shimla Section .

3. Learned Counsel for respondent-Railways submitted that the petitioner alongwith others had facilitated/constructed the above referred works in

violation of the sanction plan, thereby endangering the safety of track and putting the lives of passengers/public at peril.

4. Status report also mentions that pursuant to the interim protection, the petitioner has joined the investigation and is cooperating with the investigating

agency. The custodial interrogation of the petitioner has not been specifically prayed for in the status report. Considering the nature of the dispute as

well as the fact that the petitioner is a Government servant and is a local resident, the interim protection granted to him on 2.1.2021 is confirmed with a

stringent condition that henceforth the petitioner shall not raise or facilitate any construction contrary to the applicable Rules, Regulations/Sanction

Plan etc. endangering public lives as well as property of Railways. Accordingly, the bail petition is allowed. Interim protection granted to the petitioner

vide order dated 2.1.2021 is confirmed subject to following conditions in addition to already drawn condition:-

(i) Petitioner is directed to join the investigation of the case as and when called for by the Investigating Officer in accordance with law. He 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) Petitioner shall not temper with the evidence or hamper the investigation in any manner whatsoever:

(iii) Petitioner will not leave India without prior permission of the Court.

(iv) Petitioner 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;

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

(vi) Petitioner shall inform the Station House Officer of the concerned police station about his place of residence during bail and trial. Any change in

the same shall also be communicated within two weeks thereafter. Petitioner shall furnish details of his Aadhar Card, Telephone Number, E-mail,

PAN Card, Bank Account Number, 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 petition 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 petition stands disposed of, so also the pending miscellaneous applications, if any.