

(2021) 07 SHI CK 0100

High Court Of Himachal Pradesh

Case No: Criminal Miscellaneous Petition (M) No. 1217 Of 2021

Vikas Kumar

APPELLANT

Vs

State Of Himachal
Pradesh

RESPONDENT

Date of Decision: July 9, 2021

Acts Referred:

- Code Of Criminal Procedure, 1973 - Section 439
- Indian Penal Code, 1860 - Section 506
- Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 - Section 3(1)(r)(s)

Hon'ble Judges: Jyotsna Rewal Dua, J

Bench: Single Bench

Advocate: Karan Singh Parmar, Vinay Sharma, Anil Jaswal

Final Decision: Disposed Of

Judgement

Jyotsna Rewal Dua, J

1. This petition under Section 439 of Code of Criminal Procedure is in relation to FIR No. 75/2021, dated 28.6.2021, registered under Section 506 of

Indian Penal Code and Section 3(1)(r)(s) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, at Police Station, Karsog,

District Mandi.

2. As per the status report, case against the petitioner was registered on the basis of a complaint lodged by one Dola Ram on 28.6.2021. The

complainant had alleged that the petitioner had used derogatory and threatening words against him on 26.6.2021. The status report does not dispute

that pursuant to the ad-interim protection granted to the petitioner vide order dated 02.07.2021, he has joined the investigation and is co-operating the

investigating agency. According to the status report, no further investigation or recovery remains to be effected from the petitioner. Learned counsel

for the petitioner submits that the petitioner shall continue to join and cooperate the investigating agency as and when directed.

Whereas, learned Additional Advocate General has not opposed the confirmation of the interim protection granted to the petitioner. However, he has

submitted that in case the court is inclined to grant the bail to the petitioner, the same be made subject to the condition that petitioner shall continue to

join the investigation as and when directed by the investigating agency.

3. Looking into the nature of the allegations levelled against the petitioner, his custodial interrogation is not warranted. The status report records the

fact that the petitioner has joined the investigation and is co-operating the investigating agency. Petitioner is local resident of village Mashog, Tehsil

Karsog, District Mandi, therefore, his presence can be ensured in the trial. Accordingly, order dated 02.07.2021 is made absolute subject to following

conditions:

(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 tamper with the evidence or hamper the investigation in any manner whatsoever:

(iii) Petitioner shall not contact the complainant or her family members in any manner whatsoever.

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

(v) 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;

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

(vii) 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.

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