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**(1989) 05 SHI CK 0002**

**High Court of Himachal Pradesh**

**Case No:** Criminal Revision No. 22 of 1989

State of H.P.

APPELLANT

Vs

Nand Lal

RESPONDENT

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**Date of Decision:** May 15, 1989

**Acts Referred:**

- Penal Code, 1860 (IPC) - Section 354, 376

**Citation:** (1989) 2 ShimLC 197

**Hon'ble Judges:** Bhawani Singh, J

**Bench:** Single Bench

**Advocate:** M.S. Guleria, Assistant Advocate General, for the Appellant; T.R. Chandel, for the Respondent

**Final Decision:** Dismissed

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### **Judgement**

Bhawani Singh, J.

These two petitions (Cr. Revision no. 22 of 1989, State vs. Nand Lal and Cr. Revision no. 27 of 1989, State vs. Satdev Sharma) have been. Filed by the State. It has grievance against the order of bail allowed to the accused by the learned session judge, Shimla, on 4-3-1989 in a case under Sections 376/354 of the Indian Penal Code. It is not necessary to mention the facts of the case in detail as the grievance of the state is confined to the seriousness of the offence alleged to have been committed by the accused.

2. Shri M.S. Guleria, learned Assistant Advocate General, appearing for the State, has very-seriously assailed the impugned order. The statement of life-prosecutor as well as that of Rajkumar was read in extend so to laugh light the seriousness of the offence.

3. Perusal of the petitions discloses that except the seriousness of the case, no other post-release misconduct on the part of the accused has been complained.

4. The order of the sessions judge discloses thorough probe into the matter every, aspect of the. Case has-been discussed and it is not necessary to reiterate many of the facts which if done, may not prejudice the/fair trial of, the case.

5. It is well established that different considerations prevail when man application for the cancellation of the bail is moved. The "court has to be careful to see that the liberty once-allowed to the accused by way of grant of bail is not hampered except where supervening facts are a right to the notice of the court. Shri M.S. Sujoria learned Assistant Advocate General, has not complained about any misadventure the part of the accused in the form of their not assisting in the investigation of this case or their tampering with the prosecution evidence or their intimidating the prosecution witnesses or their efforts to run away from the ultimate trial of the case, which the learned counsel asserts has not, yet started as some report from the chemical analyst is still to be received.

6. Shri T.R. Chandler learned nominee-appearing for the accused, seeks assistance from 1984 (1) crimes 334 (Bhagirath Singh vs. The State of Gujarat) and .submits; that in the absence of misconduct on the part of the accused, this court should not idly let out this accused, bailed. Further, learned sessions judge once having exercised the discretion after hearing the parties, the same should not be set-aside by the cancellation of the bail. There is substance in these. Submissions of-the learned counsel for the accused.

7. In view of the above observation: above, "if see no merit in these petitions and the same are accordingly dismissed.