IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

Cr.MP(M) Nos. 1520, 1521 and 1522 of 2020

Date of Decision 8th September,2020

Cr.MP(M) No. 1520 of 2020

Nain Singh ***…Petitioner***

Versus

State of H.P. ***….Respondent***

Cr.MP(M) No. 1521 of 2020

Kartar Singh ***….Petitioner***

Versus

State of H.P. ***….Respondent***

Cr.MP(M) No. 1522 of 2020

Vinod Kumar ***…..Petitioner***

Versus

State of H.P. ***….Respondent***

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The Hon'ble Mr. Justice Vivek Singh Thakur, J.

Whether approved for reporting?[1]

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[1] ***Whether Reporters of Local Papers may be allowed to see the judgment? Yes***

For the Petitioner(s): Mr. Sukrit Sood, Advocate vice Ms.Leena Guleria, Advocate.

For the Respondent(s): Mr. Shiv Pal Manhans, Additional Advocate General, through Video Conferencing.
ASI Parkash Chand, P.S.Gohar, District Mandi is present in person.

Vivek Singh Thakur, J.

All these petitions are being disposed of by this common judgment, as they arise out of same FIR.

2 Status report(s) stand filed in all petitions.

3 Petitioner in each petition has approached this Court for regular bail, under Section 439 Cr.P.C., in case FIR No. 139 of 2020, dated 31.9.2020, registered in Police Station Gohar, District Mandi, H.P.

4 It is stated in status report(s) that investigation is almost complete and petitioners have joined investigation and nothing is to be recovered from them.

5. Learned Additional Advocate General, under instructions of Officer, present in person, submits that custodial interrogation of petitioners is not required.

6 It is further stated in status report that during investigation, it has come on record, on the basis of statements of witnesses and interrogation of accused persons, that complainants in present case were extracting sand from Khud for

MG-NREGA work, whereupon, accused had objected the said extraction of sand and son of accused had video-graphed the extraction of sand and incident, which has resulted into altercation and quarrel between the parties. It is further stated in report that accused persons have also lodged a complaint in Police Station, whereupon an FIR No. 138 of 2020 has been registered against complainant party, whereas FIR No. 139 of 2020 has been registered against accused persons at the instance of complainant party.

7 Considering the entire facts and circumstances of the case and keeping in view the status report as well as submissions made by learned Additional Advocate General as well as ASI Parkash Chand, present in person, I am of the opinion that no fruitful purpose is going to serve by keeping the petitioner(s) behind the bars during pendency of trial and at this stage petitioners are entitled to be enlarged on bail in case FIR No. 139 of 2020 registered at P.S. Gohar. Therefore, the petitioners are ordered to be released on bail, subject to furnishing personal bond in the sum of Rs.30,000/- each with one surety each in the like amount to the satisfaction of the learned Chief Judicial Magistrate/Additional Chief Judicial Magistrate/Judicial Magistrate 1st Class, Mandi, holding the

charge of concerned Police Station within two weeks from today, subject to the following conditions:-

(i) That the petitioners shall make themselves available during investigation as well as the trial on each and every date as and when required;

(ii) That the petitioners shall 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 from disclosing such facts to Court or to any police officer or tamper with the evidence. They shall not, in any manner, try to overawe or influence or intimidate the prosecution witnesses;

(ii) That they shall not obstruct the smooth progress of the investigation as well as trial;

(iii) That they shall not jump over the bail and shall inform, in writing, regarding change of address, land line number and/or mobile number, if any, in advance, to concerned Police Station.

(v) That the petitioners shall not commit the offence similar to the offence to which they are accused or suspected or the commission of which they are suspected.

(vi) That petitioners shall not misuse their liberty in any manner.

8. It will be open to the prosecution to apply for imposing any such other or further condition on the petitioners

as deemed necessary in the facts and circumstances of the case and in the interest of justice. It will also open to the trial Court to impose any other or further condition on the petitioners as it may deem necessary in the interest of justice.

9. In case the petitioners violate any condition imposed upon them, their bail shall be liable to be cancelled. In such eventuality, prosecution may approach the competent Court of law for cancellation of bail in accordance with law.

10. Learned trial Court is directed to comply with the directions issued by the High Court, vide communication No. HHC/VIG/Misc.Instructions/93-IV.7139 dated 18.3.2013.

11 Petitions stand disposed of. Any observation made in this order shall not affect the merits of case in any manner and will strictly confine for the disposal of this bail application filed under Section 439 of Code of Criminal Procedure 1973.

Dasti copy on usual terms.

September 08,2020 **(Vivek Singh Thakur)**
(ms) **Judge**