IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

Cr.MP(M) Nos. 2174, 2175 and 2176 of 2020

Date of Decision 29th Dec.,2020

Cr.MP(M) No. 2174 of 2020

Shivani Sharma ***…Petitioner***

Versus

State of H.P. ***….Respondent***

Cr.MP(M) No. 2175 of 2020

Priyanshu Kant Sharma ***….Petitioner***

Versus

State of H.P. ***….Respondent***

Cr.MP(M) No. 2176 of 2020

Rajneesh Kant ***….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. Dheeraj K. Verma, Advocate, through Video Conferencing.

For the Respondent(s): Mr. Sumesh Raj, Additional Advocate General, through Video Conferencing.

Vivek Singh Thakur, J.

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

2 Petitioner in each petition has approached this Court for bail, under Section 438 Cr.P.C., in case FIR No. 199 of 2020, dated 21.10.2020, registered under Sections 323, 341, 354, 354A, 354D, 506, 34 IPC and Section 8 of POCSO Act, in Police Station Kangra, District Kangra, H.P.

3 Status report(s) stand filed, wherein it is stated that petitioners have joined the investigation. The status report(s) are completely silent about requirement of petitioners for custodial interrogation and learned Additional Advocate General, under telephonic instructions of SHO, submits that nothing remains to be recovered from petitioners at this stage.

4 Complaint on the basis of which FIR has been lodged has also been reproduced in status report, wherein, it has been alleged by complainant party that they were beaten mercilessly by petitioners in their house, but, at the last, complainant had

stated that there was no need for medical examination of victims.

5 Considering the material placed before me, I do not find any reason for curtailing the personal liberty of petitioners at this stage by rejecting the present bail petitions. Accordingly, the petitioners are ordered to be released on bail in the present case, subject to furnishing personal bond in the sum of Rs.25,000/- each with one surety each in the like amount to the satisfaction of the learned trial Court/Special Judge, Kangra, having jurisdiction to try the case, 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;

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

(iv) That they shall not jump over the bail;

(v) That they shall inform, in writing, regarding change of address, land line number and/or mobile number, if any, in advance, to concerned Police Station.

(vi) 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.

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

(viii) That they shall not leave India without permission of the Court.

6 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 be 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.

7 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.

8 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.

9 Any observation made in this order shall not affect the merits of case in any manner and will strictly confine for the disposal of these bail applications filed under Section 439 of Code of Criminal Procedure 1973.

10 The petitioners are permitted to produce copy of order downloaded from the High Court website and the trial Court shall not insist for certified copy of the order, however, they may verify the order from the High Court website or otherwise.

Petitions stand disposed of.

Dasti copy on usual terms.

December 29,2020 **(Vivek Singh Thakur)**
(ms) **Judge**