

IN THE HIGH COURT OF HIMACHAL PRADESH AT
SHIMLA

Criminal Revision No. 71 of 2006.

Date of decision: 31-7-2006.

Khem Singh.	Versus	Petitioner.
State of H.P. and another.		Respondents.

Coram:

The Hon'ble Mr. Justice V.K. Gupta, C.J.

Whether approved for reporting ?¹

For the Petitioner : Mrs. Pratima Malhotra, Advocate.

For Respondent No.1: Mr. J.K. Verma, Deputy Advocate General.

For Respondent No.2: Mr. K.B. Khajuria, Advocate.

V.K. Gupta, C.J. (oral).

I have heard Mrs. Pratima Malhotra, learned counsel appearing for the petitioner and Mr. J.K. Verma, learned Deputy Advocate General. I have also heard Mr. Khajuria, learned counsel appearing for the respondent No.2. Separate replies filed by both the respondents have also been perused.

Whereas respondent No.1 has conceded the petitioner's prayer for cancellation of bail of respondent No.2, the respondent No.2 has defended the impugned order and submits and prays that this petition be dismissed and the impugned order be up-held.

The allegation against the respondent No.2 is that on 27-5-2005 in a Bus, the respondent No.2 threw acid on the victim girl named Mamta. Actually in the process of the acid being thrown allegedly by respondent No.2, not only Mamta but

¹ *Whether reporters of Local Papers may be allowed to see the judgment?*

others also got burn injuries because in the process, the acid came to be thrown over others as well. Ofcourse, Mamta received very serious burn injuries and till date, as per the statement of Mr. J.K.Verma, learned Deputy Advocate General, she continues to be admitted in Dr. Rajendra Prasad Centre for Ophthalmic Sciences, AIIMS, New Delhi. Her eyes and face were badly affected as well as dis-figured by the aforesaid burn injuries. Apparently, she is still not out of a difficult medical situation. She admittedly has lost vision of one eye because of the burn injuries and in the other eye, she is facing problem.

The only ground assigned by the learned Court below, viz the filing of the Police Report under Section 173 of the Code of Criminal Procedure is a changed circumstance in favour of respondent no.2 for his being released on bail, is not at all being approved by me.

In the facts and circumstances of the case, but without spelling out the detailed reasons lest such reasons might influence the outcome of the trial, I set aside the impugned order and direct that the respondent no.1 be taken into custody. Respondent No.2 is present in person in the Court today along with his counsel Mr. K.B. Khajuria. I direct Mr. J.K. Verma, learned Deputy Advocate General, to ensure that respondent No.2 is taken into custody in the Court itself.

Passing of this order or any observation which I might have made unwittingly in support of this order, shall not be construed as any expression of opinion by this Court with respect to the merits of the case. I shall be issuing two more directions. Firstly, the trial shall be expedited. The prosecution as well as the learned trial Court jointly shall ensure that all the witnesses are examined very very soon and all steps are taken

to conclude the trial within six months from today if it is possible to do so. The prosecution shall ensure that all the eye witnesses are examined initially and as soon as possible.

Secondly, I permit the respondent no.2 to file a fresh bail application before the learned trial Court at the conclusion of the evidence of eye witnesses. The learned trial Court at that stage shall re-consider the request of respondent no.2 on its merits and in the light of the evidence of eye witnesses.

(V.K. Gupta)
Chief Justice.

July 31, 2006.
(BM)