

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.MP(M) No.28 of 2009.

Date of decision: 30.01.2009.

Rurya Ram Petitioner.
Vs.	
State of Himachal PradeshRespondent.

Coram

The Hon'ble Mr. Justice Kuldip Singh, Judge.

Whether approved for reporting? No

For the Petitioner : Mr.V.D. Khidta, Advocate.

**For the Respondent Mr. A.K. Bansal, Additional
Advocate General.**

Kuldip Singh, Judge. (Oral)

This is an application under Section 438 Cr.P.C. for releasing the petitioner on bail, in FIR No.07 of 2009, dated 06.01.2009, registered at Police Station, Chamba, under Sections 452 and 354 IPC. The status report has been filed. Heard and perused the record.

It has been submitted on behalf of the petitioner that the petitioner is presently a Pradhan of Gram Panchayat, Basodhan, Tehsil and District Chamba, H.P. He has been falsely implicated in the case due to political rivalry. The petitioner apprehends his arrest in the case due to registration of the FIR. It has further been submitted that the case has been registered at the instance of Smt. Blasi Devi wife of Labdi Ram. The petitioner has not good relations with one Babu Ram and husband of Smt. Blasi Devi is working as servant with Babu Ram. In fact, Babu Ram and Labdi Ram on

Whether the reporters of the local papers may be allowed to see the Judgment? Yes

07.01.2009 tried to outrage the modesty of his wife Smt. Nirmla and FIR No. 8/2009 has been registered at Police Station, Sultanpur. The petitioner filed bail application before the learned Addl. Sessions Judge, (Fast Track Court), Chamba which was dismissed on 09.01.2009. It has been submitted that no recovery is to be made from the petitioner and he is ready to join the investigation.

Learned Additional Advocate General has opposed the bail application and has submitted that the petitioner being a Pradhan is an influential person and in case he is granted bail, then there is likelihood of his influencing the prosecution witnesses. It has been submitted that earlier also the petitioner was involved in a similar case in FIR No. 255/2006 dated 10.11.2006 under section 354 IPC.

I have considered the rival contentions of the either side. No recovery is to be made from petitioner. He is permanent resident of village Bhoine, Tehsil Chamba. It has not been elaborated what happened to earlier FIR No. 255/2006. In the facts and circumstances of the case, the petitioner has made out a case for grant of bail under Section 438 Cr. P.C., accordingly petition is allowed. In the event of arrest of petitioner in FIR No.07 of 2009 dated 06.01.2009, registered at Police Station, Chamba, under Sections 452 and 354 IPC, the petitioner be released on bail on his furnishing personal bond in the sum of Rs.10,000/- with one surety of the like amount to the satisfaction of the Arresting Office. The petitioner shall continue to join the investigation as and when called by the Investigating Officer. The petitioner shall not hamper the investigation or tamper with the prosecution witnesses.

Copy Dasti on usual terms.

(Kuldip Singh)
Vacation Judge

January 30, 2009
(brb)