

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.M.P(M) No. 36 of 2009.

Date of decision: 30.1.2009

Nupa Ram

.....Petitioner.

Vs.

State of H.P.

.... Respondent.

Coram

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

Whether approved for reporting? No

For the applicant : Mr. Lalit Kumar Seghal, Advocate,

For the Respondent : Mr. A.K. Bansal, Addl. Advocate General.

Kuldip Singh, Judge (oral).

This is an application under Section 439 Cr.P.C. for releasing the petitioner on bail in FIR No.167/08 registered on 8.10.2008 at Police Station, Karsog, under Sections 306, 201 and 506 (II) IPC. The status report has been filed.

2. Heard and perused the record.

3. It has been submitted on behalf Learned counsel for the petitioner that petitioner was arrested on 9.10.2008 in FIR No.167 of 2008, registered at Police Station, Karsog. The petitioner is innocent and has been falsely implicated in the case. No recovery is to be made from the petitioner. In fact investigation in the case is complete. The petitioner is permanent resident of village Salogi, Tehsil Karsog and is ready to furnish bail bonds in accordance with the directions of this Court. The continuous detention of the petitioner is not necessary in the case in view

of the completion of the investigation. The petitioner earlier filed bail application which was rejected by learned Sessions Judge, Mandi on 9.1.2009.

4. The application has been opposed by the learned Addl. Advocate General and has submitted that on 29.9.2008 at about 9 pm Tek Chand informed the police through his mobile that his sister Meera has consumed poison. Thereafter Nupa Ram was contacted who told that his wife had gone towards khad (rivulet) and her dead body was found at 8.30 a.m. The statement under Section 154 Cr.P.C. of Mangat Ram was recorded. The prosecution case is that petitioner and Meera Devi were married about 22 years ago and from that marriage two sons and one daughter were born. The prosecution case is that a few years after the marriage petitioner started ill-treating Meera Devi and therefore, Meera Devi committed suicide on account of continuous ill-treatment of petitioner. On these grounds, the learned Addl. Advocate General has submitted that the petitioner is not entitled to any indulgence for grant of bail.

5. I have considered the rival contentions of both the parties. The petitioner and Meera Devi were married about 22 years ago and from that marriage two sons and one daughter were born. No recovery is to be made and in fact the investigation in the case is complete. The prosecution case is that petitioner started ill-treating the deceased a few years after the marriage. In another words even as per the prosecution the alleged ill-treatment of the deceased continued for several years, the trial court will look into the merits of the case during trial.

6. In the facts and circumstances of the case the petitioner has made out a case for grant of bail. Accordingly application is allowed. The petitioner is ordered to be released on bail in FIR No. 167 of 2008 registered at Police Station, Karsog under Sections 306, 201 and 506 (II)

IPC on his furnishing personal bond in the sum of Rs.20,000/- with one surety of the like amount to the satisfaction of the learned Sessions Judge, Mandi. The petitioner shall not hamper the investigation and influence the prosecution witness in any manner and also shall not leave the jurisdiction of District Mandi without permission of learned Sessions, Judge, Mandi.

7. The observations made in the order shall not be construed as expression of opinion on the merits of the case.

Copy Dasti on usual terms

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(Kuldip Singh)
Judge.

January 30, 2009
(sks)