

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.M.P(M) No. 34 of 2009.

Date of decision: 30.1.2009

Rajinder Kumar

.....Petitioner.

Vs.

State of H.P.

.... Respondent.

Coram

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

Whether approved for reporting?

For the applicant : Mr. Ajay Kumar, 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.112/08 registered on 15.12.2008 at Police Station, Kandaghat, under Sections 307,34 IPC. The status report has been filed.

2. Heard and perused the record.

3. Learned counsel for the petitioner has submitted that petitioner was arrested on 15.12.2008 in FIR No.112 of 2008 on the allegations that he and his minor son Ajay Kumar stabbed one Anurag Thakur. Ajay Kumar was produced before Juvenile Court at Shimla and has been released on bail. It has been submitted that alleged occurrence took place at the spur of the moment in which injuries were received by Anurag Thakur. The injured has been discharged from the hospital and no recovery is to be made from the petitioner who runs a tea shop and sole

bread earner of the family. The petitioner has earlier filed bail application which was rejected by learned Addl. Sessions Judge, Solan on 14.1.2009. The petitioner is ready to furnish bail bonds in accordance with the directions of this Court.

4. The application has been opposed by the learned Addl. Advocate General on the ground that petitioner is involved in a serious case and the injured remained in the hospital from 15.12.2008 to 20.12.2008. In the status report it has been stated that weapon of offence has already been recovered. It has been submitted that petitioner has past criminal record and in the past several FIRs were registered against the petitioner.

5. I have considered the rival contentions of the learned counsel for the parties. The investigation in the case is almost complete. The petitioner was arrested on 15.12.2008 and since then he is in custody. The weapon of offence has also been recovered. The continuous detention of the petitioner now is not necessary. As far as the past conduct of the petitioner and registration of various FIRs are concerned, law will take its own course. The petitioner has made out a case for grant of bail. Accordingly, application is allowed. the petitioner is ordered to be released on bail 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 Addl. Sessions Judge, Solan. The petitioner shall not hamper the investigation and influence the prosecution witness in any manner.

Copy Dasti on usual terms

**(Kuldip Singh)
Judge**

**January 30, 2009
(sks)**

