

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

1 Cr.MP(M) No.733 of 2009.

2. Cr.MP(M) No.734 of 2009.

Date of decision: 31.8.2009.

1.Cr.MP(M) No.733 of 2009

Vivek Pathania Petitioner

Vs.

State of H.P. Respondent.

1.Cr.MP(M) No.734 of 2009

Mukesh Petitioner

Vs.

State of H.P. Respondent

Coram

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

Whether approved for reporting? No

For the Petitioner(s) : Mr. Rajiv Rai, Advocate.

**For the Respondent : Mr. Anshul Bansal, Addl. Additional
Advocate General with Mr. R.P.
Singh, Assistant Advocate General**

Kuldip Singh, Judge. (Oral)

This order shall dispose of Cr.MP(M) No.733 of 2009 and Cr.MP(M) No.734 of 2009 filed by Vivek Pathania and Mukesh respectively under Section 438 Cr.P.C. for releasing them on bail in FIR No.248 of 2009 registered at Police Station, Sadar, Distt

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

Bilaspur under Sections 147, 148, 149, 323 and 506 IPC. The status report has been filed in Cr.MP(M) No.733 of 2009.

2. Heard and perused the record. It has been submitted on behalf of Vivek Pathania that he had been the former student of Govt. College, Bilaspur and he was President of "Bilaspur Students Association". On 21.8.2009 Student Central Election was held in Bilaspur Degree College and the panel of Bilaspur Students Association won the election with huge margins. This was not liked by other Students Associations. The students blocked the road; police used lathi charge, as a result of which many students were injured. Vivek Pathania being the previous office bearer of "Bilaspur Students Association" has been falsely implicated in the case, therefore, he filed the bail application.

3. Mukesh has also filed the bail application on the grounds as taken by Vivek Pathania with the exception that he was holding the post of Campus General District President of 'Bilaspur Students Association'. Mr. Anshul Bansal, Learned Addl. Advocate General has submitted that petitioners are not the students of Bilaspur College, in fact 11 accused were arrested out of them 9 were released on bail by learned Judicial Magistrate, Bilaspur and it has been submitted that weapons of offence have been recovered from the three accused and from remaining accused the recoveries are yet to be made. In the status report nothing has been said what type of the recoveries are to be made from petitioners. It is the case of Investigating Agency that 9

accused have already been released on bail by learned Judicial Magistrate, therefore, in the facts and circumstances of the case, I am satisfied that the petitioners have made out a case for grant of bail. Accordingly, bail applications under Sections 438 Cr.P.C are allowed. The petitioners in the event of arrest in FIR No.248 of 2009 registered at Police Station, Sadar, Distt Bilaspur under Sections 147, 148, 149, 323 and 506 IPC, be released on bail on their furnishing personal bonds in the sum of Rs.10,000/- each with one surety each of the like amount to the satisfaction of the Arresting Officer subject to the condition that they shall join the investigation as and when called by the Investigating Officer and shall not hamper the investigation and tamper with the prosecution evidence in any manner.

Copy Dasti on usual terms

(Kuldip Singh)
Judge

August 31, 2009
(sks)