

15.1.2010 Present: Mr. Ashwani K. Sharma, Advocate, for the petitioner.

Mr. J.K. Verma, Dy. Advocate General with Mr. Ankush Dass Sood Additional Advocate General for the respondent.

This is an application under Section 439 Cr.P.C. for grant of bail to the petitioner in FIR No. 169 of 2007 dated 29.10.2007 registered at Police Station, Baddi, under Sections 342, 380, 395, 411, 458 and 120-B IPC. The status report has been filed.

It is a matter of record that another co-accused who is similarly situated in similar circumstances has been released on bail in relation to the very same FIR. The order dated 23.12.2009 passed in Cr.M.P (M) No. 1067 of 2009 in case titled Anil Kumar versus State of H.P. has been annexed along with the present petition.

The petitioner was taken into custody on 30.10.2007 and has been in custody since then. It is his contention

that he has been falsely implicated in the case as he has not committed the alleged offence. The petitioner's earlier bail application, filed before the Court below, no doubt stands rejected vide order dated 25.11.2009, by the Court below but it is a matter of fact that even though the challan was presented in the Court on 30.1.2008, yet the charges have not been framed.

The trial is being delayed for one reason or the other and there are large number of witnesses to be examined by the prosecution in the case. The petitioner is languishing in jail without any effective progress in the trial and it is not certain as to within how much time trial shall be completed.

In view of the above, the petitioner is ordered to be released on bail in connection with FIR No. 169 of 2007 dated 29.10.2007 registered at Police

Station, Baddi, under Sections 342, 380, 395, 411, 458 and 120-B IPC, on his furnishing personal bond in the sum of Rs. 25,000/- with two local sureties each of the like amount to the satisfaction of the trial Court where the case is pending with the condition that the petitioner shall regularly appear in the Court during trial, he shall report at Police Station, Baddi in the first week of every month till the completion of trial arising out of aforesaid FIR and presence of petitioner shall be marked at Police Station, Baddi in token of his putting presence and such record shall be maintained at Police Station, Baddi. The petitioner shall not tamper with the persecution evidence or terrorize the prosecution witnesses. In case any condition is violated by the petitioner, then the respondent shall be at liberty to

apply for cancellation of bail granted to the petitioner.

The observations made in this order are for disposal of bail application only and the same shall not be treated as expression of opinion on the merits of the case.

Copy dasti.

January 15, 2010
(cm)

(Sanjay Karol),
Vacation Judge.

