

IN THE HIGH COURT OF HIMACHAL PRADESH,  
SHIMLA

Cr. MPs(M) No.350 of 2010 and 379 of 2010.

Date of decision: 30<sup>th</sup> April, 2010.

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**1.Cr.MP(M) No.350 of 2010.**

**Vicky**

**....Petitioner**

**Versus**

**State of HP.**

**..Respondent.**

**2.Cr.MP(M) No.379 of 2010.**

**Sandeep alias Sanju**

**... Petitioner.**

**Versus**

**State of HP.**

**... Respondent.**

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Coram

**Hon'ble Mr. Justice Surinder Singh, J.**

**Whether approved for reporting<sup>1</sup>?**

**1. Cr.M.P.(M) No.350 of 2010.**

**For the petitioner : Mr. Peeyush Verma, Advocate.**

**For the respondent: Mr. J.S. Rana, Assistant Advocate General.**

**2. Cr.M.P.(M) No.379 of 2010.**

**For the petitioner : Mr. Rajeev Sood, Advocate.**

**For the respondent: Mr. J.S. Rana, Assistant Advocate General.**

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**SURINDER SINGH, J (Oral)**

1. Petitioners Vikram alias Vicky (Cr.M.P.(M) No.350 of 2010 and Sandeep alias Sanju were denied

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<sup>1</sup>Whether reporters of the Local papers are allowed to see the judgment?

anticipatory bail in FIR No.36 of 2010 dated 5<sup>th</sup> March, 2010, under Sections 147, 148, 149, 323, 324, 325, 326, 307 and 506 of the Indian Penal Code, registered in Police Station, Theog. Thus they were arrested on 22<sup>nd</sup> March, 2010. They were also denied bail under Section 439 of the Code of Criminal Procedure by the Court of Sessions, hence instant applications for bail.

2. Heard and gone through the record.
3. Although, both these petitioners have been named in the FIR, but their case is separate from the other co-accused as they were not having any weapon of offence nor they attributed any injuries to any one of members of the complainant party.
4. According to the learned Counsel for the petitioners, although petitioner Sandeep alias Sanju was sitting in his Alto car in the Bazar at Sandhu and the other co-accused forcefully occupied his vehicle thus he got scared and ran away from the place, but wrongly apprehended in this case.
5. Investigation in this case is almost complete and report from the Forensic Science Laboratory is awaited. There is no previous criminal history against the petitioners. Their case from the other five accused persons could be separated. In these

circumstances, the bail can be allowed to them with suitable and reasonable conditions.

6. Thus, it is ordered that both these petitioners be enlarged on bail on their furnishing bail bonds in the sum of Rs.10,000/- each with one surety each of the like amount to the satisfaction of learned Judicial Magistrate, Theog and this bail shall be subject to the conditions that the petitioners:

- (a) shall not involve themselves in any type of criminal activities in future;

- (b) shall not tamper with the prosecution evidence in any manner;

- (c) shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer; and

- (d) shall join the investigation, if any, and shall also present themselves in the Court whenever required.

7. It is made clear that if any of the aforesaid conditions is flouted, the liberty of bail shall be cancelled.

8. The observations made hereinabove are strictly for the disposal of these bail petitions and the same

shall not be treated as an expression of opinion on the merits of the case.

9. An authenticated copy of this order be sent to the Judicial Magistrate, Theog for information and necessary action at his end. If the parties apply for copy urgently, it be supplied to them forthwith as per rules.
10. Both the petitions shall stand disposed of.

**April 30, 2010.**  
(rc)

**(Surinder Singh),J.**