

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.MP(M) No. 332 of 2012

Date of decision: 30.4.2012

Vikas Chauhan S/o Sh. Goverdhan Singh R/o V.P.O. and Tehsil Rohru,
District Shimla, H.P.

.... Petitioner

Vs.

State of Himachal Pradesh

..... Respondent

Coram

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

Whether approved for reporting?¹No.

**For the Petitioner : Mr. Rajiv Rai, Advocate, vice
Mr. Shivank Singh Panta, Advocate.**

**For the Respondent : Ms. Ruma Kaushik, Addl. A.G.
with Mr. J.S.Rana, Asstt. A.G.**

Kuldip Singh, Judge (Oral).

This is an application under Section 439 Cr.P.C. for releasing the petitioner on bail in FIR No. 345 of 2011 dated 5.12.2011 registered at Police Station, Rohru, District Shimla, under Sections 341, 323, 354, 506, 382, 34 IPC and Section 3 (1) (11) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. It has been stated in the petition that the petitioner has been falsely implicated in the above case. The petitioner and co-accused were arrested on 15.12.2011 and since then he is in custody. The earlier bail applications filed by the petitioner have been rejected. The last bail application of the petitioner has been rejected by the learned Sessions Judge on 27.3.2012.

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

3. The petitioner is innocent, he has committed no offence. There is no evidence on record to connect the petitioner with the commission of offence. The report under Section 173 Cr.P.C. has been filed. The charge has not yet been framed. There is no likelihood of the completion of early trial of the petitioner. The petitioner is ready to furnish bail bonds in accordance with the directions of the Court. The submission has been made for releasing the petitioner on bail.

4. The status report has been filed. It has been stated that on 5.12.2011 Krishan Chand alongwith his wife Santosh Kumari and Chainmati came to the Police Station and lodged a complaint. He has stated that on 5.12.2011 at about 12.30 p.m. his wife Santosh Kumari had been returning from Mand-devri, on the way Ruby and Jawahar Lal met, who were under the influence of some intoxicant. Ruby asked the wife of the complainant to arrange some 'Charas', he also started teasing the wife of the complainant. The wife of the complainant objected, Ruby gave kick and fist blows on her abdomen, Jawahar slapped on her ear. On account of beatings given by the two, the wife of the complainant became unconscious and she fell down. On hearing noise, the complainant also reached there. Chainmati sister-in-law also tried to save the wife of the complainant but Ruby also slapped her. Kushla had seen the occurrence. In addition, Meera, Baby, Asha Devi were also present on the spot. The wife of the complainant told him that Ruby and Jawahar Lal had also used caste related words to the victim. The wife of the complainant had been under treatment at Kamla Nehru Hospital for the last one year. The complainant has apprehension of life from the accused. A pendant and ear-ring of the wife of the complainant has been snatched, on this case has been registered.

5. Santosh Kumari and Chainmati were got medically examined. The petitioner and the co-accused were arrested on 15.12.2011. The petitioner denied of snatching any pendant or ear-ring. The complainant is a Scheduled Caste, the accused belongs to high caste. Jawahar Lal has been released on bail by the High Court on 5.1.2012. The challan has been submitted in the Court on 3.12.2011. Vikas Chauhan alias Ruby is a quarrelsome person who can influence the witnesses if released on bail. The petitioner is involved in FIR No. 41 dated 27.3.2010 under Sections 341, 323, 34 IPC, FIR No. 136 dated 23.12.2010 under Sections 341, 323, 427, 506, 34 IPC, FIR No.327 dated 24.10.2011 under Sections 341, 323, 419, 504, 506 IPC, FIR No. 330 dated 30.10.2011 under Sections 452, 323, 419, 380, 506 IPC and Section 20 of the Narcotic Drugs and Psychotropic Substances Act, 1985. The submission has been made for rejection of the bail application.

6. Heard and perused the record. It has been submitted on behalf of the petitioner that the petitioner has been falsely implicated in the case. The petitioner has also been falsely implicated in other cases referred in the status report. In the status report, it has been stated that challan has been submitted in the Court. The trial of the case will take some time, the petitioner is in custody since 15.12.2011. It is not certain how much time the trial will take. The charge has not been framed. The cases registered against the petitioner will be dealt with in accordance with law. The co-accused Jawahar Lal has already been granted bail. In the facts and circumstances of the case, the petitioner has made out a case for grant of bail under Section 439 Cr.P.C.

7. In view of above, petition is allowed. The petitioner is ordered to be released on bail in FIR No. 345 of 2011 dated 5.12.2011 registered

at Police Station, Rohru, District Shimla, under Sections 341, 323, 354, 506, 382, 34 IPC and Section 3 (1) (11) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, on his furnishing personal bond in the sum of ₹ 50,000/- with two sureties each of the like amount to the satisfaction of Judicial Magistrate 1st Class (1), Rohru with the condition that the petitioner shall not terrorise, overawe any prosecution witness. He shall maintain absolute peaceful and lawful conduct during the pendency of the case.

8. The observations made in this judgment are for disposal of bail petition only and the same shall not be construed as an expression of opinion on the merits of the case.

Copy **dasti**.

April 30, 2012.
(GR)

(Kuldip Singh),
Judge.