

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

Cr. MP(M) No. 125 of 2014.

Decided on: 31st January, 2014.

Vipin Kumar

.....Petitioner.

Versus

State of H.P.

.....Respondent.

Coram

***The Hon'ble Mr. Justice Dharam Chand Chaudhary, Judge.
Whether approved for reporting?¹ No.***

For the petitioner :

Mr. T.S. Chauhan, Advocate.

For the respondent:

**Mr. Ravinder Thakur, Additional
Advocate General with Mr. Vikram
Thakur and Ms. Parul Negi, Deputy
Advocates General.**

**Probationer SI Babu Ram, Police
Station, Bhoranj, is also present.**

Dharam Chand Chaudhary, J. (oral).

The petitioner is an accused in FIR No.168 of 2013, registered against him under Sections 498-A and 306 of the Indian Penal Code, in Police Station, Bhoranj, District Hamirpur. He apprehends his arrest in connection with the said case. He is an Army personnel and presently posted as Sepoy in 795 ASC Battalion. He was married to deceased Ruchi Sharma alias Rachana in May, 2009. They were blessed with a child also. His wife, however, has committed suicide

¹ Whether reporters of Local Papers may be allowed to see the judgment? Yes.

during the night intervening 16/17.12.2013 by hanging herself inside the room.

2. The case against the accused-petitioner and his parents has been registered at the instance of Shri Om Parkash, the father of the deceased. There are allegations of maltreatment and torturing of the deceased at the hands of accused-petitioner and his parents. The investigating agency has collected some evidence also to this effect, which is available on record.

3. The accused-petitioner admittedly was not present at his native place on the day when his wife committed suicide as he was in his Unit at Assam at that time. True it is that on coming to know about this incident, he left for his native place, however, as has come in his interrogation conducted by the police returned back to his Unit from Delhi on apprehension of being arrested by the police in this case.

4. The deceased has committed suicide within seven years of her marriage with the accused-petitioner. The accused-petitioner, however, being not present at his native place, no immediate act of omission and commission leading to provocation and ultimately commission of suicide by the deceased, therefore, prima facie can be attributed to him. There are allegations against his parents as they both

were present in the house and even have been arrested also in this case. The claim of the accused-petitioner for being admitted on bail cannot be equated with that of his parents.

5. The accused-petitioner has joined the investigation. He is ready and willing to join the investigation in future also as and when called upon to do so.

6. Although, on behalf of the respondent-State this petition has been seriously opposed, however, without satisfying this Court as to why and for what the custodial interrogation of the petitioner is required. Being so, coupled with the factum of the accused-petitioner an Army Personnel and a small and physically crippled kid depends upon him and also that he being permanent resident of District Hamirpur, can reasonably be believed to have roots in the society, hence, there is no likelihood of his fleeing away from justice or jumping over the bail; this petition is allowed and it is ordered that in the event of the arrest of accused-petitioner in connection with FIR No.168/2013, Police Station, Bhoranj, District Hamirpur, he shall be released on bail subject to his furnishing personal bond in the sum of ₹50,000/- with one surety in the like amount to the satisfaction of the Investigating Officer/arresting Police Officer. He shall further abide by the following conditions:

That he shall:

- (a) make himself available for the purpose of interrogation as and when required and shall cooperate with the Investigating Officer to conduct the investigation in a manner so as to take it to its logical end and he shall regularly attend the trial Court on each and every hearing if prevented by any reason to do so, seek exemption from appearance by filing appropriate application;
- (b) not tamper with the prosecution evidence nor hamper the investigation of the case in any manner whatsoever;
- (c) not make any inducement, threat or promises to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or the Police Officer; and
- (d) not leave the territory of India without the prior permission of the Court.

7. It is clarified that if the petitioner misuses his liberty or violates any of the conditions imposed upon him; the investigating agency shall be free to move this Court for cancellation of the bail.

8. Any observations made hereinabove shall not be construed to be a reflection on the merits of the case and shall remain confined to the disposal of this petition alone. The petition stands accordingly disposed of.

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January 31, 2014
(rc)

**(Dharam Chand Chaudhary),
Judge.**