

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

CrMP(M) No. 483/2014

Decided on 30.4.2014

Shubham Thakur**Petitioner**

Versus

State of Himachal Pradesh**Respondent**

Coram:

Hon'ble Mr. Justice Rajiv Sharma, Judge.

Whether approved for reporting? ¹

For the Petitioner : Mr. Lokender Paul Thakur,
Advocate.

For the Respondent : Mr. Parmod Thakur, Addl. AG.

Rajiv Sharma, Judge (oral):

Petitioner is seeking bail in FIR No. 88/2013 dated 1.9.2013, registered at Police Station Bharari under Sections 302, 201 and 364 of Indian Penal Code.

2. Mr. Lokender Paul Thakur, learned Advocate, has vehemently argued that his client has been falsely implicated in the case. There is no likelihood of his tampering with the prosecution evidence and he will abide by all the conditions, which may be imposed by this Court in case of his release on bail.

3. Heard. Police report is perused.

4. Petitioner had filed bail application under Section 439 of Criminal Procedure Code bearing bail application No. 330/2 of 2013 before the learned Additional Sessions Judge, Ghumarwin, which was rejected by him by a well reasoned order on 22.1.2014.

¹ Whether the reporters of the local papers may be allowed to see the judgment?

5. It is evident from the perusal of the report that petitioner was in touch with the co-accused at 11.27 P.M. on 31.8.2013. He also used telephone No. 82639-91131. He has called Ajay Soni and Bipan Kumar on his telephone in the evening of incident. The accused has also travelled from Barota to Kallar Mour and came back in vehicle No. HP-74-0609 on 31.8.2013. After receiving the report of Forensic Science Laboratory Mandi, challan has been put up in the Court against the accused on 2.12.2013.

6. Deceased has been murdered brutally. He was thrown in the bushes. Accused have tried to burn his face by throwing acid on the face. It is evident from the record that the petitioner is prima facie involved in the commission of offence punishable under Section 302, 201 and 364 of Indian Penal Code. The Courts should be very cautious while enlarging accused on bail in heinous crimes.

7. In view of above, the petition is dismissed. However, it is made clear that the discussion made herein above, shall have no bearing on the merits of the main case.

(Rajiv Sharma)
Judge

April 30, 2014
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