

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.**

**Cr.M.P(M) No. 43 of 2015**

**Decided on: 30<sup>th</sup> January, 2015**

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Ajeet Kumar

.....Petitioner

Versus

State of H.P.

...Respondent.

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*Coram*

***The Hon'ble Mr. Justice Dharam Chand Chaudhary, Judge.***

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

**For the petitioner: Mr. Rajneesh.K. Lal, Advocate.**

**For the respondent: Mr. Ashok Chaudhary and  
Mr. Virender Verma, Additional  
Advocates General.**

**ASI Rajinder Singh IO/PS, Sadar,  
District Chamba is also present  
along with the record.**

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

Petitioner is an accused in FIR No. 12/15  
registered against him in Police Station, Sadar, District  
Chamba under Section 420 of the Indian Penal Code.

2. The allegations, as disclosed, from the record  
against the accused-petitioner, in a nut-shell are that on the  
basis of false, forged and fictitious will, never executed by  
the complainant or anyone else, hemanaged to sanction the  
mutation of land entered in Khata Khatoni No. 7/7, Khasra

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<sup>1</sup> Whether the reporters of Local Papers may be allowed to see the judgment?

Nos. 156, 320, 323, 350, 353 measuring 16-12-00 bighas situate in Village Rajeendu Pargana, Saho, Tehsil and District Chamba to the extent of 2/6 share and thereby committed an offence punishable under Section 420 of the Indian Penal Code.

3. The status report placed on record by learned Additional Advocate General and the record produced by the Investigating Officer reveals that the investigation is still in progress. Complaint is that after the registration of the case, the accused did not join the interrogation. The record, however, reveals that no '**Hukamnama**' within the meaning of Section 41 of the Code of Criminal Procedure, calling upon the accused-petitioner to join the interrogation was ever issued. On the other hand, this Court vide order passed on 15.1.2015 had directed the accused-petitioner to join the investigation as when required to do so by the Investigating Officer. Any how, the accused-petitioner is present in person and ready and willing to join the interrogation as and called upon to do so.

4. If coming to the allegations, the dispute seems to be civil in nature. However, this case has also been registered against the accused-petitioner. The investigating

agency is at liberty to conduct the investigation and in the event of any incriminating material is found against the accused-petitioner, the law will take its own course. So far as the interrogation and investigation of the case is concerned, he is local resident of District Chamba. This Court feels that there will be no difficulty to the Investigating Officer to secure his presence for the purpose. This Court can otherwise also direct him to join the interrogation by imposing suitable conditions upon him.

4. This application is, therefore, allowed and it is ordered that in the event of arrest of the accused-petitioner in connection with FIR No. 12/15 registered against him in Police Station, Sadar, District Chamba, he shall be released on bail subject to his furnishing personal bond in the sum of ₹50,000/-(rupees fifty thousand) with one surety in the like amount to the satisfaction of Arresting Police Officer. The accused-petitioner shall further abide by the following conditions:

that he shall:-

- (a) he shall make himself available for the purpose of interrogation;

- (b) not temper with the prosecution evidence nor hamper the investigation of the case in any manner whatsoever.
- (c) not make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or the Police Officer.
- (d) not leave the territory of India without the prior permission of the Court.

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

6. 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 disposed of.

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January 30, 2015  
(naveen)

(Dharam Chand Chaudhary)  
Judge