

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

Cr. MP(M) No. 79 of 2015.

Decided on: 30th January, 2015.

Heera Singh

.....Petitioner.

Versus

State of H.P.

.....Respondent.

Coram

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

Whether approved for reporting?¹No.

For the petitioner : Mr. B.C. Negi and Yash Wardhan Chauhan, Advocates.

**For the respondent : Mr. Ashok Chaudhary and Mr. Virender Verma, Additional Advocates General.
ASI Prem Lal, I/C. State CID Sub Unit Rampur is also present.**

Dharam Chand Chaudhary, J. (oral).

Petitioner is an accused in FIR No.3 of 2015, registered under Sections 406, 409 and 411 of the Indian Penal Code against him in Police Station, State CID Bharari, District Shimla. He is contractor by profession. Allegations against him are that 100 bags of cement not meant for sale were recovered from Nawang Paldan, co-accused of the accused-petitioner on 12th January, 2015 at about 7.30 p.m. During the course of investigation it transpired that the Assistant Engineer,

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

B&R, Sub Division, Sarahan, issued 200 bags from the store of the Public Works Department at Rampur on 12th January, 2015 to the accused-petitioner for being used in the construction work of upgradation of Rai-khad road, which work was awarded to him by the Department. It is out of those 200 bags, the accused-petitioner allegedly sold 100 bags to his co-accused Nawang Paldan.

2. Record produced by the Investigating Officer reveals that the investigation in the case is almost complete. The accused-petitioner is permanent resident of Tehsil Rampur, District Shimla. He being a contractor, can be said to have roots in the society. Otherwise also, there is no complaint that he was not available to the investigating agency during the course of investigation of the case for interrogation. The application, therefore, is allowed and it is ordered that in the event of arrest of the accused-petitioner in connection with the case registered against him vide FIR No.3 of 2015, in Police Station, State CID Bharari, District Shimla, 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 Arresting Police Officer and 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;
- (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 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; and
- (d) not leave the territory of India without the prior permission of the Court.

3. 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.

4. The observations hereinabove shall remain confined to the disposal of this petition and have no bearing on the merits of the case. The petition stands disposed of.

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January 30, 2015
(rc)

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