

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

Cr. MP(M) No. 89 of 2015.

Decided on: 30th January, 2015.

Hari Dutt

.....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. Balraj Singh, Advocate.

For the respondent : Mr. Virender Verma, Additional Advocate General.

ASI Bhagat Ram, Police Station, West Shimla, District Shimla is also present.

Dharam Chand Chaudhary, J. (oral).

Petitioner is an accused in FIR No.149 of 2014, registered against him in Police Station, West Shimla, under Section 307 of the Indian Penal Code. He is working as Clerk on contract basis in Himachal Pradesh University, Summer Hill, Shimla-5. Complainant Ms. Shaili Chauhan is also working as Senior Assistant there. The complaint is that on 14th August, 2014, the complainant was present outside the dispensary in the complex of

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

University where she has gone to hand over the money of her RD account to one Anil Kumar Chand. After handing over the money to said Shri Chand, she came out and while on the gate the accused-petitioner happened to meet her. He caught hold her from arm and dragged her. The accused-petitioner even molested her. When she protested against such objectionable act and conduct of the accused-petitioner, he enraged and after taking out a knife from his pocket assaulted her on chest, stomach, arm and forehead. She fell down and was removed to dispensary by the people gathered there. The accused-petitioner was also apprehended and brought to Police Chowki, Summer Hill. Blood stained knife was recovered from the accused-petitioner which was taken in possession. He was arrested there and then. He is still in judicial custody.

2. The investigation in the case is now complete. Challan against him has also been filed in the Court. In the opinion of the Medical Officer all the injuries except for injury No.1 on the person of the complainant are simple in nature. As regards injury No.1, the same according to Medical Officer could have been

dangerous to life had the weapon of offence pierced in the lungs.

3. Be it stated that the offence allegedly committed is heinous and grievous in nature. However, the occurrence has taken place in the manner as claimed by the investigating agency needs proof, which the prosecution may produce at an appropriate stage, i.e., at the time of trial of the accused-petitioner in the event of charge is framed against him. The accused-petitioner is in custody right from the day of registration of the case, i.e., 14th August, 2014. The conclusion of the trial may take considerably long time. On the other hand, the accused-petitioner being a permanent resident of District Solan and was also an employee of the Himachal Pradesh University can reasonably be said to have roots in the society and this Court see no reason that he will abscond or not available at the time of trial. His movement can otherwise be restricted by imposing suitable conditions upon him, while admitting on bail.

4. The application, therefore, is allowed. Consequently, the accused-petitioner, who has been arrested in FIR No.149 of 2014, registered in Police Station,

West Shimla, is hereby ordered to 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 learned Chief Judicial Magistrate/Judicial Magistrate, Shimla. He shall further abide by the following conditions:-

That he shall:

- (a) 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 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.

5. 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.

6. 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.

Copy ***Dasti***.

January 30, 2015
(rc)

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