

IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA
ON THE 29th DAY OF APRIL, 2022
BEFORE
HON'BLE MR. JUSTICE SANDEEP SHARMA
CRIMINAL MISC.PETITION (MAIN) NO.942 of 2022

Between:-

MAHENDER KUMAR, SON OF
LATE SH. PREM DAS, R/O
VILLAGE & P.O. KAO, TEHSIL
KARSOG, DISTRICT MANDI,
HIMACHAL PRADESH, AGED 42
YEARS.

.....PETITIONER

(BY MS. REETA HINGMANG,
ADVOCATE)

AND

STATE OF HIMACHAL PRADESH

.....RESPONDENT

(BY MR. KUNAL THAKUR AND MR.
KAMAL KANT, DEPUTY ADVOCATE
GENERALS)

Whether approved for reporting?

*This petition coming on for orders this day, the Court
passed the following:*

ORDER

While apprehending his arrest in the case registered by his wife, petitioner has approached this Court in the instant proceedings filed under Section 438 Cr.P.C, for grant of interim bail. It has been averred in the petition that in the intervening night of 27/28.2.2022, petitioner and his wife had some altercation and thereafter, wife of the petitioner left her matrimonial house alongwith two children. Wife of the petitioner while leaving company of her husband extended threats of dire consequences, as such, petitioner has an apprehension of his being arrested in a case, if

any, registered by his wife.

2. Mr. Kunal Thakur, learned Deputy Advocate General while appearing on behalf of respondent-State, states that since as of today, there is no FIR, if any, against the petitioner, present petition is not maintainable.

3. Ms. Reeta Hingmang, learned counsel representing the petitioner while fairly admitting the factum with regard to non-registration of the case, seeks permission to withdraw the present petition, at this stage with liberty to file afresh, at appropriate stage.

4. Consequently, in view of the above, present petition is dismissed as withdrawn, with liberty, as prayed for and SHO, Police Station Karsog, District Mandi, is directed to serve four days' prior notice to the petitioner in the event of registration of the case, if any, against him, enabling him to approach the appropriate court of law for grant of bail, if required and desired.

5. Parties may produce the downloaded copy of the order passed by this Court before the Authorities concerned, if required and concerned Authority shall not insist for the certified copy of the order, rather factum with regard to passing of the order can be verified from the web/page of this Court.

The petition stands accordingly disposed of.

Copy **dasti**.

(Sandeep Sharma)
Judge

29th April, 2022
(reena)