

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

**Cr.MP(M) No. 1999 of 2020**  
**Decided on: 23.12.2020**

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Bharat Bhushan .....Petitioner  
Versus  
State of Himachal Pradesh .....Respondent

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*Coram*

***The Hon'ble Mr. Justice Chander Bhusan Barowalia, Judge.***

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

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For the petitioner: Mr. Bharat Bhushan Vaid, Advocate.

For the respondent-State: Mr. S.C. Sharma, Additional Advocate General.

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**Chander Bhusan Barowalia, Judge.** *(oral).*

The matter is taken up through video conference.

**2.** The present bail application has been maintained by the petitioner under Section 438 of the Code of Criminal Procedure seeking his release in case FIR No. 77 of 2020, dated 04.03.2020, under Sections 451, 506, 395, 398 read with Section 34 of IPC, registered in Police Station Nalagarh, District Solan, H.P.

**3.** As per the averments made in the petition, the petitioner is innocent and has been falsely implicated in the present case. He is permanent resident of the place and neither in a position to tamper neither with the prosecution evidence nor in a position to flee from

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

justice. No fruitful purpose will be served by sending him behind the bars, so he be released on bail.

**4.** Police report stands filed. The prosecution story, as emanates from the records is that, on 04.03.2020, petitioner moved an application with Police Station Nalagarh that on 03.03.2020, at about 3.30 pm, when he was present in his scrap/junk-shop at Beli Deyod, then two persons came on motorcycle (Pulsar), parked the same in front of his shop, came inside the shop and threatened him to do away his life. They also demanded Rs.20,000/- from him and when he refused, one of them took out a pistol and threatened that if he (petitioner) will not give them money, they will kill him, they also revealed to have sent by Dalprit Baba. On this complaint, present FIR came to be registered against the petitioner. During investigation, police procure CCTV footage and also identified the persons came on the motorcycle No.PB12AF-6881 to be Jasvinder Singh and Honey Singh alias Bharat Bhushan. The said motorcycle was also followed by a car bearing No.PB08DH-3916. As police, accused Jasvinder Singh was arrested on 11.03.2020. Other accused persons, who were in the car, are yet to be arrested. Police prepared the spot map and recorded the statements of the witnesses and completed the codal formalities. As per police, the petitioner is joining and co-operating in the investigation. Lastly, it is prayed that bail petition be dismissed, as the petitioner was found to have committed a serious offence and, in case,

at this stage, he is enlarged on bail, he may flee from justice or tamper with the prosecution witnesses.

**5.** I have heard the learned Counsel for the petitioner, learned Additional Advocate General for the State and gone through the record, including the police report, carefully.

**6.** Learned Counsel for the petitioner has argued that the petitioner is permanent resident of the place and neither in a position to tamper with the prosecution evidence nor in a position to flee from justice. He has argued that no fruitful purpose will be served by sending him behind the bars, so the bail petition may be allowed and the petitioner be enlarged on bail. Conversely, learned Additional Advocate General has argued that the petitioner has committed a serious offence and in case, at this stage, he is enlarged on bail, he may flee from justice or tamper with the prosecution evidence. He has prayed that the bail petition of the petitioner be dismissed.

**7.** In rebuttal, learned Counsel for the petitioner has argued that the petitioner is permanent resident of the place and is neither in position to flee from justice nor in a position to tamper with the prosecution evidence. He has further argued that custody of the petitioner is not required by the police as he is joining and co-operating in the investigation regularly, so the present petition be allowed and the petitioner be enlarged on bail.

8. At this stage, considering the fact that custody of the petitioner is not at all required by the police and the petitioner is joining and co-operating in the investigation, also the fact that he is permanent resident of the place and neither in a position to tamper with the prosecution evidence nor in a position to flee from justice and the fact that the petitioner is ready and willing to abide by the terms and conditions of the bail, in case granted. Considering the overall material, which has come on record, and without discussing the same, at this stage, this Court finds that the present is a fit case where judicial discretion to admit the petitioner on bail is required to be exercised in his favour. Accordingly, the present petition is allowed and it is ordered that the petitioner, in the event of his arrest, in case FIR No.77 of 2020, dated 04.03.2020, under Section 451, 506, 395, 398 read with Section 34 of IPC, registered in Police Station Nalagarh, District Solan, H.P., shall be released on bail forthwith in this case, subject to his furnishing personal bond in the sum of Rs.50,000/- (rupees fifty thousand) with one surety in the like amount to the satisfaction of the learned Trial Court. The bail is granted subject to the following conditions:

- (i) That the petitioner will appear before the learned Trial Court/Police/authorities as and when required.
- (ii) That the petitioner will not leave India without prior permission of the Court.

- (iii) That the petitioner will not directly or indirectly 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 Investigating Officer or Court.

9. In view of the above, the petition is disposed of.

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**December 23, 2020**  
(R.Atal)

**(Chander Bhusan Barowalia)**  
**Judge**

High Court of H.P.