

Lachmi Chand vs. State of H.P.

Cr.MP(M) No.1649 of 2023

02.08.2023 Present: Mr. N.S. Chandel, Senior Advocate, with Mr. Pranav Sharma and Mr. Imran Khan, Advocates, for the petitioner.
Mr. Dalip K. Sharma, Advocate, for the complainant.
Mr. B.N. Sharma, Additional Advocate General, for the respondent/State.
Deputy Superintendent of Police, Amit Sharma, Police Station SV and ACB, Headquarter, Shimla, present in person alongwith record.

Status report has been filed in connected bail application
i.e. Cr.MP(M) No. 1598 of 2023.

It is not in dispute that the petitioner has been joining the investigation as and when called by the Investigating Officer.

2. The learned Additional Advocate General, on instructions from Mr. Amit Sharma, Deputy Superintendent of Police, Police Station SV&ACB Headquarter Shimla, H.P., has submitted that since the investigation of the case is complete, the custodial interrogation of the petitioner is not required. He further stated that no recovery is to be effected from the petitioner. Furthermore, there is no evidence on record to suggest that the petitioner will tamper with the prosecution evidence, if released on bail and there is also nothing on record to suggest that the petitioner will abscond and flee from justice, if enlarged on bail.

3. Therefore, in view of the facts and circumstances of the case, as the investigation is complete and nothing remains to be recovered from the petitioner, the present bail application is allowed and the interim order dated 30.06.2023 is made absolute, subject to the following conditions:-

- (i) that the petitioner will appear before the Court and the Investigating Officer whenever required;*
- (ii) that he 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 any facts to the Court or the police;*
- (iii) that he will not tamper with the prosecution evidence nor he will try to win over the Prosecution witnesses or terrorise them in any manner;*
- (iv) that he will not leave India without prior permission of the Court.*

4. Needless to say that the Investigating agency shall be at liberty to move this Court for cancellation of the bail, if any of the aforesaid conditions is violated by the petitioner.

August 02, 2023
(subhash)

(Sushil Kukreja)
Judge