

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.  
ON THE 4<sup>th</sup> DAY OF OCTOBER, 2021**

**BEFORE  
HON'BLE MR. JUSTICE VIVEK SINGH THAKUR**

**CRIMINAL MISC. PETITION (MAIN) No.1918 of 2021**

**Between:-**

**BINDU RAM,  
S/O LATE SH. KANWAR SINGH,  
R/O VILLAGE BANDLI, PO KANDO  
BHATNOL, TEH. SHILLAI,  
DISTRICT SIRMAUR HP AGE 40  
YRS.**

**....PETITIONER**

**(BY SH. DEEPAK KAUSHAL, ADVOCATE)**

**AND**

**STATE OF HIMACHAL PRADESH**

**...RESPONDENT**

**(BY SHRI DINESH THAKUR, ADDITIONAL ADVOCATE GENERAL)**

**Whether approved for reporting?**

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

**ORDER**

Petitioner has approached this Court seeking interim bail in case FIR No. 44 of 2020, dated 2.6.2020, registered under Sections 451, 147, 148, 149, 323, 504 and 302 of Indian Penal Code (in short 'IPC') in Police Station Shillai, District Sirmaur H.P.

2           Petitioner has been arrested by police on 2.6.2020. He remained in police custody and thereafter, he was remanded to judicial custody and since then, he is behind the bars.

3           Cause for filing the present petition is that petitioner Bindu Ram is the eldest son of late Kanwar Singh and his grandfather Molu Ram has expired on 21<sup>st</sup> September, 2021 and being eldest son, he has to perform the rituals in the ceremony of *Tehrwin* and *Shudi* sheduled on 4<sup>th</sup> October, 2021 and 6<sup>th</sup> October, 2021 respectively in his native village. His father has already expired.

4           Respondent/State was directed to obtain instructions to verify the facts in this regard. Status report, submitted through SHO, Police Station Shillai, has been placed on record along with statements of family members, villagers and office bearers and ex-office bearers of Panchayat, death certificate of Molu Ram, copy of Parivar Register of family of deceased Molu Ram. In the statements, it is stated that petitioner being eldest son has to perform rituals after one month of death of his grandfather.

5           On perusal of Parivar Register, it is evident that Bindu Ram was born on 6<sup>th</sup> January 1981 and he is eldest amongst his brothers. Death certificate of Molu Ram, grandfather of petitioner, also indicates that he has expired on 21<sup>st</sup> September, 2021.

6           Considering the entire facts and circumstances and status report filed by SHO Police Station Shillai, I find that petitioner may be enlarged on interim bail at this stage. Accordingly, petitioner is directed to be enlarged on interim bail, subject to his furnishing personal bond in the sum of Rs. 50,000/- with one surety in the like amount to the satisfaction of trial Court, from the date of furnishing and acceptance of bail bonds till 25<sup>th</sup> October, 2021 with direction to surrender before the Superintendent Jail, on or before 26<sup>th</sup> October, 2021 before 2 PM.

7           Petitioner is directed to surrender for his custody in aforesaid terms on 26.10.2021 before 2:00 PM before concerned Jail Authorities. SHO is also directed to verify the facts of surrender by petitioner on 26<sup>th</sup> October, 2021 and if petitioner fails to surrender, then, appropriate action against him and his surety shall be initiated in accordance with law. During bail, petitioner shall abide by following further conditions in addition to the condition of surrender referred supra:-

1.   *He shall not tamper with evidence in any manner.*
- 2    *He shall not visit any of the place except his native village and Haridwar, on the date fixed for performing last rites and rituals of his grandfather at Haridwar.*

*3. That petitioner shall not misuse his liberty in any manner.*

8. Copy of this order also be transmitted to the concerned Magistrate for information and compliance.

9 Jail Authorities are directed to report the matter on surrender or failure to surrender on 26.10.2021 to the trial Court as well as Police Station Shillai, whereupon, trial Court as well as other concerned officers, in case of failure to surrender, shall take appropriate action against petitioner as well as his sureties.

10 The petitioner is permitted to produce copy of order downloaded from the High Court website and the trial Court shall not insist for certified copy of the order, however, they may verify the order from the High Court website or otherwise.

Petition stands disposed of.

***Dasti*** copy on usual terms.

**October 04, 2021**  
**(ms)**

**(Vivek Singh Thakur)**  
**Judge**