

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**CrMP (M) No. : 781 of 2025****Reserved on : 03.12.2025****Decided on : 24.12.2025**

Harikesh Meena

...Applicant

Versus

Central Bureau of Investigation

...Respondent

*Coram***The Hon'ble Mr. Justice Virender Singh, Judge.***Whether approved for reporting?¹*

For the applicant : Mr. N.S. Chandel, Senior Advocate, with Mr. Sidharth and Mr. Vinod K. Gupta, Advocates.

For the respondent : Mr. Janesh Mahajan, Advocate, assisted by Mr. B.P. Singh, Dy. S.P., for the respondent/CBI.

Mr. Anup Rattan, Advocate General, with Mr. Tejasvi Sharma, Mr. Varun Chandel & Mr. H.S. Rawat, Additional Advocates General and Mr. Rohit Sharma, Deputy Advocate General, for the State.

Mr. R.K. Bawa, Senior Advocate, assisted by Mr.

¹ *Whether Reporters of local papers may be allowed to see the judgment? Yes.*

Vivekanand and Mr. Chaman Negi, Advocates, for the complainant.

Virender Singh, Judge.

Applicant-Harikesh Meena, apprehending his arrest in case **FIR No. 9 of 2025, dated 19th March, 2025**, registered with **Police Station New Shimla**, District Shimla, H.P., under **Sections 108 and 3 (5) of the Bharatiya Nyaya Sanhita** (hereinafter referred to as 'BNS'), has filed the present application, under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (hereinafter referred to as 'BNSS'), seeking indulgence of this Court, to direct the respondent, to release him, on bail, in the event of his arrest, in the above-noted case/FIR.

2. According to the applicant, the said FIR has been lodged, at the instance of the wife of Shri Vimal Negi, whose dead body was found in Bhakra Dam.

3. It has been averred in the bail application that as per the allegations, the husband of the complainant was being tortured mentally by the superior officers of the Power Corporation, especially, Director (Electrical) and Managing Director. The allegations of misbehave with

deceased Vimal Negi are also stated to have been alleged by the wife of the deceased.

4. According to the applicant, he is innocent and has falsely been implicated, in this case, as, there is no direct or indirect evidence, connecting him, with the alleged crime.

5. Asserting the fact that he is an IAS Officer and working as Managing Director in HP Power Corporation Limited, Shimla, it has been demonstrated by the applicant that he is from a respectable family, having deep roots in the society and there is no apprehension of his fleeing from justice.

6. It is the case of the applicant that in order to *prima facie* establish the offence under Section 108 of the BNS, there must be some overt act and direct or indirect instigation and the same should be in close proximity of the commission of the suicide. Mere allegation of the alleged harassment without any positive action in proximity to the time of occurrence on the part of the accused, which leads to suicide, is not sustainable, as, is being done in the present case, since, the applicant had no

direct dealing with the deceased, as, he was directly under the control of Director (Electrical).

7. According to the applicant, he has not been named in the FIR by name, however, he has received a notice under Section 35 (3) of the BNSS and has been directed to appear before the police. He wishes to join and cooperate with the investigating agency, as and when required, however, he is apprehending his arrest, in the said case.

8. It has also been contended on behalf of the applicant that according to the prosecution, Sh. Desh Raj, Director (Electrical), under whom, the deceased was directly working, is the main accused. After the dismissal of his bail application, by this Court, vide order, dated 26th March, 2025, passed in CrMP (M) No. 631 of 2025, he has approached the Hon'ble Supreme Court, wherein, vide order, dated 4th April, 2025, the Hon'ble Supreme Court has directed not to take any coercive action against said Desh Raj. As such, the relief of bail has been sought by the applicant, on the basis of the parity, also.

9. It has also been argued by learned senior counsel appearing for the applicant that now, the Hon'ble Supreme Court, vide order, dated 17th November, 2025, passed in Petition for Special Leave to Appeal (Crl.) No. 4889 of 2025, titled as Desh Raj versus State of Himachal Pradesh, has granted the relief of bail, to the co-accused of the applicant.

10. Apart from this, the learned senior counsel appearing for the applicant has given certain undertakings on behalf of the applicant and has prayed that the bail application may kindly be allowed, by directing the Investigating Officer to release the applicant on bail, in the event of his arrest.

11. When put to notice, the police has filed the status report, disclosing therein, that the FIR in issue has been registered at the instance of Smt. Kiran Negi, wife of Late Shri Vimal Negi, resident of Village and Post Office Katgaon, Tehsil Nichar, District Kinnaur, in which, the complainant has alleged that she had moved the complaint before the Chief Minister; Additional Chief Secretary (Home) to the Government of Himachal Pradesh; Director

General of Police and Director General of CID, regarding missing of her husband, Shri Vimal Negi.

11.1. According to the complainant, on 18th March, 2025, the dead body of her husband was found in Bhakra Dam, Bilaspur. As per the contents of the complaint, made by the complainant, she had already intimated that her husband was being mentally tortured and misbehaved by the superior officers of the Power Corporation, for the last six months. She has specifically named Director (Electrical)-Desh Raj and Managing Director of the Power Corporation (applicant), as the persons, who had tortured and misbehaved with her husband.

11.2. As per the version of the complainant, the above officers intentionally forced her husband to work late night and even, in case of illness, the leave was not sanctioned, for treatment. Not only this, the said officers are stated to have again and again threatened her husband to take action, on the administrative side. Consequently, her husband had taken the extreme step to end his life. As such, the complainant had prayed that action be taken against the above-named persons.

11.3. On the basis of the above facts, the police registered the FIR in issue.

12. As per the status report, filed on 7th April, 2025, a Special Investigation Team was constituted under the supervision of Shri Navdeep Singh, Additional Superintendent of Police (HQ) Shimla, with Shri Vikram Chauhan, Deputy Superintendent of Police (City), comprising of three Inspectors, two Assistant Sub Inspectors, two Head Constables, a Cyber Expert and SHO, Police Station New Shimla, to probe the death of Shri Vimal Negi, whose dead body was recovered from Satluj River, near Gah Dhanipakkhar.

12.1. As per the stand taken in the said status report, the SIT searched the office of the deceased at HPPCL premises. Extensive records, pertaining to various projects, handled by the deceased, are stated to have been seized and taken into possession.

12.2. It has been mentioned in the status report that the statements of the witnesses have been recorded, under Section 180 of the BNSS, which, *prima facie*, corroborate

the allegations of mental harassment and overwork imposed on the deceased by his superiors.

12.3. The biometric attendance records of the deceased and other HPPCL officials are also stated to have been seized and analyzed. It is the specific stand of the police that these records confirm that the deceased was compelled to work over ten hours daily, often until midnight, under coercive pressure.

12.4. As per the status report, the investigation uncovered that the deceased was coerced by his superiors, including the applicant, to finalize the Extension of Time (EoT) for Pekhubella Solar Project, without imposing liquidated damages and that the applicant directed General Managers and two Directors to attend and influence the committee's decision regarding certain irregularities, thereby indicating a criminal conspiracy to exert undue pressure on the deceased.

12.5. According to the police, given the applicant's influential position as MD of HPPCL, his authority over the deceased and his access to the witnesses and evidence, his involvement in the alleged offences is *prima facie* evident

and granting anticipatory bail to him could jeopardize the investigation.

12.6. After perusing the said status report, interim protection was granted to the applicant, vide order, dated 7th April, 2025.

12.7. As per the status report, filed on 9th April, 2025, the applicant voluntarily joined the investigation, however, did not disclose any material fact pertaining to the case.

12.8. In the status report, filed on 2nd May, 2025, it has been pointed out that the record relating to organizational structure of HPPCL has been obtained, which reveals that the applicant was in direct chain of command in the hierarchical structure of the Corporation.

12.9. During the course of investigation, the mobile phones of accused-Desh Raj and the applicant have been taken into possession and sent to SFSL Junga, for finding any kind of evidence, relating to conspiracy or abetment, in death of deceased Vimal Negi. Various electronic evidences are also stated to have been taken into possession and sent to SFSL Junga.

13. Thereafter, consequent upon transfer of investigation to the CBI, vide judgment, dated 23rd May, 2025, passed in CWP No. 6508 of 2025, titled as Kiran Negi versus State of H.P. and others, CBI has filed the reply, mentioning therein that after transfer of the case to CBI, the CBI took over the case by registering case **RC No. 048 2025 S 0003**.

13.1. It is the stand of the CBI that the case is very sensitive and grant of anticipatory bail to any accused person, in the case, will close the opportunity of discovery of evidences, which will cause injustice to the family of the deceased.

13.2. As per the status report, filed on 26th November, 2025, the investigation revealed that after handing over the supervision of Pekhubella Solar Power Project to deceased Vimal Negi, on 15th June, 2024, the applicant and accused-Desh Raj pressurized deceased Vimal Negi and one Bipan Guleria for issuance of Completion Certificate, while the work was incomplete and under the pressure of the applicant and accused-Desh Raj, the Completion Certificate was issued on 20th June, 2024, with effect from

15th April, 2024 to the Contractor, even, when all the pending works were not completed.

13.3. As per the stand of the CBI, it transpires that the humiliation, insult and harassment made to deceased-Vimal Negi are the causes, which compelled him to commit suicide.

13.4. The investigation is stated to be still going on and forensic reports are yet to be received. After the receipt of the forensic evidence, the same will be analyzed and if required, the custodial interrogation of the applicant will be made and in case, anticipatory bail is granted to the applicant, the investigating agency will lose the right to custodial interrogation.

14. On all these submissions, a prayer has been made to dismiss the bail application.

15. In this case, the learned senior counsel appearing for the applicant, during the course of hearing, has produced the copy of order, dated 17th November, 2025, passed by the Hon'ble Supreme Court, in Petition for Special Leave to Appeal (Crl.) No. 4889 of 2025, titled as Desh Raj versus State of Himachal Pradesh, wherein, the

relief of bail has been granted to the co-accused of the applicant, namely Desh Raj, by the Hon'ble Supreme Court.

16. In this backdrop, this Court would not proceed further to ascertain the fact about the allegations, which have been levelled against the applicant.

17. As per the status report, similar allegations, as have been levelled against accused-Desh Raj, have been levelled against the applicant, who has already been granted relief by the Hon'ble Supreme Court.

18. In the status report, allegations have been levelled against the applicant and his co-accused Desh Raj that they pressurized deceased Vimal Negi and one Bipan Guleria for issuance of Completion Certificate, while the work was incomplete and under the pressure of the applicant and accused-Desh Raj, the Completion Certificate was issued on 20th June, 2024, with effect from 15th April, 2024 to the Contractor, even, when all the pending works were not completed.

19. The learned counsel appearing for the CBI could not satisfy the judicial conscience of this Court as to how

the release of payment on 28th August, 2024 is related to the suicide, allegedly committed by deceased-Vimal Negi, nor, it has been explained as to how the alleged undue favour to the Contractor can be said to be the alleged abetment to Shri Vimal Negi.

20. The applicant has been named as accused in a case, registered under Section 108 of the BNS. If the facts and circumstances of the present case are seen, in the light of the decision of the Hon'ble Supreme Court, in **Nipun Aneja and others versus State of Uttar Pradesh**, reported in **2024 SCC OnLine SC 4091**, then, at this stage, it can be said that the applicant is able to make out a case, in his favour. Relevant paras-19 to 21 of the said judgment, are reproduced, as under:

“19. This Court in Ude Singh & Others v. State of Haryana reported in (2019) 17 SCC 301, held that in order to convict an accused under Section 306 of the IPC, the state of mind to commit a particular crime must be visible with regard to determining the culpability. It was observed as under:-

“16. In cases of alleged abetment of suicide, there must be a proof of direct or indirect act(s) of incitement to the commission of suicide. It could hardly be disputed that the question of cause of a suicide, particularly in the context of an offence of abetment of suicide, remains

a vexed one, involving multifaceted and complex attributes of human behavior and responses/reactions. In the case of accusation for abetment of suicide, the Court would be looking for cogent and convincing proof of the act(s) of incitement to the commission of suicide. In the case of suicide, mere allegation of harassment of the deceased by another person would not suffice unless there be such action on the part of the accused which compels the person to commit suicide; and such an offending action ought to be proximate to the time of occurrence. Whether a person has abetted in the commission of suicide by another or not, could only be gathered from the facts and circumstances of each case.

16.1. For the purpose of finding out if a person has abetted commission of suicide by another; the consideration would be if the accused is guilty of the act of instigation of the act of suicide. As explained and reiterated by this Court in the decisions above referred, instigation means to goad, urge forward, provoke, incite or encourage to do an act. If the persons who committed suicide had been hypersensitive and the action of accused is otherwise not ordinarily expected to induce a similarly circumstanced person to commit suicide, it may not be safe to hold the accused guilty of abetment of suicide. But, on the other hand, if the accused by his acts and by his continuous course of conduct creates a situation which leads the deceased perceiving no other option except to commit suicide, the case may fall within the four-corners of Section 306 IPC. If the accused plays an active role in tarnishing the self-esteem and self-respect of the victim, which eventually draws the victim to commit

suicide, the accused may be held guilty of abetment of suicide. The question of mens rea on the part of the accused in such cases would be examined with reference to the actual acts and deeds of the accused and if the acts and deeds are only of such nature where the accused intended nothing more than harassment or snap show of anger, a particular case may fall short of the offence of abetment of suicide. However, if the accused kept on irritating or annoying the deceased by words or deeds until the deceased reacted or was provoked, a particular case may be that of abetment of suicide. Such being the matter of delicate analysis of human behaviour, each case is required to be examined on its own facts, while taking note of all the surrounding factors having bearing on the actions and psyche of the accused and the deceased.”

20. This Court in *Mariano Anto Bruno & another v. The Inspector of Police* reported in 2022 SCC OnLine SC 1387, Criminal Appeal No. 1628 of 2022 decided on 12th October, 2022, after referring to the above referred decisions rendered in context of culpability under Section 306 of the IPC observed as under:-

“44. ...It is also to be borne in mind that in cases of alleged abetment of suicide, there must be proof of direct or indirect acts of incitement to the commission of suicide. Merely on the allegation of harassment without their being any positive action proximate to the time of occurrence on the part of the accused which led or compelled the person to commit suicide, conviction in terms of Section 306 IPC is not sustainable.”

21. The ingredients to constitute an offence under Section 306 of the IPC (abetment of suicide) would stand fulfilled if the suicide is committed by the deceased due to direct and alarming encouragement/incitement by the accused leaving no option but to commit suicide. Further, as the extreme action of committing suicide is also on account of great disturbance to the psychological imbalance of the deceased such incitement can be divided into two broad categories. First, where the deceased is having sentimental ties or physical relations with the accused and the second category would be where the deceased is having relations with the accused in his or her official capacity. In the case of former category sometimes a normal quarrel or the hot exchange of words may result into immediate psychological imbalance, consequently creating a situation of depression, loss of charm in life and if the person is unable to control sentiments of expectations, it may give temptations to the person to commit suicide, e.g., when there is relation of husband and wife, mother and son, brother and sister, sister and sister and other relations of such type, where sentimental tie is by blood or due to physical relations. In the case of second category the tie is on account of official relations, where the expectations would be to discharge the obligations as provided for such duty in law and to receive the considerations as provided in law. In normal circumstances, relationships by sentimental tie cannot be equated with the official relationship. The reason being different nature of conduct to maintain that relationship. The former category leaves more expectations, whereas in the latter category, by and large, the expectations and obligations are prescribed by law, rules, policies and regulations.”

21. The applicant is a responsible person and as per the stand taken by the investigating agency, the record

has been taken into possession. As such, the mere prayer for custodial investigation is too short to decline the relief to the applicant.

22. Even otherwise, the explanation called from deceased-Vimal Negi by accused-Desh Raj does not fall within the definition of abetment.

23. Moreover, at the time of deciding the bail application, detailed discussion about the evidence should be avoided and the allegations, as well as, the evidence, so collected, should not be discussed in a manner so as to decide as to whether the applicant is guilty of the offence or not, for which, FIR has been registered against him. At the time of deciding the bail application, seriousness of the allegations and availability of the applicant for trial are to be seen.

24. The Hon'ble Supreme Court in **Criminal Appeal Nos. 3528-3534 of 2025** (arising from SLP (Crl.) No.516-522 of 2025), titled as **State of Karnataka versus Sri Darshan**, has held that the guilt of the accused would be proved at the time of trial and at the time of deciding bail application, guilt of the person should not be decided.

Relevant paragraphs 20.2.1, 20.2.2, 20.2.3 and 20.2.6, of the judgment, are reproduced, as under:

20.2.1. It is a settled principle that at the bail stage, courts are precluded from undertaking a detailed examination of evidence or rendering findings that touch upon the merits of the case. Only a prima facie assessment of the material is warranted. The court cannot conduct a minitrial or record conclusions that could influence the outcome of the trial.

20.2.2. In Niranjana Singh v. Prabhakar Rajaram Kharotes, this Court held as under:

"Detailed examination of the evidence and elaborate documentation of the merits should be avoided while passing orders on bail applications. To be satisfied about a prima facie case is needed but it is not the same as an exhaustive exploration of the merits in the order itself".

20.2.3. In Kalyan Chandra Sarkar v. Rajesh Ranjan @ Pappu Yadav, the Court reiterated that while detailed evaluation is not required, some reasoning must support the grant of bail, especially when the offence is grave. However, even in such cases, the reasoning must be confined to prima facie satisfaction, not meritbased findings.

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20.2.6. In Brijmani Devi v. Pappu Kumar, the Court cautioned that there cannot be elaborate details recorded to give an impression that the case is one that would result in a conviction or, by contrast, in an acquittal while passing an order on an application for grant of bail. The following paragraphs are pertinent:

"25. While we are conscious of the fact that liberty of an individual is an

invaluable right, at the same time while considering an application for bail Courts cannot lose sight of the serious nature of the accusations against an accused and the facts that have a bearing in the case, particularly, when the accusations may not be false, frivolous or vexatious in nature but are supported by adequate material brought on record so as to enable a Court to arrive at a prima facie conclusion. While considering an application for grant of bail a prima facie conclusion must be supported by reasons and must be arrived at after having regard to the vital facts of the case brought on record. Due consideration must be given to facts suggestive of the nature of crime, the criminal antecedents of the accused, if any, and the nature of punishment that would follow a conviction vis-à-vis the offence/s alleged against an accused.

26. We have extracted the relevant portions of the impugned orders above. At the outset, we observe that the extracted portions are the only portions forming part of the "reasoning" of the High court while granting bail. As noted from the *aforecited* judgments, it is not necessary for a Court to give elaborate reasons while granting bail particularly when the case is at the initial stage and the allegations of the offences by the accused would not have been crystalised as such. There cannot be elaborate details recorded to give an impression that the case is one that would result in a conviction or, by contrast, in an acquittal while passing an order on an application for grant of bail. At the same time, a balance would have to be struck between the nature of the allegations made against the accused; severity of the punishment if the allegations are proved beyond

reasonable doubt and would result in a conviction; reasonable apprehension of the witnesses being influenced by the accused; tampering of the evidence; the frivolity in the case of the prosecution; criminal antecedents of the accused; and a prima facie satisfaction of the Court in support of the charge against the accused."

25. Similar view has been taken by the Hon'ble Supreme Court in **State of U.P. through CBI versus Amarmani Tripathi**, reported in **(2005) 8 Supreme Court Cases 21**. Relevant para-22 of the judgment, is reproduced, as under:

"22. While a detailed examination of the evidence is to be avoided while considering the question of bail, to ensure that there is no prejudging and no prejudice, a brief examination to be satisfied about the existence or otherwise of a prima facie case is necessary. An examination of the material in this case, set out above, keeping in view the aforesaid principles, disclose prima facie, the existence of a conspiracy to which Amarmani and Madhumani were parties. The contentions of the respondents that the confessional statement of Rohit Chaturvedi is inadmissible in evidence and that that should be excluded from consideration, for the purpose of bail is untenable. This Court had negatived a somewhat similar contention in Kalyan Candra Sarkar, (2004) 7 SCC 528, thus: (p. 538, para 19):

"19. the next argument of learned counsel for the respondent is that prima facie the prosecution has failed to produce any material to implicate the respondent in the crime of conspiracy.

In this regard he submitted that most of the witnesses have already turned hostile. The only other evidence available to the prosecution to connect the respondent with the crime is an alleged confession of the co-accused which according to the learned counsel was inadmissible in evidence. Therefore, he contends that the High Court was justified in granting bail since the prosecution has failed to establish even a prima facie case against the respondent. From the High Court order we do not find this as a ground for granting bail. Be that as it may, we think that this argument is too premature for us to accept. The admissibility or otherwise of the confessional statement and the effect of the evidence already adduced by the prosecution and the merit of the evidence that may be adduced hereinafter including that of the witnesses sought to be recalled are all matters to be considered at the stage of the trial.”

26. Although, in this case, a valuable life has been lost, but, merely, on this account, the applicant cannot be penalized prior to the trial, by dismissing his bail application, more particularly, when the similar allegations have been levelled, against his co-accused, who has been granted relief, by the Hon’ble Supreme Court.

27. The role allegedly played by the applicant, in the commission of the alleged crime, would be proved during the trial and the chances of the commencement and

conclusion of the trial, against the applicant, in near future, are not so bright, since, as per the status report, the investigation is still going on.

28. Considering the totality of circumstances, this Court is of the view that the interim protection, granted to the applicant, vide order, dated 7th April, 2025, is liable to be made absolute, as, no useful purpose would be served by dismissing the present application, which would result into the judicial custody of the applicant.

29. Consequently, the interim order dated 7th April, 2025, is hereby made absolute. Therefore, it is ordered that the applicant be released on bail, in the event of his arrest, in case **RC No. 048 2025 S 0003**, registered with **CBI**, which was earlier registered as **FIR No. 9 of 2025, dated 19th March, 2025**, with **Police Station New Shimla**, District Shimla, H.P., under **Sections 108 and 3 (5) of the BNS**, on his furnishing personal bonds, in the sum of ₹ 50,000/-, with one surety of the like amount, to the satisfaction of the Investigating Officer. This order, however, shall be subject to the following conditions :

- a) *That the applicant shall join the investigation of the case, as and when, called for, by the Investigating Officer, in accordance with law;*
- b) *That the applicant shall not leave India, without prior permission of the Court;*
- c) *That the applicant shall 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 the Court; and*
- d) *That the applicant shall regularly attend the trial Court on each and every date of hearing and if prevented by any reason to do so, seek exemption from appearance by filing appropriate application.*

30. Any of the observations, made hereinabove, shall not be taken as an expression of opinion, on the merits of the case, as these observations, are confined, only, to the disposal of the present applications.

31. It is made clear that the respondent-CBI is at liberty to move an appropriate application, in case, any of the bail conditions, is found violated by the applicant.

32. Record be returned to the quarter concerned forthwith.

(Virender Singh)
Judge

December 24, 2025
(rajni)