

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

Cr.MP(M) No. 2762 of 2025

Reserved on : 22.12.2025

Decided on: 30.12.2025

Balwinder Singh @ Ballu

...Applicant

Versus

State of Himachal Pradesh

...Respondent

Coram

The Hon'ble Mr. Justice Virender Singh, Judge.

Whether approved for reporting?

For the applicant : Mr. K.S. Gill, Advocate.

For the respondent : Mr. H.S. Rawat, Additional A.G., with
Mr. Rohit Sharma & Ms. Avni
Kochhar Mehta, Deputy, A.Gs.

Virender Singh, Judge (Oral)

Applicant-Balwinder Singh @ Ballu, has filed the
present application, under Section 483 of the Bhartiya
Nagrik Suraksha Sanhita, 2023 (hereinafter referred to as

'BNSS'), for releasing him on bail, during the pendency of trial, arising out of **FIR No. 35/2022, dated 29.01.2022**, registered with **Police Station Sadar Kullu**, District Kullu, H.P., **under Sections 435, 427, 120-B of Indian Penal Code** (hereinafter referred to as 'the IPC') and **Section 3 of Explosive Substance Act, 1908**.

2. According to the applicant, he is innocent person and has falsely been implicated, in the present case, as he has no concern whatsoever, with the crime in question and even during the investigation, the police could not collect any evidence, connecting the applicant, with the crime in question.

3. As per the applicant, he has been arrested, in this case, merely on the basis of suspicion and confessional statement, recorded before police at Punjab, where the applicant was arrested in some other case along with his co-accused namely Ravi Tej Singh.

4. The investigation of the present case is stated to be complete, as such, according to the applicant, no useful

purpose would be served by keeping him in judicial custody.

5. According to the applicant, he had earlier tried his luck by moving similar application, before the Court of learned Special Judge, Kullu, District Kullu, H.P. However, his application was dismissed vide order dated 11.11.2024. Thereafter, the applicant had filed Cr.MP(M) No. 2585 of 2025 before this Court, but, the same was dismissed as withdrawn, vide order dated 07.11.2025.

6. Apart from this, Mr. K.S. Gill, Advocate, appearing for the applicant, has given certain undertakings, on behalf of the applicant, for which, the applicant is ready to abide by, in case, ordered to be released on bail, during the pendency of the trial.

7. On the basis of the above facts, a prayer has been made to allow the bail application.

8. When, put to notice, the police has filed the status report, disclosing therein, that on 29.01.2022, complainant Dine Ram, made a statement to the police under Section 154 Cr.P.C., which was recorded by HC Diwan Chand No. 74, I.O. Police Post Jari, in which, the

complainant got recorded that he is resident of the address mentioned therein. They are four brothers and one sister. His younger brother had expired about 10-12 years ago and his wife expired about 14 months ago, from the date, when, he had made the statement under Section 154 Cr.P.C.

9.1 According to the complainant, he was having two vehicles, one vehicle was registered in the name of his wife and other vehicle i.e. Spark, bearing registration No. HP01K-2185, was purchased by him about nine months ago, from Pratap Rana of Jiya. Since, the said vehicle developed a technical defect, as such, the same was got parked at an open space on Jari – Manikaran road. He had checked the vehicle 7-8 days prior to the date of making his statement on 16.01.2022. He had kept the keys of the same with him.

9.2 According to the complainant, on 28.01.2022, when, he was sleeping at his house, then, at about 9:00 pm, he heard noise of some blast. Thereafter, his son Vijay informed that the said blast occurred in their vehicle No. HP01K-2185 (Spark). In the blast, vehicle had totally been destroyed. He tried to ascertain the fact that who had

committed the said act, however, he could not collect any information. He has expressed his suspicion that someone had caused blast in his vehicle intentionally. As such, he requested the police to take action, upon which, police registered the case under Section 435 of IPC and Section 3 of The Explosive Substance Act, 1908.

9.3 Thereafter, the initial investigation was handed over to In-charge Kulwant Singh and subsequently to ASI Inder Dev, ASI Narpat Ram, HC Diwan Chand, HC Hemant Kumar and HC Praveen Kumar Cyber Cell, District Kullu, H.P.

9.4 During investigation, the spot was visited and spot map was prepared. The requisite papers regarding vehicle No. HP01K-2185 were taken into possession. The spot was also visited by the team of RFSL Mandi. The physical evidence, so collected, was sent for chemical analysis, from where, positive report has been received. As per the status report, efforts were made to nab the accused, but no clue was found. As such, untraced report was prepared and submit the same in the Court on 30.06.2023,

which is still pending.

9.5 It is the further case of the police that on 19.03.2024, In-charge Police Post City-1, Abohar, District Fazilka, Punjab vide letter No. 570/5A has informed that in Police Station City – 1 Abohar, FIR No. 44/2024 dated 15.03.2024 under Sections 25, 25(7)(i) of Arms Act was registered against Balvinder Singh alias Ballu (applicant) and Ravitej Singh son of Sh. Gurdeep Singh. Both the accused were arrested. From their possession one country made pistol along with two live cartridges were found.

9.6 Above two accused, during investigation, had disclosed that on 28.01.2022, they along with their companion, had also caused the bomb blast in the area of Police Station Sadar Kullu and about which FIR No. 35/2022 dated 29.01.2022, has been registered with Police Station Sadar Kullu. As such, a request was made that in case, the above accused are required in the said case, then the legal recourse be adopted, as the above accused have been remanded to judicial custody on 19.03.2024.

9.7 Thereafter, in the untraced report, order of

reinvestigation was passed and investigation was again started. In pursuance of the information, the production warrants were obtained and both the accused were brought to Police Station Sadar Kullu.

9.8 During investigation, the accused persons had disclosed that in order to commit the said offences, one Kuldeep alias Sunny had paid an amount of Rs. One lakh, each, to them in cash. Thereafter, both the accused were arrested and were produced before the Court, from where, they were remanded to police custody till 16.08.2024.

9.9 During investigation, both the accused persons were interrogated. During investigation, accused Balvinder (applicant) and Ravitej Singh had disclosed that Kuldeep alias Sunny, Subh Karan alias Saajan, Rohit alias Ballu had come to Manikaran and on 28.01.2022 at about 8:00 – 9:00 pm, on the Jari Kanchi Mour, Balvinder (applicant) had thrown the bomb in the open area, which was given to him by Kuldeep alias Sunny. Vehicle No. HP80A-0163 was driven by Ravitej Singh and Sunny was with him and he can identify the said place.

9.10 Subsequently, Ravitej Singh was inquired, who has disclosed that he was driving the vehicle No. HP80A-0163 and others accused were there in the vehicle. Thereafter, Sunny had handed over the bomb to Balvinder Singh (applicant) to throw the same in the open. He has also disclosed that he can identify the said place.

9.11 During investigation, both the accused has identified the said place and their statements under Section 27 of Indian Evidence Act was recorded. Thereafter, mobile data was obtained from the Service Provider and the presence of accused Shub Karan alias Saajan through his mobile phone No. 9592833509 was found to be in the area, where the incident had taken place, at about 7:45 pm on 28.01.2022. As per CDRs, the presence of Shub Karan alias Saajan was found in the Jari area. In this regard, the statement of Homeguard volunteer, who was posted at the relevant time at Additional SADA Barrier Sumaropa near Kasol was also recorded. The accused persons were found to be visiting the area in their vehicles bearing No. HP80A-0631 and PB65AH-9494.

9.12 During investigation, accused persons have also disclosed that on 28.01.2022, after committing the crime, four persons came back to Punjab in two vehicles and stayed in a room in Mandi Gurudwara. During investigation, the record was obtained and it was found that five persons had stayed in Mandi Gurudwara. During investigation, the record of the statement of the accused persons, recorded under Section 27 of Indian Evidence Act, in case FIR No. 44 of 2024 dated 15.03.2024, registered with Police Station City-I Abohar, has also been obtained.

9.13 On the basis of the statements of the witnesses, Section 427, 120-B of IPC were added, in this case.

9.14 On the basis of investigation, the following facts have been pleaded, as strong evidence, against the applicant:-

- (i) On 28.01.2022, after committing the crime, it was found that the accused had proceeded towards Kullu and in this regard reliance has been placed on the record obtained from Gurudwara Mandi, where the accused had allegedly stayed.
- (ii) In order to commit the crime, the accused came in vehicle No. PB65AH-9494 and

HP80A-0163 and both the vehicles were found to be registered in the name of accused Ravitej Singh and Rohit and both these vehicles are in possession of the police being involved with case registered with Police Station City-I Abohar and Police Station Navashehar City.

- (iii) The accused were present on the date of occurrence along with their vehicle and in this regard reliance has been placed on the statement of HHG posted at SADA barrier.
- (iv) As per the CDRs of mobile phone No. 9592833509, issued in the name of Shubh Karan, his presence was found in the area, where the incident had taken place.
- (v) As per the report of the laboratory, the explosive substance was used in the commission of crime.

9.15 It is the further case of the police that the production warrant against accused Shubh Karan alias Saajan was issued by the Court of learned JMFC-V Kullu, as he is lodged in Central Jail Gurdaspur. Consequently, on 06.09.2024, Shubh Karan alias Saajan was produced and his custody was transferred, in the present case. Thereafter, he was inquired and was arrested in this case, on 06.09.2024.

9.16 During police custody, he has disclosed that he

and his co-accused Balwinder Singh alias Ballu (applicant) had conducted the blast at Jari. Thereafter, his confessional statement under Section 27 of Indian Evidence Act was recorded and he has identified the said place.

9.17 As per the status report, on 11.11.2024, the charge-sheet against accused Balwinder Singh alias Ballu (applicant), Ravitej and Shubh Karan was prepared and presented before the Court of learned CJM Kullu.

9.18 It is the further case of the police that during investigation, it has been disclosed by the accused persons that the crime was committed by them along with Kuldeep alias Sunny, who is lodged in case FIR No. 241/21, dated 08.11.2021, under Sections 3, 4, 5 of Explosive Substance Act, 1908, Sections 307, 427, 120-B of IPC, Sections 13, 16, 17, 18, 18B of Anti Social Act and Sections 25, 54 and 59 of Arms Act, with Police Station Nawanshahar and he has been lodged in Central Jail Bhatinda.

9.19 Another companion Rohit alias Ballu, is also stated to be lodged in Central Jail Ludhiana, Punjab, in case FIR No. 21/2022, dated 03.09.2022, under Sections 3, 4 of

Explosive Substance Act and Sections 16, 18, 20, 40 of UAP Act, registered with Police Station Nurpur Bedi, Punjab.

9.20 According to the police, the matter was required to be investigated from them, as such, production warrants were obtained and both the said persons were produced before the Court at Kullu, from where, they were remanded to police custody for five days.

9.21 During investigation, accused Rohit alias Ballu had disclosed that Kuldeep alias Sunny is in contact with Pakistani terrorist Harvinder Singh Rinda. Rinda is creating a fear on India. According to them, on 27.01.2022, Kuldeep alias Sunny, Balwinder Singh alias Ballu (applicant), Ravitej Singh, Shubh Karan alias Saajan, along with Rohit alias Ballu, had hatched a conspiracy and conducted the blast. Thereafter, at the instance of Rohit alias Ballu, Kuldeep alias Sunny stayed at Mandi.

9.22 During investigation, it has also been found that after the blast, accused Rohit by boarding the bus, reached back to his village. Kuldeep alias Sunny had paid Rs. One lakh each to the persons, who were involved in the crime.

9.23 On 09.06.2025, member of SIT, SI Ishant Sen was sent to Punjab and District Una, for investigation. He has inquired from the mother and girlfriend of accused Rohit and their statements were recorded. The laptop of Amandeep (friend of Rohit) was taken into possession. Thereafter, the correspondence was made with the AU Small Financial Bank, Una, as the vehicle of Rohit bearing No. HP80A-0163 was financed by the said bank. On inquiry, it was found that due to the default in payment of installments, the possession of vehicle was taken away by the bank and vehicle is parked in Radha Rani Parking yard, Ropar.

9.24 SIT has also inquired from accused Rohit alias Ballu, Kuldeep alias Sunny and Shubh Karan, about the articles recovered from them in case FIR No. 241/21, with Police Station Nawanshahar City. When, Register No. 19 of Police Station Nawanshahar City, was perused, it was found that from the possession of accused Rohit alias Ballu, one Redmi phone; from the possession of accused Kuldeep alias Sunny, two phones i.e. I-phone 13 PRO and I-phone 13 PRO

MAX alongwith Dongal and from accused Shubh Karan, Oppo phone was taken into possession by Punjab police.

9.25 Similarly, Register No. 19 with Police Station City-1 Abohar was perused and it was found that in FIR No. 44/22, accused Balwinder @ Ballu (applicant) and Ravitej, when arrested, vehicle No. PB65AH-9494 and two phones were taken into possession. Thereafter, on the application of the members of the SIT, the case property was transferred in case No. 35/22 with Police Station Sadar Kullu.

9.26 It is the further case of the police that data of mobile phones recovered from the possession of accused persons, in case FIR No. 241/21, Police Station Nawanshahar, were requested to be provided. The attested copy of the said data was provided, which was analyzed.

9.27 It has also been found that in the mobile phone of accused Kuldeep alias Sunny, an audio message was found recorded, which was forwarded by Rohit to Kuldeep alias Sunny through I-phone 12 of Aman.

9.28 Thereafter, the data of mobile phone Redmi allegedly recovered from the possession of accused Rohit

alias Ballu was analyzed. On analysis, an audio file of 19 minutes 22 seconds was found. In this recording, Rohit had discussed with Aman in the initial 2:36 minutes about the visit up to Mandi along with Sunny. Sunny has also given the reference regarding money. In the said recording, Rohit has allegedly given the reference to visit Manikaran along with Ravitej (applicant) and Saajan. Sunny has also discussed about the factum of receiving Rs. 50,00,000/- for the work executed by him.

9.29. It has also been mentioned, in the status report, that as per the record, following two cases are found to have been registered against the applicant:-

i) FIR No.44/2024, dated 15.03.20254, registered under Sections 25, 25(7)(i), Arms Act, with Police Station City 1 Abohar.

ii) FIR No.68/2023, dated 28.06.2023, registered under Sections 25 of the Arms Act, with Police Station City 2 Abohar.

9.30. On the basis of the above facts, a prayer has been made to dismiss the application.

10. Heard.

11. The applicant has been arrested, in the present case, for allegedly causing blast in the vehicle of complainant Dine Ram on 09.08.2024. Considering the seriousness of the offences and the criminal history of applicant Balwinder Singh @ Ballu, as highlighted in the status report, this Court is of the view that the applicant is not able to make out a case for releasing him on bail, at this stage, as specific allegations have been levelled against the applicant, that too, on the basis of the audio file, which was found in the mobile phone of Rohit alias Ballu (co-accused).

12. At the time of deciding the application for bail, detailed discussion about the merits of the case should be avoided, as the same may cause prejudice to the case of the applicant, as well as, the case of the prosecution.

13. Seriousness of the offences is also one of the ingredients to decide the question of releasing the accused on bail. The charge-sheet has been filed, but from this fact, applicant is not able to make out a case for releasing him on bail, as applicant is resident of adjoining State and is involved in similar offences registered in Punjab.

14. In this case, the police has expressed the apprehension that in case the applicant is ordered to be released on bail, he may tamper with the evidence and may coerce the witnesses. Not only this, bail of the applicant is also stated to be danger to public safety. Considering the entire facts, as mentioned in the status report, those apprehensions cannot be said to be unfounded, at this stage.

15. So far as the evidentiary value of the statement of the accused to the police and evidence of the other co-accused is concerned, at the time of deciding the bail application, Court should not dwell deep into the merits of the case to ascertain the guilt/innocence of the accused, as the said prerogative is of the learned trial Court, on the basis of evidence so adduced before it.

16. In view of the discussions, made hereinabove, this Court is of the view that the applicant is not able to make out a case for his release on bail, at this stage.

17. Consequently, the present bail application is dismissed.

18. 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 bail application.

(Virender Singh)
Judge

30th December, 2025
(Pramod Kumar)