

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

Cr. MP(M) No. 2952 of 2025

Reserved on : 24.12.2025

Decided on : 30.12.2025

Sumit Kumar

...Applicant

Versus

State of Himachal Pradesh

...Respondent

Coram

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

Whether approved for reporting?

For the applicant : Mr. Ajay Kochhar, Senior Advocate,
with Ms. Swati Sharma, Advocate.

For the respondent : Mr. H.S. Rawat & Mr. Mohinder
Zharaick, Additional A.Gs. assisted
by HC Sandeep Singh No. 512, I.O.
Police Station Paonta Sahib, District
Sirmaur, H.P.

Virender Singh, Judge

Applicant-Sumit Kumar has filed the present
application under Section 483 of the Bharatiya Nagarik
Suraksha Sanhita, 2023 (hereinafter referred to as 'BNSS'),

for releasing him, on bail, during the pendency of the trial, arising out of **FIR No. 185/2025, dated 16.08.2025, under Sections 109, 191(2), 191(3), 190, 115(2), 117(2) and 318(4) of Bharatiya Nyaya Sanhita, 2023** (hereinafter referred to as the BNS), registered with **Police Station Paonta Sahib**, District Shimla, H.P.

2. According to the applicant, he is innocent person and has falsely been implicated, in the above titled case.

3. According to the applicant, he was arrested on 09.09.2025 and was produced before the Illaqua Magistrate and presently he is in judicial custody.

4. According to the applicant, he has no concern, whatsoever, with the crime in question and he has been roped, in the present case, only on the ground that the car involved, in the alleged incident, belonged to his brother-in-law.

5. The applicant has earlier tried his luck by moving similar application before learned Additional Sessions Judge, Paonta Sahib, however, the same was

dismissed, vide order dated 24.10.2025.

6. The investigation is complete, as, charge-sheet has been filed before the Court of learned Additional Chief Judicial Magistrate, Paonta Sahib and case is listed for checking of copies, on 02.12.2025.

7. The applicant has again tried his luck by moving the application before learned Additional Sessions Judge, Paonta Sahib, however, his application has again been dismissed, on 26.11.2025.

8. Apart from this, the applicant has given certain undertakings, for which, he is ready to abide by, in case, ordered to be released on bail, during the pendency of the trial.

9. On the basis of above facts, Mr. Ajay Kochhar, Senior Advocate, assisted by Ms. Swati Sharma, Advocate, appearing for the applicant, has prayed to allow the bail application.

10. When, put to notice, the police has filed the status report, disclosing therein, that on 16.08.2025, HC Vikas Kalyan No. 497, along with police officials, had gone

to Civil Hospital, Paonta Sahib, to verify the fact that at Paonta Sahib Bus-stand, a quarrel had taken place and injured were taken to Civil Hospital, Paonta Sahib for treatment. When, he reached at Civil Hospital Paonta Sahib, there, he found Sagar son of Rakesh, resident of Yamunanagar, Haryana and Sonu Singh son of Delar Singh, resident of Paonta Sahib, District Sirmaur, H.P., were found admitted for treatment.

10.1 Request for conducting the medico legal examination was made, upon which, their MLCs were obtained. The Medical Officer after giving the first aid, had referred Sagar to higher center, whereas, injuries on the person of injured Sonu were declared as simple in nature.

10.2 Thereafter, Sonu son of Daler Singh, aged 18 years, made a statement under Section 173 of BNSS, disclosing therein, that he is resident of Ward No. 10 Devinagar, Paonta Sahib and working at Chawla Cloth House, Main Market Paonta Sahib.

10.3 On 16.08.2025, Sagar and Ashu came to his home at Devinagar on motorcycle. Thereafter, all three had

gone out on their motorcycle. At about 6:30 pm, when he reached near Aman Shop near Bus-stand, from Vishavkarma Chowk, one Farman chased them on motorcycle and another pillion rider was there. When said Farman, reached there, he stopped his motorcycle and asked Sagar to disclose something. Thereafter, Sagar and Farman were talking to each other. After some time, a white coloured car came there and stopped near them. Some young men came out with danda and iron rod and attacked on Sagar.

10.4 Thereafter, they had beaten him with danda and iron rod. Farman and pillion rider had also beaten Sagar. Out of the assailants, few of them had muffled their faces. When, they were beating Sagar, then Aanis and Ayaan, also reached there. They had also started beating him. Thereafter, the complainant made a noise to request other persons to save them and also tried to save Sagar. However, Aanis and Ayaan, had also beaten him. When he raised alarm, the said persons fled away from the spot.

10.5 Lastly, he deposed that had he not raised alarm,

they would have finished Sagar. Due to the beatings to Sagar, he became unconscious. He sustained serious injuries all over his body. Thereafter, complainant and Ashu brought Sagar to Civil Hospital for treatment. According to him, the assailants were seven-eight persons and he prayed that action be taken against them.

10.6 On the basis of above facts, police registered the case FIR under Sections 109, 191(2), 191(3), 190, 115(2) of BNS and criminal machinery swung into motion.

10.7 Initially, investigation was conducted by HC Vikas Kalyan, who at the instance of Sonu Singh, visited the spot and spot map was prepared. The CCTV camera installed near the place, were checked. As per the CCTV footage, few persons having dandas and iron rods in their hands, were found to be fleeing away from the spot on motorcycle and in white coloured car and some of them fled away on foot. Few of them had muffled their faces with white cloth.

10.8 As per the statements of witnesses, it has been found that on 16.08.2025, at about 6:30 pm, when they

were present there, they had heard commotions. Six-seven young men were beating one young man with dandas and iron rod. The said person was lying there and blood was oozing out from him. The registration number of the car used in the crime was found to be HR87-8955. Thereafter, efforts were made to nab accused Aanish, Farman and Aayan. But, they were not found.

10.9 On 22.08.2025, accused Aanish, Farman and Aayan, appeared before the police and they were arrested. All the three aforesaid accused were medico legally examined from Civil Hospital Paonta Sahib. The above accused were produced before the Court on 23.08.2025, from where, they were remanded to police custody till 27.08.2025.

10.10 During investigation, on 24.08.2025, father of Aanish, produced motorcycle No. HP17G-8445, which along with the relevant documents, was taken into possession.

10.11 On 25.08.2025, Akash Pal son of Karan Pal also appeared before the police and handed over the motorcycle, bearing No. HP17H-1434, along with the relevant

documents.

10.12 On 26.08.2025, Sagar was associated in the investigation and his statement was recorded. He disclosed that on 16.08.2025, he, along with Ashu and Sonu, came to Devinagar. All the three were at Paonta Sahib. When, they were standing near Bus-stand, then, Ashu had gone inside the shop of Aman to purchase articles. Thereafter, from Vishavkarma Chowk side, one Farman came there on a motorcycle and one pillion rider was also there. Motorcycle was stopped and Farman called Sagar to discuss something with him, upon which, both of them had started talking with each other. When they were talking to each other, then, Farman told him that he had done wrong by beating him during Holi-mela and Farman also threatened him to break his legs. Thereafter, Farman made a call and immediately, a white coloured car, being driven by its driver, came from Vishavkarma Chowk. Some persons alighted down, who had muffled their faces and having dandas and iron rods in their hands. Thereafter, Farman caught him from his neck and started beating him. Aanish and Aayan also came there

and also started beating him. Sagar screamed and thereafter, he became unconscious.

10.13 Lastly, he has expressed his suspicion that Aanish and Farman, in order to take revenge, managed the attack upon him. On 27.08.2025, accused Farman, Aayan and Aanish, were produced before the Court, from where they were remanded to police custody till 30.08.2025.

10.14 Thereafter, from the revelation made by the accused, involvement of Rajat Dhiman was found. Accused Rajat Dhiman during his investigation, disclosed that one Charanjeet Singh was also with him, who was also involved in the incident, upon which, both of them were arrested. During investigation, accused Aanish made a statement under Section 23 of BSA and got recovered the Air-pistol.

10.15 According to the police, accused Sumit, Krish and Charanjeet were not arrested. However, on 09.09.2025, accused Sumit Kumar (applicant), Krishan Chaudhary, appeared before the police, who were inquired and were arrested. They were produced before the Court, from where, they were remanded to police custody.

10.16 During police custody, accused Sumit Kumar (applicant) identified the ground, where he has parked vehicle No. HP17F-7520. During search of the said vehicle, two registration number plates were recovered, bearing registration No. HR87-8955, which were also taken into possession. During investigation, it was found that the original registration number of the car was found HP17F-7520, but in the CCTV footage, the said car was found to have registration plate, having No. HR87-8955. As such, Section 318(4) of BNS was added, in this case.

10.17 Thereafter, on the basis of the medical opinion, Section 117(2) of BNS was added.

10.18 After completion of investigation, charge-sheet has been filed before the Court of learned ACJM, Paonta Sahib and case is now listed for consideration on charge, on 02.01.2026.

10.19 On the basis of above facts, it has been apprehended that applicant is a clever person and has tried to kill the injured, publicly.

11. On the basis of above facts, a prayer has been

made to dismiss the application.

12. The investigation, in the present case, is complete and applicant is in judicial custody. From the said fact, it can be concluded, at this stage, that his custodial interrogation is no longer required by the police. The chances of commencement and conclusion of trial against the applicant, in near future, are not so bright. As such, no fruitful purpose will be served by keeping the applicant in judicial custody, that too, for the indefinite period.

13. The status report filed by the police is totally silent as to how the applicant will influence the witnesses. Moreover, for the apprehensions, which have been expressed by the police, in the status report, reasonable conditions can be imposed, in case, the applicant is ordered to be released on bail. The applicant was arrested on 09.09.2025 and charge sheet has been filed.

14. The presumption of innocence is still available to the applicant, as the bail application cannot be rejected merely as a matter of punishment, since, pre-trial punishment is prohibited under the law.

15. The accused is presumed to be innocent, unless proven guilty. Being guided by the said principle, this Court is of the view that while deciding the bail application, detailed discussion about the merits of the case should be avoided, as the same will cause prejudice to the case of the prosecution, as well as, to the accused.

16. Moreover, bail application cannot be rejected for the purpose of punishing the applicant prior to the conclusion of the trial. The stand of the prosecuting agency would be proved during the trial.

17. Admittedly, in the present case, the police has not conducted the test identification parade, to get the accused identified from the eye witnesses/victim. The alleged involvement of applicant, on the basis of the alleged disclosure made by the co-accused, would be proved during the trial.

18. Moreover, the applicant is permanent resident of District Sirmaur, as such it cannot be apprehended that in case, he is ordered to be released on bail, he may not be available for the trial.

19. Considering all these facts, this Court is of the view that the bail application is liable to be allowed and is accordingly allowed.

20. Consequently, the applicant is ordered to be released, on bail, during the pendency of trial, arising out of **FIR No. 185/2025, dated 16.08.2025, under Sections 109, 191(2), 191(3), 190, 115(2), 117(2), 318(4) of BNS**, registered with **Police Station Paonta Sahib**, District Sirmaur, H.P. on his furnishing personal bonds in the sum of Rs. 50,000/-, with one surety of the like amount, to the satisfaction of the learned trial Court.

21. This order, however, shall be subject to the following conditions:-

a) 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 the appropriate application;

b) The applicant shall not tamper with the prosecution evidence nor hamper the investigation of the case in any manner whatsoever;

c) The applicant shall not make any inducement, threat or promises to any person acquainted with the facts of the case so as to dissuade them from

disclosing such facts to the Court or the Police Officer; and

d) The applicant shall not leave the territory of India without the prior permission of the Court.

22. 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.

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

24. The Registry is directed to forward a soft copy of the bail order to the Superintendent of Jail, Model Central Jail Nahan, District Sirmaur, H.P., through e-mail, with a direction to enter the date of grant of bail in the e-prison software.

25. In case, the applicant is not released within a period of seven days from the date of grant of bail, the Superintendent of Jail, Model Central Jail Nahan, District Sirmaur, H.P., is directed to inform this fact to the

Secretary, DLSA, Nahan at Sirmaur. The Superintendent of Jail, Model Central Jail Nahan, District Sirmaur, H.P., is further directed that if the applicant fails to furnish the bail bonds, as per the order passed by this Court, within a period of one month from today, then, the said fact be submitted to this Court.

26. Record be returned back to the quarter concerned.

(Virender Singh)
Judge

30th December, 2025
(Pramod Kumar)

RAJNI Digitally signed
by RAJNI
Date: 2025.12.30
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