

IN THE HIGH COURT OF HIMACHAL PRADESH AT  
SHIMLA

Cr. MP(M) Nos. 2877 and 2878 of 2025

Reserved on : 22.12.2025

Decided on : .23.12.2025

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1. Cr.MP(M) No. 2877 of 2025

Yashpal

...Applicant

Versus

State of H.P.

...Respondent

2. Cr.MP(M) No.2878 of 2025

Himanshu

..Applicant

Versus

State of H.P.

...Respondent

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Hon'ble Mr. Justice Virender Singh, Judge

Whether approved for reporting?

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For the Applicants : Mr. Dinender Panwar,  
Advocate.

*For the Respondent :* Mr. H.S. Rawat, Addl. A.G.  
with Mr. Rohit Sharma and  
Ms. Avni Kochhar Mehta,  
Dy. AGs, assisted by ASI  
Vipin, Police Station,  
Kotkhai, District Shimla,  
H.P.

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**Virender Singh, Judge**

This order of mine shall dispose of both the above titled bail applications, which have been filed by the applicants, under Section 482 of Bharatiya Nagarik Suraksha Sanhita (hereinafter referred to as 'the BNSS') in case **FIR No. 87 of 2025, dated 20.11.2025, registered under Sections 309(4), 115 (2), 126(2), 332(C), 333, 351(2) and 3(5) of Bharatiya Nyaya Sanhita (hereinafter referred to as 'the BNS'), with Police Station, Kotkhai, District Shimla, H.P.**

2. By way of present applications, the applicants have sought the indulgence of this Court to direct the Investigating Officer/Police, to release them on bail, in the event of their arrest, in the above-mentioned case, as, they are apprehending their arrest, in the said case.

3. According to the applicants, they are innocent persons and have falsely been implicated in the present case.

4. The applicants have given certain undertakings, for which, they are ready to abide by, in case, directions are issued to the Police/I.O., under Section 482 of the BNSS.

5. Applicants have tried their luck before the learned Special Judge-II, Shimla, District Shimla, H.P., however, their bail applications were rejected, on 2.12.2025.

6. The applicants, through their counsel, have given certain undertakings, for which, they are ready to abide by, in case, direction is issued under Section 482 BNSS.

7. On the basis of above facts, applicants, through their counsel, have sought the relief, as claimed, in the present bail applications.

8. When, put to notice, Police has filed status report, disclosing therein, that on 20.11.2025, a telephonic information was received in Police Station, Kotkhai that at a place known as “Chhaul” one person, under the influence of liquor, is fighting with

other persons, upon which, ASI Vipin Kumar, alongwith other police officials, reached at the spot.

8.1 On the spot, the matter was inquired and it was found that one Yashpal Jalta, alongwith three persons, had beaten Ranjeet Singh and Sagar in the shop of Ranjeet Singh. The injured were taken to CHC Kotkhai. Injured Ranjeet Singh got recorded his statement in CHC Kotkhai, in which, he has stated that he is running a welding shop in Chhaul market, where, he, alongwith his workers, was working. Applicant Yashpal Jalta used to visit his shop and insist him to close down his shop, as he has also started welding work at Chhaul market. He often used to visit his shop, under the influence of liquor, and being the local person, used to threaten him.

8.2 On 20.11.2025, at about 6:00 p.m., applicant Yashpal again went to the shop of the complainant and insisted him to close his shop, due to which, a scuffle had taken place. In the said scuffle, applicant Yashpal fell down and after some time, he

again entered the shop, alongwith his son Monti Jalta (applicant in Cr.M.P.(M) No. 2878 of 2025) and two other persons and picked up a hammer and inflicted injuries on his head. Thereafter, he has started beating the workers, as well as, the nephew of the complainant. As such, he has prayed that action be taken against the applicants.

8.3 On the basis of above facts, Police registered FIR No. 87 of 2025, dated 20.11.2025, under Sections 115(2), 126(2), 332 ( C), 351(2) and 3(5) of the BNS.

8.4 On 24.11.2025, during investigation, Ranjeet Singh (applicant) disclosed that his workers, namely Kailash, Rohit, Kush and Keshav Singh disclosed that on 20.11.2025, at the time of incident, when complainant and Sagar fled away from the spot, in order to save their lives, then, applicants Yashpal Jalta and Himanshu Jalta had stolen a bundle of glasses used in the fire place and put the same in

their vehicle, upon which, the spot was visited and spot map was prepared.

8.5 During investigation, complainant produced the bills of glasses, allegedly stolen by the applicants. Thereafter, statements of witnesses were recorded, under Section 180 of the BNSS.

8.6 Thereafter, CCTV footage of the spot was checked, upon which, it was found that on 20.11.2025, at about 18:24:55, one car, being driven by its driver, came there and the driver stopped the same in front of the shop of the complainant. Two persons were seen alighted down from the vehicle. Both the persons went to first floor of Verma building and remained there, for the considerable time. At about 18:34:04 p.m., one person was seen dragging applicant Yashpal Jalta to the road from Verma building. Thereafter, applicant Yashpal Jalta is again seen going towards the Verma building at 18:37:35 p.m. At 18:39:10 p.m., two boys were found coming from Gumma side, one of whom, lifted a hammer in

his hand and went to the upper storey of building. At 18:40:20 p.m., Ranjeet Singh was seen running towards Kotkhai side, in order to save his life. Thereafter, applicants Yashpal and Himanshu came to the ground floor and entered the shop of Yashpal, from where, Yashpal came out and Himanshu was seen lifting some bundle and put the same in the dickey of his car. Thereafter, the applicants were seen threatening the workers of the complainant. Subsequently, at 18:53:33 p.m., the car again reached at the spot and a scuffle took place between applicants and the owner of Verma building, Sandeep. Thereafter, wife of Sandeep Verma, namely Reena Verma was also seen trying to compel the applicants to leave the spot, with the help of danda. The CCTV footage was saved.

8.7 After perusing the status report, interim protection was granted to the applicants, vide order dated 8.12.2025 and the matter has been adjourned for 15.12.2025.

8.8 On 15.12.2025, a stand has been taken that applicants Yashpal Jalta and Himanshu joined the investigation and both of them had produced only three glasses out of three bundle of glasses. According to applicant Yashpal, he has destroyed remaining six glasses.

8.9 On 1.12.2025, applicant Yashpal Jalta produced car No. HP99-0970, Alto K-10, which was taken into possession, alongwith its keys.

8.10. The Police has also mentioned in the status report that the applicants are audacious persons, they are not giving any rational answers to the queries put to them and have not disclosed about the whereabouts of two other persons, involved in the crime in question. Rest of the recoveries have not been got effected by them.

8.11 Thereafter, the matter has been adjourned for today. Today, the supplementary status report has been filed, in which, a stand has been taken that both the applicants have joined the investigation. On

21.12.2025, applicant Yashpal Jalta produced a white coloured plastic sack, containing pieces of glasses, which were taken into possession. According to the statement made by applicant Himanshu, on the date of incident, he had called his cousin Lovely Jalta and one other person, to the spot.

9. On the basis of above facts, a prayer has been made to dismiss the applications.

10. Applicants have joined the investigation. The applicants are permanent residents of District Shimla, as such, it cannot be apprehended that in case, interim orders dated 8.12.2025, are made absolute, applicants will not be available for trial.

11. The role, allegedly played by the applicants in the crime in question, would be proved during trial. The bail applications cannot be rejected as a matter of punishment, as punishment can only be inflicted after full fledged trial and they are presumed to be innocent, unless proven guilty.

12. Considering all these facts, the interim orders dated 8.12.2025, passed by this Court, in both the cases, are liable to be confirmed. Consequently, interim orders dated 8.12.2025, passed in both the cases, are made absolute. This order, however, shall be subject to the following additional conditions:-

*a) That the applicants shall join the investigation of the case, as and when, called for, by the Investigating Officer, in accordance with law;*

*b) That the applicants shall not leave India, without prior permission of the Court;*

*c) That the applicants 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 applicants 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.*

13. 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.

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

**(Virender Singh)**  
**Judge**

**December 23, 2025**  
Kalpana