

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.M.P.(M) No.2911 of 2025

Date of decision: 24.12.2025

Akhil Sharma.

...Petitioner.

Versus

State of H.P.

...Respondent.

Coram

Hon'ble Mr. Justice Vivek Singh Thakur, Judge.

Whether approved for reporting?¹

For the petitioner : Mr. Harsh, Advocate, vice Mr. Manoj Pathak, Advocate.

For the respondent : Mr. Sushant Keprate, Additional Advocate General.

Vivek Singh Thakur, Judge (Oral)

Petitioner has approached this Court, invoking provisions of Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (in short 'BNSS'), for enlarging him on interim bail in case FIR No.239 of 2021, dated 26.08.2021, registered in Police Station Kullu, District Kullu, H.P., under Sections 302, 307, 323, 326, 201, 147, 148, 149, 440, 354, 354-B and 109 read with Section 34 of the Indian Penal Code, Section 24 of Arms Act and Sections 3(1)(r),(s),(w) & 3(2)(va) of Schedule Castes

¹ Whether the reporters of the local papers may be allowed to see the Judgment? Yes

and Schedule Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'SC & ST Act').

2. Status report stands filed, wherein facts and circumstances have been narrated, in detail, indicating the role and manner in which offence was committed.

3. It is submitted on behalf of the petitioner that he is 30 years old young boy, in custody since 06.09.2021, who has not been enlarged on bail or temporary bail at any earlier point of time in present case and there is no adverse report against him about his conduct and behaviour in the jail. Further that being an undertrial prisoner, petitioner is not entitled for any benefit like parole or furlough as available under the Himachal Pradesh Good Conduct Prisoners (Temporary Release) Act, 1968 and, therefore, the petitioner has no other remedy except to file present petition for enlarging him on temporary release for the reasons enumerated in the application/petition.

4. It is submitted that father of the petitioner is bed-ridden since November, 2025, on account of injury suffered by him being hit by a bull in the market, whereas, his mother is suffering with severe depression and, therefore, both the parents of the petitioner require medical treatment. Petitioner is only son in the family and there is no other person to take care of his parents, as sisters of the petitioner have

already been married. Therefore, to make arrangement for treatment of is parents and also arrange some financial support for their treatment as well for livelihood, petitioner deserves to be enlarged on temporary release, as prayed.

5. Another reason for enlarging the petitioner on temporary release, stated in the application/petition, is that Yogyopavit ceremony of his nephew (*Bhanja*) has been scheduled on 03.02.2026 and being only maternal uncle (*Mama*) in the family, his presence for performing rituals of Yogyopavit ceremony, which are mandatorily to be performed by Mama, the petitioner deserves to be enlarged on temporary release.

6. It has been undertaken on behalf of the petitioner that he shall abide by all the conditions as may be imposed by the Court for enlarging him on interim bail.

7. It has been further submitted that petitioner has earlier filed petitions for regular bail bearing CRMPM No.190/2022 and CRMPM No.491/2024, which were dismissed on 20.06.2022 and 03.05.2024, respectively. Another bail application bearing CRMPM No.177/2024 was dismissed as withdrawn on 02.02.2024 in this High Court.

8. In the status report, plea taken on behalf of the petitioner, has been endorsed along with relevant documents, including invitation card of Yogyopavit ceremony of petitioner's nephew (*Bhanja*).

9. Details of landed property owned by the petitioner has also been placed on record through copy of Jamabandi of Village Dobhi Chowki for the year 2022-23, wherein petitioner-Akhil is co-owner along with others.

10. Statement of father of the petitioner as well as statement of one Siddarth Awasthi has also been recorded, who has endorsed Yogyopavit ceremony/Janeu Sansker to take place on 03.02.2026.

11. The plea with respect to health, injury and status of parents has also been verified in the status report, to be true.

12. Taking into consideration the entire material placed before me and the status report submitted by respondent-State, petitioner is directed to be released on interim bail till 07.02.2026, subject to his furnishing personal bond in the sum of Rs.2,00,000/- with one surety in the like amount to the satisfaction of the Trial Court/Magistrate undertaking therein that petitioner shall surrender, on 07.02.2026 at or before 2.00 p.m., before the Jail Superintendent/Incharge of the Jail,

wherefrom he shall be released failing which, appropriate action against him and his surety shall be initiated.

13. During interim bail, petitioner shall abide by further conditions as may be deemed fit and proper by the Trial Court/Magistrate, including the conditions enumerated hereinafter, so as to assure presence of the petitioner at the time of trial:-

- (i) That the petitioner is enlarged on interim bail till 07.02.2026 on furnishing and acceptance of bail bonds with direction to him to surrender before concerned Jail Superintendent/Incharge, wherefrom he is released, at or before 2:00 P.M. on 07.02.2026;
- (ii) That petitioner shall not visit anywhere except the places where his presence is required for the purpose narrated *supra*;
- (iii) That the petitioner 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 Court or to any police officer or tamper with the evidence. He shall not, in any manner, try to overawe or influence or intimidate the prosecution witnesses;
- (iv) That the petitioner shall not obstruct the smooth progress of the investigation/trial;
- (v) That the petitioner shall not commit the offence similar to the offence to which he is accused or suspected;
- (vi) That the petitioner shall not misuse his liberty in any manner;
- (vii) That the petitioner shall not jump over the bail; and
- (viii) He shall keep on informing change of address or place of stay, if any, to the concerned Police Station.

14. It will be open to the prosecution to apply for imposing and/or to the Trial Court to impose any other condition on the petitioner as deemed necessary in the facts and circumstances of the case and

in the interest of justice and thereupon, it will also be open to the Trial Court to impose any other or further condition on the petitioner as it may deem necessary in the interest of justice.

15. SHO Police Station Kullu, District Kullu, H.P., is also directed to verify the fact of surrender by petitioner on 07.02.2026 and, if petitioner fails to surrender, then, appropriate action against him and his surety shall be initiated in accordance with law.

16. In case the petitioner violates any conditions imposed upon him, his interim bail shall be liable to be cancelled. In such eventuality, prosecution may approach the competent Court of law for cancellation of bail, in accordance with law.

17. Magistrate/Trial Court is directed to comply with the directions issued by the High Court, vide communication No.HHC.VIG./Misc. Instructions/93-IV.7139 dated 18.03.2013.

18. Observations made in this petition hereinbefore shall not affect merits of the case in any manner and are strictly confined for the disposal of the bail application.

19. Petitioner is permitted to produce/use copy of this order, downloaded from the web-page of the High Court of Himachal Pradesh, before the Special Judge/authorities concerned, and the said

Court/authorities shall not insist for production of a certified copy but if required, may verify passing of order from Website of the High Court.

20. The petition stands disposed of in the aforesaid terms.

(Vivek Singh Thakur)
Judge

24th December, 2025
(Pardeep)

PARDEEP
KUMAR

Digitally signed by PARDEEP KUMAR
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