

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.MP(M) No. : 2914 of 2025

Reserved on : 24.12.2025

Decided on : 30.12.2025

Vikas Thakur

...Applicant

Versus

State of Himachal Pradesh

...Respondent

Coram

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

Whether approved for reporting?¹

For the applicant : Applicant in person, with Mr. Vijender Katoch and Mr. Kapil Sharma, Advocates.

For the respondent : Mr. H.S. Rawat & Mr. Mohinder Zharaick, Additional A.Gs. with Ms. Avni Kochhar Mehta, Deputy A.G., assisted by ASI Des Raj, Police Station Bhawarna, District Kangra, H.P.

Virender Singh, Judge

Applicant Vikas Thakur, has filed the present application under Section 482 of Bharatiya Nagrik Suraksha Sanhita, 2023 (hereinafter referred to as "the BNSS"), as he is apprehending his arrest in case **FIR No.**

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

201 of 2025, dated 18.11.2025, registered under Section 332C, 118(1), 351(1), 352 of Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as 'BNS'), registered with **Police Station Bhawarna**, District Kangra, H.P.,

2. By way of the present application, indulgence of this Court has been sought to direct the Police/ Investigating Officer of Police Station Bhawarna, District Kangra, H.P., to release the applicant on bail, in the event of his arrest, in the above noted FIR.

3. The said relief has been sought on the ground that he is innocent person and has no concern with the crime in question.

4. The applicant has earlier tried his luck by moving the application for bail, bearing No. 213-P/XXII/2025 before the learned Additional Sessions Judge, Palampur, District Kangra, H.P., however, his application has been dismissed vide order dated 10.12.2025.

5. On the basis of the above facts, Mr. Vijender Katoch and Mr. Kapil Sharma, Advocates, have given certain undertakings, for which, the applicant is ready to abide by, in case any direction is issued to the

police/Investigating Officer, in the above-noted case, under the provisions of Section 482 of the BNSS.

6. When put to notice, police has filed the status report, disclosing therein, that on 18.11.2025, from Civil Hospital Bhawarna, a telephonic information was received in Police Station Bhawarna, upon which, ASI Des Raj along with other police officials, in order to verify the facts, reached at Civil Hospital Bhawarna, where Gurpreet Kumar son of Sh. Balvinder Singh, resident of VPO Kaluwal, Tehsil & District Hoshiyarpur, Punjab and Anmol Rana son of Sh. Vijay Kumar, resident of Village Salan, Tehsil Palampur, District Kangra, were found admitted.

6.1 Thereafter, a request was made to Medical Officer for conducting the medico legal examination, upon which, Medical Officer conducted the medical examination, issued the MLCs and handed over the same to the police. The Medical Officer has deferred his final opinion on the MLC of Anmol Rana, till the opinion after Surgery and CT report. Similarly, on the MLC of Gurpreet Singh, Medical Officer deferred his final opinion, to be given after X-ray report and surgery opinion. However, he has declared the

injuries on the person of injured as caused with sharp edged weapon.

6.2 Thereafter, Adarsh Bala made a complaint to the police, disclosing therein, that she is resident of Village Salan and she had given the accommodation on rent to Gurpreet son of Sh. Balvinder Singh. The complainant is blessed with two children. At about 11:00 pm, on 17.11.2025, their neighbour Vikas came in their courtyard and called his wife to come out, upon which, complainant and her son Anmol Rana came out. Vikas told them that his wife Meenu and his children be sent out, upon which, complainant had apprised him that they are not there, upon which, their tenant Gurpreet also came out and Vikas started abusing him. When Gurpreet objected that why he is abusing them, then, with the help of some sharp edged weapon, he had attacked on the son of the complainant. When, Gurpreet tried to save her son, then he attacked Gurpreet with sharp edged weapon, due to which, Gurpreet and son of complainant, sustained injuries. Complainant had given a push to Vikas and

closed the gate and thereafter, he left the spot, after threatening to kill them.

6.3 On the basis of above facts, a prayer has been made to take action against him, upon which, police registered the case under Sections 332C, 118(1), 351(2), 352 of BNS and investigation of the case was entrusted to ASI Des Raj, I.O. Police Station Bhawarna.

6.4 On 18.11.2025, the spot was visited and at the instance of complainant, injured Gurpreet and Anmol Rana, spot map was prepared. On 17.11.2025, the blood stained clothes of Gurpreet and Anmol were taken into possession. The statements of witnesses were recorded under Section 180 of BNSS. The complainant Adarsh Bala, made a supplementary statement, disclosing therein, that in the complaint, she has wrongly mentioned the name of the accused as Vishal instead of Vikas Thakur, as due to the sudden attack of Vikas Thakur, she had got perplexed.

6.5 On 18.11.2025, Pradhan telephonically informed that there is fire in the house of applicant Vikas Thakur. When, police reached there, neither Vikas Thakur,

nor family members were found there. However, articles lying in the two rooms, were burnt and articles lying in the kitchen were safe.

6.6 Thereafter, Pradhan Gram panchayat and police directed applicant Vikas Thakur and his wife to come to their home telephonically, upon which, neither applicant Vikas Thakur nor family members came there. On 18.11.2025, at about 12:30 am, applicant was present there and when he left his house, the neighbours noticed the fire there, but no one extinguished the same, nor, matter was reported to the police or fire-brigade.

6.7 It has been found that, applicant Vikas Thakur without any reason had gone to the courtyard of Adarsh Bala and abused her. Not only this, he has attacked upon Gurpreet and Anmol Rana with the Gandassa.

7. After perusing the said status report, the interim protection was granted to the applicant, vide order dated 11.12.2025, and matter has been adjourned to 17.12.2025. On 17.12.2025, police filed the supplementary status report, disclosing therein, that in pursuance of the directions of this Court, accused Vikas

Thakur (applicant) has joined the investigation and he has disclosed that after coming from Tehsil, he had consumed liquor at Sulah. Thereafter, his wife requested him to come back, upon which, he told her that she has no concern with the house and directed her to leave the house along with the lock stock barrel.

8. Lastly, it has been apprehended that in case, interim order is made absolute, he may not be available for the trial.

9. In the status report, on 24.12.2025, the applicant Vikas Thakur had joined the investigation and nothing is required from him nor anything is recovered from the applicant.

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

11. Applicant in the present case has joined the investigation. The role allegedly played by the applicant will be proved during the trial. Applicant has joined the investigation, as such, police is not able to make out a case for custodial interrogation. Bail application cannot be rejected, as a matter of punishment.

12. No other case has been found to be registered against the applicant, as such, presumption of innocence is still available to the applicant.

13. Moreover, at the time of deciding the application for bail, this Court would not discuss the evidence in detail, as if the guilt/innocence of the accused is to be determined, during the course of the trial and not at this stage.

14. Considering the fact that the applicant is permanent resident of District Kangra, as such, it cannot be apprehended that in case he is released on bail, he may not be available for trial. Even otherwise, for the apprehensions, expressed by the police, reasonable conditions can be imposed upon the applicant.

15. Considering the totality of circumstances, this Court is of the view that the interim protection, granted to the applicant, is required 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.

16. Considering all these facts, the interim order dated 11.12.2025, passed by this Court, is hereby made absolute. Therefore, it is ordered that the applicant be released on bail, in the event of his arrest, in case **FIR No. 201/2025, dated 18.11.2025, registered, under Sections 332C, 118(1), 118(2), 351(1), 352 of the BNS, with Police Station Bhawarna, District Kangra, H.P.,** on his furnishing personal bond, 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.*

17. 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 application.

18. 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 any of the applicant.

(Virender Singh)
Judge

30th December, 2025
(Pramod Kumar)

RAJNI

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by RAJNI
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