

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. MP(M) No.: 2956 of 2025Reserved on : 24.12.2025Decided on : 30.12.2025

Budh Ram

...Applicant

Versus

State of H.P.

...Respondent

*Coram***The Hon'ble Mr. Justice Virender Singh, Judge.***Whether approved for reporting?¹*

For the Applicant : Mr. Atul G. Sood, Advocate.

For the respondent : Mr. H.S. Rawat, Mr. Mohinder Zharai, Additional Advocates General with Ms. Avni Kochhar Mehta, Deputy Advocate General, assisted by SI Vijay Kumar, Police Station, Sadar Kullu.

Virender Singh, Judge

Applicant Budh Ram has filed the present application, under Section 483 of Bharatiya Nagarik Suraksha Sanhita (hereinafter referred to as 'the BNSS') for releasing him, on bail, during the pendency of the trial, **arising out of FIR No. 262 of 2025, dated**

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

8.11.2025, registered under Section 108 of Bharatiya Nyaya Sanhita (hereinafter referred to as 'the BNS') registered with Police Station, Kullu, District Kullu, H.P.

2. The applicant has pleaded the fact that he is an innocent person and has falsely been implicated, in the present case and he has no concern whatsoever with the crime in question.

3. According to the applicant, no direct evidence of abetment has been collected by the Police, in the present case. Investigation, in the present case, is stated to be completed.

4. According to the applicant, he has tried his luck by moving application for bail, before the learned Additional Sessions Judge, Kullu, District Kullu, H.P., however, the same was dismissed, on 24.11.2025.

5. On the basis of above facts, a prayer has been made by the applicant to release him on bail, during the pendency of the trial.

6. When, put to notice, the Police has filed the status report, disclosing therein that complainant Daut Ram made a complaint before S.I. Vijay Kumar, I.O., Police Station, Kullu, disclosing therein, that he is an agriculturist by profession. He is having three sisters and one brother. Brikmi Devi is his mother. His elder sister is Yani Devi, aged 38 years. Uma Devi aged 37 years is also his sister and Rewati Devi, aged 34 years, is his youngest sister. All the three sisters are married and residing in their in-laws' house.

6.1 Yani Devi was blessed with one daughter and son. Husband of Yani Devi used to quarrel with her, for the last five years. Due to this fact, Yani Devi came to the house of the complainant and started residing there. Thereafter, she again went to her matrimonial home, however, the matter was neither reported to the Panchayat nor to the Police Station. However, oral compromise had taken place between Budh Ram, Yani Devi, Dhali Devi and Duni Chand.

Thereafter, again Budh Ram had started quarelling with Yani Devi.

6.2 On 6.11.2025, when, the complainant was sleeping in his house, then, at about 11:45 p.m., he received a telephonic call from his brother-in-law Budh Ram (applicant), disclosing that Yani Devi had consumed poison and she is not ready to go to Hospital and may die. The applicant has requested the complainant to take her to hospital, upon which, complainant, alongwith his mother Brikmi Devi took Yani Devi to Hospital.

6.3 As per the complainant, Yani Devi remained admitted in the hospital. During treatment, the complainant, in the presence of his mother, inquired as to why she had consumed poison, upon which, she disclosed that her husband used to talk to a girl over phone, with whom, he is having affair. Due to the said fact, she had consumed poison. In addition to this, she has disclosed that her husband used to beat her.

6.4 Thereafter, Yani Devi was referred to Medical College, Ner Chowk, where she remained admit. On 8.11.2025, at about 7:20 a.m., Yani Devi expired during treatment, upon which, the complainant alleged that due to the beatings, given by accused Budh Ram, as well as, due to the fact that he used to talk to a girl, namely Nishu Devi, his sister has taken the extreme step of consuming poison and died.

6.5 On the basis of above facts, the Police registered the case under Section 108 of the BNS and police machinery swung into motion.

6.6 During investigation, it was found that on 7.11.2025, in Regional Hospital, Kullu, one case of consuming poison was reported, upon which, ASI Vijay Kumar reached at the spot, where Yani Devi was found admitted. She was medico-legally examined. The Medical Officer has declared Yani Devi not fit to make a statement. She was referred for further treatment to Medical College, Nerchowk.

6.7 After death of Yani Devi, her dead body was inspected in the presence of her relatives. However, no injury marks were found.

6.8 Thereafter, applicant was arrested on 8.11.2025. He was produced before the Court of learned Judicial Magistrate First Class, Lahaul & Spiti, H.P., from where, he was remanded to police custody, till 12.11.2025.

6.9 Post mortem examination of dead body of Yani Devi was conducted. Investigation, in the present case, is stated to be complete.

6.10. It has further been mentioned in the status report that apart from the present case, FIR No. 214 of 2025, dated 5.8.2025, was registered against the applicant, under Sections 126(2), 115(2), 351(2), 324 (2) of BNS.

6.11 Lastly, it has been apprehended that applicant is a very clever person, and in case, he is ordered to be released on bail, he may coerce the witnesses and may allure them to depose in his favour.

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

8. Investigation, in the present case, is complete, as such, it can be said that custodial interrogation of the applicant, is no longer required by the Police.

9. So far as registration of another case against the applicant is concerned, this fact is too short to decline the relief to the applicant, for which, he is otherwise entitled to, as, admittedly, in the said case, the competent Court of law has not inflicted conviction upon the applicant.

10. Moreover, no efforts have been made by the Police to get the bail granted to the applicant cancelled, by moving an appropriate application, in the said case.

11. Although, a valuable life has been lost, but on that account, the applicant cannot be punished, as pre-trial punishment is prohibited, under the law.

12. The applicant and Yani Devi were married for the last 18 years. Admittedly, the matter regarding the alleged maltreatment and beatings by the applicant to the deceased, has not been reported anywhere. Whether the alleged act of the applicant of talking to some other girl and his act of beating his wife, fall within the definition of 'abetment' would be proved during trial.

13. It is no longer res-integra that at the time of deciding the bail application, evidence, so collected by the prosecution, as well as, merits/de-merits should not be decided, in a way, to decide the innocence/guilt of the accused.

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

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

16. Consequently, the applicant is ordered to be released on bail, during the pendency of trial, arising out of **Case FIR No. 262 of 2025, dated 8.11.2025, registered under Section 108 of the BNS with Police Station, Kullu, District Kullu, H.P.** on his furnishing personal bond in the sum of Rs. 50,000/-, with one surety, in the like amount, to the satisfaction of the learned trial Court.

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

a) 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) Applicant shall not tamper with the prosecution evidence nor hamper the investigation of the case, in any manner, whatsoever;

c) 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) Applicant shall not leave the territory of India without the prior permission of the Court.

18. Any of the observations, made herein above, 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.

19. 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 applicant.

20. The Registry is directed to forward a soft copy of the bail order to the Superintendent of District Jail, Kullu, HP, with a direction to enter the date of grant of bail in the e-prison software.

21. In case, the applicant is not released within a period of seven days from the date of grant of bail, the Superintendent of District Jail, Kullu, H.P. is directed to inform this fact to the Secretary, DLSA, Kullu. The Superintendent of District Jail, Kullu 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.

(Virender Singh)
Judge

December 30, 2025
Kalpana

KALPANA
Digitally signed
by KALPANA
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2025.12.30
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