

State of Himachal Pradesh vs. Roop Lal & Anr.

CR.A No.307 of 2022

14.09.2026 Present : Mr. I.N. Mehta, Senior Additional Advocate General for the appellant-State.

Ms. Aarju Vashisht, Advocate, vice Mr. Aman Sood, Advocate (Legal Aid Counsel), for respondent No.1.

Mr. Pranshul Sharma, Advocate, for respondent No.2.

ASI/SHO Jagdish Negi, P.S. Kandaghat, District Solan, HP, present in person

CRMP No.2941 of 2026

This application is a communication received from Superintendent Jail, Modern Central Jail, Kanda, (H.P.), sent on behalf of respondent No.1(Roop Lal)/applicant, which has been treated as this application bearing Cr.MP No.2941 of 2023.

Respondent No. 1-Roop Lal, in the present case, has been acquitted by Trial Court vide judgment dated 16.03.2022 in case FIR No.21/2015 dated 11.02.2015, registered in Police Station Kandaghat, District Solan, under Sections 302, 201 read with Section 34 IPC.

Main appeal in the present case has been preferred by the State against the acquittal of respondents in the aforesaid case.

After admission of the appeal on 29.08.2022, bailable warrants were issues to the respondents. On 21.12.2022, it was informed that applicant/respondent No.1, at that time, was serving sentence in another case, FIR No.65 of 2022, registered in Police Station Kandaghat under POCSO Act and IPC.

On 11.01.2023, it was informed on behalf of respondent No.1 that he was not in a position to engage a counsel to defend the

case, and therefore, Mr. Aman Sood, Advocate, was appointed as Legal Aid Counsel for respondent No.1.

As respondent No.1 had also not furnished bail bonds and he was lodged in jail in another case, therefore, it was directed by Coordinate Bench of this Court not to release respondent No.1 from custody, even if he is acquitted in another case, unless he complies with order dated 29.08.2022 and furnishes bail bonds in terms of the said order in the sum of Rs.50,000/- with one surety in the like amount to the satisfaction of the Jail Superintendent, Kanda.

Now, it has been informed that respondent No. 1 has served his substantive sentence as well as sentence awarded to him in default of payment of fine in FIR No.65 of 2022 and has completed the sentence period on 25.07.2023. However, in view of the order dated 11.01.2023, he has not been released.

Now, request has been received on behalf of respondent No.1 that in view of poor financial condition, he is not in a position to arrange surety. He is not able to furnish bail bonds as he belongs to a very poor family and he does not know anyone who is willing to provide him surety in his favor.

To verify the fact, the State was directed to place on record necessary information with regard to the assets and with regard to the financial status of respondent No.1. In response, the State has placed on record instructions dated 08.08.2023 as well as 11.09.2023, whereby it has been reported that respondent No.1 is owner in possession of 32-03 bighas of land (comprising 7-10 bighas cultivable and 24-13 bighas

uncultivable land) recorded in his name in Mauja Palah and Barthyana, District Solan, and no land has been recorded in name of his wife Bimla Devi and sons Jaikishan and Mukesh and daughter Kavita in Patwar Circle Chhavsha, District Solan.

A communication dated 30.07.2023 sent by Naib Tehsildar, Sub-Tehsil Mamlig, District Solan, addressed to Incharge Police Station Kandaghat has also been placed on the file along with instructions with the same information.

In view of aforesaid material on record and considering the request and submissions made on behalf of respondent No.1, we are of the opinion that respondent No.1 must furnish his personal bond in the sum of Rs.50,000/- to the satisfaction of the Jail Superintendent, and in lieu of surety, Revenue Authority, i.e. Naib Tehsildar, Sub-Tehsil Mamlig, District Solan, is directed to create charge in the sum of Rs.50,000/- on the landed property of respondent No. 1 by creating charge in favour of the State.

On compliance of aforesaid condition, respondent No.1 is directed to be released from jail on personal bond. After creation of charge, during pendency of the appeal, Naib Tehsildar shall transmit a copy of Jamabandi with entry of charge to the Jail Superintendent, Kanda, as well as to the Office of Advocate General for placing the same on record.

Proceedings in the aforesaid terms shall be completed by Naib Tehsildar on or before 30.09.2023, and necessary information shall be transmitted to the concerned Authority immediately thereafter.

Creating charge is for assuring the presence of respondent No.1 in the Court in the present case. Office of the Advocate General is directed to transmit copy of this order to Naib Tehsildar, Sub-Tehsil Mamlig, District Solan as well as Jail Superintendent, Kanda, for ensuring compliance.

Accordingly, application stands disposed of.

(Vivek Singh Thakur)
Judge

(Bhupesh Sharma)
Judge

14th September, 2026
(Pardeep)