

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. MP(M) No. 1533 of 2026
Date of Decision : 01.09.2026

Govind Ram

..... Petitioner

Versus

State of Himachal Pradesh

.....Respondent

Coram:

The Hon'ble Mr. Justice Bipin Chander Negi, Judge

*Whether approved for reporting?*¹

For the petitioner : M/s Arjun Lall, Vidur Kapur, Tamanna Basoli,
Advocates.

For the respondent : Mr. Lokender Kutlehria, Additional Advocate General.

A.S.I. Harish Kumar, I.O. P.S. Kullu, District Kullu, H.P.
present in person.

Bipin Chander Negi, Judge(oral)

The present bail petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) for the grant of regular bail to the petitioner in respect of FIR No. 79 of 2026, dated 16.05.2026, registered under Sections 126(2), 115(2), 118(1), 109 and 238 of the Bharatiya Nyaya Sanhita at Police Station Kullu, District Kullu, Himachal Pradesh.

2. Heard counsel for the parties. Perused the fresh status report filed today. Copy whereof has been supplied to the counsel for the petitioner.

3. The incident in the case at hand is dated 15.05.2026. The victim, one Sh. Chandresh Yadav, along with his uncle, in Dome No. 2 at Dhalpur Ground, Kullu, during Pipal Jatar, had installed a shop since 29.04.2026. On 15.05.2026, at about 9:15 PM, when the victim/complainant (Chandresh Yadav) and his uncle were in the shop so set up, the bail petitioner along with his family had come to the shop and had made some purchases. On the sale price of the goods purchased, an altercation arose between the petitioner and the complainant/victim.

4. It is alleged that while coming out of the shop, the bail petitioner had inflicted injuries upon the victim (Chandresh Yadav) with a sharp-edged weapon concealed in his pocket. Subsequent thereto, it is alleged that the victim had run out of the shop so set up and he was chased by the bail petitioner, who inflicted blows with a stick on the victim/complainant (Chandresh Yadav). It is stated that the victim/complainant was rescued by the other shopkeepers and was taken to the hospital. Initially, the bail petitioner was charged with only Sections 126(2) and 115(2) of the Bharatiya Nyaya Sanhita, 2023. However, on 16.06.2026, as per the final report of the surgeon obtained on the MLC of the victim/complainant Sections 118(2) and 109 of the BNS, 2023 were incorporated, as according to the final report so obtained, grievous injuries inflicted by a sharp object on the victim had been assessed.

5. FIR in the case at hand was registered on 16.05.2026. On account of additional incorporation of various Sections of the Bharatiya Nyaya Sanhita, 2023, as has been stated supra, post 16.06.2026, the bail petitioner was arrested on 15.07.2026. Thereafter, the accused had been identified by the

victim/complainant through a WhatsApp video call on 15.07.2026 itself. The petitioner was kept in police custody till 18th July, 2026 and thereafter, the petitioner has been in judicial lock-up till date. While in custody, since no recovery with respect to the weapon of offence in the case at hand had been effected, therefore, Section 238 of the Bharatiya Nyaya Sanhita was also got incorporated.

6. In the aforesaid backdrop, on 16.07.2026, the present bail petitioner had applied for bail before the Additional Sessions Judge, Kullu, District Kullu, which was dismissed vide judgment dated 30.07.2026. Copy whereof has been placed on record as Annexure P-1. From a perusal of the same, it is evident that the investigation in the case at hand was not complete, therefore, bail was denied. Sections 118(2) and 109 of the BNS, 2023 are non-bailable offences.

7. In the status report filed, it has been highlighted that there exist two other cases other than the one which is being sought presently. Mere pendency of criminal cases against the bail petitioner, even when the offences are heinous and serious, cannot by itself be the basis for refusal of grant of bail in question. In this respect, reference can be made to **(2020) 11 SCC 648 titled Prabhakar Tewari vs. State of Uttar Pradesh and another**. Relevant para thereof reads as under:-

8. On considering the submissions of the learned counsel for the parties. Having regard to the circumstances of this case, in our opinion, there has been no wrong or improper exercise of discretion on the part of the High Court in granting bail to the accused. The factors outlined in the case of [Mahipal](#) (supra) for testing the legality of an order granting bail are absent in the order impugned. The materials available do not justify arriving at the conclusion that the order impugned suffers from non-application of mind or the reason for granting bail is not borne out from a prima-facie view of the evidence on record. The offence alleged no doubt is grave and serious and there are several criminal cases

pending against the accused. These factors by themselves cannot be the basis for refusal of prayer for bail. The High Court has exercised its discretion in granting bail to the accused Vikram Singh upon considering relevant materials. No ex-facie error in the order has been shown by the appellant which would establish exercise of such discretion to be improper. We accordingly sustain the order of the High Court granting bail. This appeal is dismissed.

8. The consequences of pre-trial incarceration are grave. A person presumed innocent is subjected to psychological and physical deprivations of jail. Further, a jailed individual is prevented from contributing to the preparation of his defence. The burden of his detention falls heavily on the innocent members of his family.

9. The object of bail is to secure the attendance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative.

10. Personal liberty is a very precious fundamental right. The same is to be curtailed only when it becomes imperative, according to the peculiar facts and circumstances of each case. Punishment begins after conviction. Every man is deemed to be innocent until duly tried and duly found guilty. Nothing unfavourable has been stated in the status report qua the social circumstances of the petitioner, whereby it can be made out that the petitioner is likely to betray the confidence that the Court may place in him to turn out to take justice at the hands of the Court. As per the status report, bail petitioner is stated to be resident of Village and PO Babeli Tehsil and District Kullu, H.P. In order to ensure his presence at trial stringent conditions can be imposed while granting bail.

11. The respondent-State has not expressed any apprehension regarding his fleeing from the course of justice and adversely affecting the trial. In

any case, the petitioner can be put to terms for the purposes of safe, secure and unobstructed completion of trial.

12. Hence, after going through the material available on record and considering the overall facts and circumstances of the case, this Court finds that the present is a fit case where judicial discretion to admit the petitioner on bail is required to be exercised in his favour. Accordingly, the bail application is allowed and it is ordered that the petitioner, who has been arrested by the police, in case FIR No. 79 of 2026, dated 16.05.2026, registered under Sections 126(2), 115(2), 118(1), 109, and 238 of the Bharatiya Nyaya Sanhita at Police Station Kullu, District Kullu, Himachal Pradesh, shall be forthwith released on bail, subject to his furnishing personal bonds to the tune of Rs. 50,000/- (Rupees fifty thousand) with one Local surety in the like amount, to the satisfaction of learned trial Court. This bail order is subject, however, to the following conditions:-

- (i) ***Petitioner shall 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;***
- (ii). ***Petitioner shall not tamper with the evidence or hamper the investigation in any manner whatsoever;***
- (iii) ***Petitioner will not leave India without prior permission of the Court;***
- (iv) ***Petitioner shall not make any inducement, threat or promise, directly or indirectly, to the victim and Investigating Officer or any person acquainted with the facts of the case to dissuade him/her from disclosing such facts to the Court or any Police Officer;***
- (v). ***Petitioner shall inform the Station House Officer of the concerned police station about his place of residence during bail and trial. Any change in the same shall also be communicated within***

two weeks thereafter. Petitioner shall furnish details of his Aadhar Cards, Telephone Numbers, Email, PAN Cards, Bank Account Numbers, if any; &

(vi). It is made clear that in case petitioner is arraigned as accused, in future, in any FIR, then his bail is liable to be cancelled. It is open for the Investigating Agency to move appropriate application in that regard.

13. Needless to say that the Investigating agency shall be at liberty to move this Court for cancellation of the bail, if any of the aforesaid conditions are violated by the petitioner.

14. Be it stated that any expression of opinion given in this order does not mean an expression of opinion on the merits of the case and the trial Court will not be influenced by any observations made therein.

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

16. In case, the petitioner is not released within a period of seven days from the date of grant of bail, the Superintendent, District Jail, Kullu H.P., is directed to inform this fact to the Secretary, DLSA, Kullu. The Superintendent, District Jail, Kullu, District H.P, is further directed that if the petitioner fail to furnish the bail bonds, as per the order passed by this Court, within a period of one month from today, the said fact be submitted to this Court.

17. The petition stand accordingly disposed of. A copy of this order be sent to the Superintendent, District Jail, Kullu H.P. and the learned trial Court by FASTER.

18. A downloaded copy of this order shall be accepted by the learned Trial Court while accepting the bail bonds from the petitioner and in case, said Court intends to ascertain the veracity of the downloaded copy of the order presented to it, same may be ascertained from the official website of this Court.

1st September, 2026
(Tarun Singh)

(Bipin Chander Negi)
Judge

**TARUN
SINGH**

Digitally signed by TARUN SINGH
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