IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

Cr.MP(M) No. 1538 of 2026
Reserved on 25th September, 2026
Decided on 28th September, 2026

Kuldeep Singh **…Petitioner**

Versus

State of HP **…..Respondent**

Coram

Hon'ble Mr. Justice Chirag Bhanu Singh, Judge.

[1]Whether approved for reporting? No

For the petitioner	:	**Mr. Dheeraj Kanwar, Advocate.**
For the respondent/State	:	**Mr. Rajpal Thakur, Additional Advocate General.**
For the complainant	:	**Mr. Surinder K. Saklani, Advocate.**

Chirag Bhanu Singh, Judge

The petitioner has preferred an application under Section 482 of Bharatiya Nagarik Suyraksha Sanhita, 2023 (for short "BNSS") seeking anticipatory bail in Case FIR No. 117 of 2026, dated 18.06.2026 registered under Sections 318(4), 61(2) of Bharatiya Nyaya Sanhita and Section 7 & 8 of Prevention of Corruption Act, at Police Station Majra, District Sirmaur (HP).

[1]Whether reporters of Local Papers may be allowed to see the judgment? Yes

(2026:HHC:41522)

2. The facts which emerge from the status report, so filed by the State is that on 18.06.2026, the complainant Rafeek Muhamad had preferred a complaint before the Superintendent of Police, Sirmaur at Nahan that he had purchased 11-15 bigha of land in Dhaula Kuan, which was registered in the name of his son and wife. The accused alongwith one Kuldeep (the present petitioner), Ravinder, Paramjeet and Dheeraj Kumar had been bothering him in respect of the said parcel of land. Even when he applied of demarcation the accused-Paramjeet who was the Kanoon-go in connivance with the other accused had told him that they would get the matter resolved even in the Court. Accused Paramjeet had however, disclosed to him that in this regard, he will have to pay something to accused Kuldeep (the present petitioner), Ravinder, Paramjeet and Dheeraj Kumar. He would get the matter settled in the Court and also get the land demarcated.

3. On 25.01.2026, accused Paramjeet had telephonically call the complainant and asked him to come to his house on 26.01.2026 alongwith Rs. 1,50,000/-. The complainant Rafeek had gone to the house of the accused-Paramjeet

alongwith his driver Sabir. Accused Kuldeep (the present petitioner), Ravinder, Paramjeet and Dheeraj Kumar who already present there, accused Paramjeet had asked the complainant to pay an amount of Rs.10,00,000/- to get the matter compromised in the Court.

4. The complainant had paid an amount of Rs.1,50,000/- to accused Paramjeet in cash on 26.01.2026 and had agreed to deposit the balance amount in the account of the other co-accused. However, subsequently, the accuseds had demanded the amount in cash.

5. On 28.01.2026, the complainant had thus gone to the house of the accused Kuldeep (the present petitioner), Ravinder, Paramjeet and Dheeraj in Dholakuan and paid an amount of Rs.8,50,000/- to them in the presence of Sukardin, Pradhan Misharwala and Yasin Misharwala and his son Tasin and his driver Sabir.

6. Unfortunately, after having made the payments neither the accused Paramjeet gave any demarcation nor the other accused got the matter settled in the Civil Court and hence the FIR.

7. I have heard learned counsel for the parties and gone through the records minutely.

8. The learned counsel for the petitioner urged with all vehemence that not only the petitioner is innocent but there is no direct or indirect evidence connecting the petitioner with the alleged crime. A false story has been coined by the complainant and at every stage improvements have been made by him which are an afterthought.

9. On 09.02.2026, when the complainant had initially made a complaint to the SDM, Paonta Sahib. He had averred that the accused had made a demand of Rs.15,00,000/-, whereas, in the FIR the complainant had alleged that he had paid an amount of Rs.1,50,000/- and on 26.01.2026, thereafter, on 28.01.2026, he had paid the balance amount of Rs.8,50,000/- which in itself is contrary to the version put forth by him in his complaint dated 09.02.2026. It was also further urged that the petitioner had nothing to do with the demarcation and a total false case had been made against him.

10. Per contra Sh. Rajpal Thakur, learned Additional Advocate General for the State has vociferously urged that there

was overwhelming material on record to show that the accused in connivance with each other had not only demanded but received the aforesaid amount of Rs.10,00,000/-. The prosecution has also ceased a video purportedly made at the time of the money exchanging hands. Moreover, the file regarding demarcation had been pending with one of the accused Paramjeet w.e.f. 26.12.2025 till 18.07.2026. Over and apart the co-accused Paramjeet had also procured one Air Conditioner from the complainant prior to the said demand many documents have still to be recovered and the accused are also not cooperating in the investigation.

11. The perusal of the record is suggestive of the fact that apparently on 28.01.2026 the alleged amount of Rs.8,50,000/- had been paid in the presence of one Sabir, the driver of the complainant. As per his statement recorded during the course of investigation the said amount had been paid in his presence to the co-accused Kuldeep (the present petitioner) and Ravinder and during the process he had prepared a video which has been taken into possession by the police during investigation. A short clip viewed in the Court does show a wad of currency note lying

(2026:HHC:41522)

on the cot. The accuseds and the complainant are also seen at the spot, at the relevant time. So is the statement of one Sabir Shah who was also present at the spot at the relevant time.

12. Some material has also emerged on record to show that even prior to the exchange of money the accused Paramjeet had also procured one Air Conditioner in April, 2025.

13. Seemingly the police had also during the course of investigation, ceased a pen drive and the mobile phone on which the video recording of the accused receiving the money had been recorded. It thus emerges on record that the accused Paramjeet alongwith other co-accused Ravinder, Kuldeep (the present petitioner) and Dheeraj Kumar had agreed to get the cases withdrawn from the Court and handover possession of the land to the complainant after demarcating it, in lieu of consideration, which also apparently exchanged hands.

14. Admittedly, the investigations are at the very inception, recoveries have still to be made. As per the Investigating Agency, the accuseds are also not co-operating in the investigation. The ***modus operandi*** of the accuseds seem to belie the efforts of the common man to take recourse to the legal

processes. Based on money power, the accuseds intended to get the case settled outside the four corners of the Civil Court, shaking the very faith of the common man in the institution of the Judicial hierarchy. It is likely to have serious ramifications. The petitioner in connivance with the other accused was trying to subvert the legal process with impunity. After having taken money for subverting the judicial process, the accuseds also did not stand by their word, one of them co-accused Paramjeet being an official of the revenue department.

15. The record further reveals that there are certain loose ends for the prosecution to connect. Since the investigation is at a preliminary stage, it is imperative for the investigating agency to connect the loose ends and to unravel and unearth the truth and the ***modus*** of the petitioners. In that sense, the custodial interrogation of the petitioner seems to be necessary, though they may be entitled to regular bail subsequently.

16. ***Prima facie***, at this stage, it also does not seem that the petitioner has been falsely implicated. There is sufficient material on record to show their complicity in the crime. The investigating agency should be allowed to at least complete the

entire investigation and to connect the loose ends before filing the charge sheet. It has also been conclusively held so by the Honorable Supreme Court in "**P. Chidambaram vs. Directorate of Enforcement" 2019 (9) SCC 24,** and further reiterated in "**Devender Kumar Bansal vs. State of Punjab" 2025 (4) SCC 493**.

17. For all the reasons detailed hereinabove, this Court is of the considered opinion that the custodial interrogation of the petitioner is necessary. The petition, thus, sans merit and is accordingly dismissed.

(Chirag Bhanu Singh)
Judge

28th September, 2026
(Ritu)