

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. MP(M) No. 1673 of 2026

Reserved on: 29.09.2026

Decided on: 30.09.2026

Uploaded on: 30.09.2026

Raman Sharma

...Petitioner

Versus

State of Himachal Pradesh

...Respondent

Coram

Hon'ble Mr Justice Chirag Bhanu Singh, Judge.

Whether approved for reporting?¹

For the Petitioner : Mr. Tarun K. Sharma,
Advocate.

For the Respondent : Mr. Prashant Sen, Deputy
Advocate General assisted by
ASI Digvijay Singh, I/o Police
Station Sadar, District
Hamirpur, H.P.

Chirag Bhanu Singh, Judge

The present bail petition has been filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita (BNSS), 2023, seeking post-arrest bail in case FIR No. 152 of 2026, dated 25.05.2026, registered at Police Station Sadar Hamirpur, District Hamirpur, under Sections 333, 132, 121(1), 223(b), 351(2), 109(1)

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

& 62 of the Bhartiya Nyaya Sanhita (BNS), 2023 and Section 30 of the Arms Act, 1959 (hereinafter referred to as the “Act”).

2. In pursuance to an order dated 31.08.2026, respondent-State has filed the status report.

3. The facts which can be culled out from the status report are that the petitioner/accused had entered the Hamirpur Court Complex on 25.05.2026, carrying a 12-bore double-barrel gun, which was found to be loaded. HHG Madan Gopal, who was deployed for security at the Hamirpur Court Complex, had noticed the petitioner/accused carrying the firearm and questioned him as to why he had brought the weapon inside the Court premises. The petitioner/accused was asked to hand over the firearm, but he refused to do so. The petitioner/accused had disclosed that two live cartridges were loaded in the weapon.

4. It is further averred in the status report that the petitioner/accused had unlocked the firearm and shown the loaded chamber. While trying to disarm and apprehend, the petitioner/accused, a struggle had ensued and in the process, the firearm was pointed towards the police personnel and one accompanying woman. The petitioner/accused had allegedly

tried to press the trigger. Eventually, the petitioner/accused was overpowered by the police personnel. The weapon when opened two live rounds were found in the chamber. The petitioner/accused had been taken into custody then and there.

5. One Smt. Nisha Kumari had sustained injuries to her index finger during the scuffle. The statement of HHG Madan Gopal was recorded under Section 173 of the BNSS. The FIR came to be registered. Investigation ensued. The weapon, along with the two live cartridges, was taken into possession by the Investigating Officer during the course of investigation.

6. The accused had been medically examined. During his search, one iron darat (a sickle with a long handle), currency notes/coins, ATM cards, a handkerchief and other articles were recovered from the backpack carried by him and taken into possession.

7. On 26.05.2026 itself, the petitioner/accused had been released on furnishing a bail bond to the satisfaction of the Sub-Divisional Magistrate, however, on the next day i.e. 26.05.2026, he was formally arrested.

8. I have heard the learned counsel for the parties and gone through the records carefully.

9. The learned counsel for the petitioner/accused would contend that the petitioner/accused is an ex-serviceman. He is a law-abiding citizen and has never indulged in any criminal activity. He has served the Nation with distinction and discipline. The petitioner/accused is also a licensed gun holder. He had retired from the Army in the year 2020, however, he has not been afforded any resettlement job till date. He is the holder of a licensed weapon and the same had been procured for seeking a job as a security guard to earn his bread and butter. The allegations of the FIR are totally false and baseless. The petitioner/accused had a disturbed marital life and his wife has already obtained an *ex-parte* decree for divorce recently. The petitioner/accused was not aware of the proceedings and as such, had entered the District Court premises to check the status of his case. No injury had been caused to anyone nor had he tried to use the firearm. He is the sole bread earner of his family. He also has to look after his old-aged mother, who is also suffering from various ailments because of her old age. He would not

tamper with the evidence or influence the witnesses and would abide by all the conditions imposed by the Court.

10. *Per contra*, the learned Deputy Advocate General urged that the petitioner/accused had brazenly walked into the Court premises armed with a loaded weapon and had even tried to pull the trigger, but fortunately, he had been apprehended by the police. Seeing to his conduct, the discretion of bail should not be exercised in his favour.

11. “Bail, not jail” is the golden thread which has been running right through the various judgments rendered by the Hon'ble Supreme Court starting from *Gurbaksh Singh Sibbia & Others v. State of Punjab*, (AIR 1980 SC 1632), which has consistently been followed till the decision rendered in *P. Chidambaram v. Directorate of Enforcement*, (AIR 2019 SC 4198). The object of granting bail was further elucidated in *Sanjay Chandra & Others v. Central Bureau of Investigation*, (AIR 2012 SC 830). The Hon'ble Supreme Court further reiterated that grant of bail was a general rule, as was categorically held in *Dataram Singh v. State of Uttar Pradesh*, [(2018) 3 SCC 22 : AIR 2018 SC 980].

12. The personal liberty of a person on trial thus has to be balanced, keeping in view the well-settled principles governing the grant of bail, which, *inter alia*, have to be dependent upon the nature of accusations, the nature of evidence in support thereof, the severity of punishment which the conviction will entail, the character, the behaviour, means and standing of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, the apprehension of the witnesses being tampered with and keeping in view the larger interest of the public or the State.

13. Viewed in the aforesaid perspective and keeping in view the nature of the allegations against the petitioner/accused, it does emerge from the record that the petitioner/accused had walked into the Court premises with a loaded weapon. On being questioned, the petitioner/accused had caused a ruckus, but he had neither tried to fire the weapon nor had he gone violent. A scuffle apparently took place when the police constable tried to disarm the petitioner/accused.

14. Perusal of the record also shows that the challan has been filed on 22.08.2026 and the trial is likely to take time. Seeing to the nature of the allegations, the freedom of the petitioner/accused cannot be curtailed for an indefinite period. Pre-trial incarceration is otherwise loathed by the Courts. The Hon'ble Supreme Court in *Dataram Singh's case*, discussed *hereinabove (supra)*, has also held that the freedom of an individual cannot be curtailed for an indefinite period, especially when his or her guilt is yet to be proved and that a person is believed to be innocent until found guilty. Likewise, in *Sanjay Chandra's case*, referred to hereinabove (supra), the Hon'ble Supreme Court also held that gravity alone cannot be a decisive ground to decide bail, rather, the requisite factors are required to be considered by the Court while exercising its discretion.

15. It has been repeatedly held by the Hon'ble Apex Court that the object of bail is to secure the appearance of the accused person during the course of trial. The object of bail is neither punitive nor preventive.

16. Keeping in view the facts emerging on record and the law laid down by the Hon'ble Apex Court from time to time, the bail petitioner has carved out a case for grant of bail.

17. For all the reasons discussed hereinabove, the bail petition is thus allowed. As a sequel, the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the tune of Rs.50,000/- with two sureties of the like amount, to the satisfaction of the learned Chief Judicial Magistrate/Trial Court subject to the following conditions:-

- "i) That the petitioner shall not tamper with the prosecution evidence nor intimidate, threaten or coerce the witnesses conversant with the facts of the case;
- ii) That the petitioner shall put in appearance before the Investigating Officer or the Court as and when directed;
- iii) That the petitioner shall not leave the territory of India without the express permission of the Court, he shall surrender passport, if any, before the investigating agency;
- iv) The weapon, i.e. the double-barrel gun, shall not be released or handed over to the petitioner/accused during the pendency of the trial."

18. 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 for the purposes of the disposal of the present petition.

19. Petition stands disposed off in the aforesaid terms, so also the pending miscellaneous applications, if any.

(Chirag Bhanu Singh)
Judge

30th September, 2026

(Shamsh Tabrez)