

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. MMO No. 916 of 2025

Date of Decision: 25.09.2026

Jalam Singh

...Petitioner

Versus

State of Himachal Pradesh & Anr.

...Respondents

Coram

Hon'ble Mr Justice Chirag Bhanu Singh, Judge.

Whether approved for reporting?¹

For the Petitioner : M/s. Anjali Soni Verma &
Ritasha Gaut, Advocates.

For the Respondents : Mr. Raj Pal Thakur, Additional
Advocate General, for
respondent no.1-State.
None for respondent No.2.

Chirag Bhanu Singh, Judge (Oral)

The petitioner, Jalam Singh, has approached this Court under Section 528 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, invoking the inherent jurisdiction of this Court to set-aside the order dated 18.09.2025, passed by the learned Special Judge, Kangra at Dharamshala, District Kangra, H.P. whereby the bail granted to the petitioner stands cancelled.

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

2. It transpires from the record that the petitioner had initially been granted bail by the learned Special Court, Kangra at Dharamshala, District Kangra, H.P., in FIR No. 07 of 2022, dated 17.01.2022, registered under Sections 147, 149, 504 and 506 of the Indian Penal Code (IPC), read with Sections 3(1)(r), 3(1)(s) and 3(2) (va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, at Police Station Damtal, District Kangra, H.P.

3. An application thereafter came to be filed alleging that the petitioner had intimidated one of the prosecution witnesses, namely, Tarbeej Singh (PW-6), son of Shri Ram Singh. It was further alleged that, on 30.10.2024, the petitioner, along with some other persons, had picked up a quarrel with the said witness and assaulted him. It was alleged that the incident was intended to pressurize the witness from deposing against the petitioner. The matter was reported at Police Station Damtal, District Kangra, H.P., vide FIR No. 129 of 2024. It was, thus, contended that, since the petitioner was interfering with the prosecution evidence and had assaulted the eyewitness, Tarbeej Singh, his bail was liable to be cancelled.

4. The learned Special Judge, Kangra at Dharamshala, District Kangra, H.P., after due deliberations, vide the impugned order dated 18.09.2025, allowed the application, holding that the petitioner had misused the liberty granted to him by indulging in similar and other criminal activities, attempting to tamper with the evidence and threatening the eyewitness.

5. Feeling aggrieved by the order passed by the learned Special Judge, Kangra at Dharamshala, District Kangra, H.P, the petitioner has preferred the present petition.

6. I have heard the learned counsel for the parties and gone through the record carefully.

7. Learned counsel for the petitioner would contend that the petitioner already had acrimonious relations with the witness, Tarbeej Singh. They had about 05-06 civil cases already pending between them. Even on 30.10.2024, the petitioner had got an FIR registered against the relatives of Tarbeej Singh, vide FIR No.128 of 2024. The subsequent FIR lodged by Tarbeej Singh was, thus, a counterblast to the FIR lodged by the petitioner. The registration of the FIR by the petitioner on the said date had been materially concealed. The petitioner had never violated the terms and conditions of the bail imposed by the learned Trial Court.

8. Learned counsel for the petitioner further contends that the witness, Tarbeej Singh, already stood examined by the prosecution on 25.06.2025 and, even in his cross-examination, he had categorically admitted that there were 06-07 civil suits pending inter se them.

9. During the course of hearing, it has been brought to the notice of this Court that the trial has, in fact, culminated and the matter is listed for arguments since 13.02.2026.

10. *Per contra*, learned Additional Advocate General would contend that the petitioner has indeed misused the liberty granted to him by the learned Trial Court and had intentionally tried to influence and threaten the witness so as to dissuade him from appearing as a witness against him. It is submitted that the petitioner had attempted to interfere with the administration of justice and, therefore, no fault can be attributed to the findings recorded by the learned Special Judge, Kangra at Dharamshala, District Kangra, H.P.

11. Perusal of the record, however, shows that the petitioner and Tarbeej Singh had an altercation on 30.10.2024. It, however, appears from the record that the first FIR regarding the said altercation came to be registered at the instance of the

petitioner, bearing FIR No.128 of 2024. The witness, Tarbeej Singh, subsequently got an FIR registered, vide FIR No. 129 of 2024. The said witness had already been examined on 25.06.2025. Admittedly, the petitioner and Tarbeej Singh were also engaged in civil litigation, with about 06-07 civil suits stated to be pending between them.

12. The eyewitness, Tarbeej Singh, has already been examined and the trial stands culminated, it does not appear that the altercation between the parties on 30.10.2024 was on account of any attempt to influence or threaten the witness with regard to his deposition before the Court. Rather, the material on record indicates that the altercation occurred in the backdrop of the long standing strained relations between the parties. This is also borne out from the testimony of Tarbeej Singh, recorded on 25.06.2025 as PW-6 during the trial. Thus, it cannot be said that the altercation on the said date was with the avowed object of either influencing or threatening the witness.

13. Even otherwise, with the trial having culminated, no effective or fruitful purpose would be served by keeping the petitioner in incarceration. The entire evidence already stands recorded and, therefore, the apprehension of the petitioner

influencing or threatening the said witness no longer survives any more.

14. Keeping in view the aforesaid circumstances discussed in detail hereinabove, this Court is of the considered view that the act attributed to the petitioner cannot, in the facts and circumstances of the present case, be said to have been committed in furtherance of any intention to misuse the liberty granted to him or to threaten or influence the witness.

15. As a sequel, the order dated 18.09.2025, passed by the learned Special Judge, Kangra at Dharamshala, District Kangra, Himachal Pradesh is quashed and set aside.

16. The petition stands disposed of accordingly, so also pending miscellaneous application(s), if any.

(Chirag Bhanu Singh)
Judge

25th September, 2026

(Shamsh Tabrez)