IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CrMP (M) No.: 376 of 2025
a/w CrMPs (M) No. : 378 to 383 & 392 to 404 of 2025

Reserved on : 17.03.2025

Decided on : 19.03.2025

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1. CrMP (M) No. 376 of 2025
Chamel Singh ...Applicant

Versus

State of Himachal Pradesh ...Respondent
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2. CrMP (M) No. 378 of 2025
Suresh ...Applicant

Versus

State of Himachal Pradesh ...Respondent
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3. CrMP (M) No. 379 of 2025
Pratap Singh ...Applicant

Versus

State of Himachal Pradesh ...Respondent
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4. CrMP (M) No. 380 of 2025
Ashok ...Applicant

Versus

State of Himachal Pradesh ...Respondent
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5. CrMP (M) No. 381 of 2025
Dinesh Tomar …Applicant

Versus

State of Himachal Pradesh …Respondent
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6. CrMP (M) No. 382 of 2025
Kanwar Singh …Applicant

Versus

State of Himachal Pradesh …Respondent
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7. CrMP (M) No. 383 of 2025
Attar Singh Tomar …Applicant

Versus

State of Himachal Pradesh …Respondent
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8. CrMP (M) No. 392 of 2025
Bheem Singh …Applicant

Versus

State of Himachal Pradesh …Respondent
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9. CrMP (M) No. 393 of 2025
Narayan Singh …Applicant

Versus

State of Himachal Pradesh …Respondent
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10. CrMP (M) No. 394 of 2025
Naresh …Applicant

Versus

State of Himachal Pradesh …Respondent

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11. CrMP (M) No. 395 of 2025
Anil Kumar …Applicant

Versus

State of Himachal Pradesh …Respondent

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12. CrMP (M) No. 396 of 2025
Lal Singh …Applicant

Versus

State of Himachal Pradesh …Respondent

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13. CrMP (M) No. 397 of 2025
Mohan Singh …Applicant

Versus

State of Himachal Pradesh …Respondent

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14. CrMP (M) No. 398 of 2025
Mohar Singh …Applicant

Versus

State of Himachal Pradesh …Respondent

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15. CrMP (M) No. 399 of 2025
Bishan Singh …Applicant

Versus

State of Himachal Pradesh …Respondent

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16. CrMP (M) No. 400 of 2025
Kuldeep Singh …Applicant

Versus

State of Himachal Pradesh …Respondent

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17. CrMP (M) No. 401 of 2025
Chatar Singh …Applicant

Versus

State of Himachal Pradesh …Respondent

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18. CrMP (M) No. 402 of 2025
Tulsi Ram …Applicant

Versus

State of Himachal Pradesh …Respondent

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19. CrMP (M) No. 403 of 2025
Kundan Singh …Applicant

Versus

State of Himachal Pradesh …Respondent

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20. CrMP (M) No. 404 of 2025
Khajan Singh …Applicant

Versus

State of Himachal Pradesh …Respondent

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The Hon'ble Mr. Justice Virender Singh, Judge.

Whether approved for reporting?[1]

For the applicant(s) : Mr. Ajay Kochhar and Mr. V.S. Chauhan, Senior Advocates, with Mr. Anubhav Chopra and Mr. Arsh Chauhan, Advocates, for the applicants, in the respective bail applications.

For the respondent(s) : Mr. Anup Rattan, Advocate General, with Mr. Varun Chandel, Additional Advocate General, and Mr. Rohit Sharma & Ms. Ranjana Patial, Deputy Advocates General, for respondent No. 1-State, in all the bail applications.

Mr. Subodh Bhatia, Advocate, for respondent No. 2-complainant, in all the bail applications.

Virender Singh, Judge.

The above-noted applicants, by surrendering themselves to the custody of this Court, have filed these applications, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'BNSS'), seeking the relief of releasing them, on bail, during the

[1] *Whether Reporters of local papers may be allowed to see the judgment? Yes.*

pendency of the trial, in case FIR No. 10 of 2025, dated 22nd February, 2025, registered under Sections 115 (2), 190 and 191 (2) of the Bharatiya Nyaya Sanhita (hereinafter referred to as 'BNS') and Sections 3(1)(r) and 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'SC&ST Act'), with Police Station Shillai, District Sirmaur, H.P.

2. According to the applicants, they are innocent persons and have falsely been named as accused persons, in the above-noted case, at the instance of the complainant, as, he has lodged a false FIR with ulterior motive to harass them.

3. It is the case of the applicants that there was a marriage of one Amit, s/o Shri Khattar Singh, who belongs to Scheduled Caste category, where, the applicants, alongwith other villagers, were also invited, and, the applicants, being respectable persons of the village, attended the said marriage.

4. As per the version of the applicants, some altercation took place between the complainant and

applicant-Attar Singh, on account of some political discussions and differences of opinion. The other applicants intervened and tried to pacify the issue, but, a scuffle took place between the persons present there. Thereafter, afore-mentioned FIR was lodged by the complainant.

5. It is the specific case of the applicants that no caste based aspersions were made by them.

6. According to the applicants, they are respectable persons of the society and are permanent residents of the addresses, as mentioned in the applications, as such, there are no chances of their fleeing from justice.

7. The applicants have given certain undertakings, for which, they are ready to abide by, in case, ordered to be released on bail.

8. On the basis of the above facts, learned senior counsel appearing for the applicants, in the respective bail applications, have prayed that the bail applications may kindly be allowed and the applicants may be ordered to be released on bail.

9. Since, the applicants have moved the present bail applications, by surrendering themselves to the custody of the Court, on 1st March, 2025, as such, the State/police was directed to file the status report.

10. Consequently, the police has filed the status report, disclosing therein, that complainant-Kamal Deep (respondent No. 2), moved a complaint, mentioning therein, that on 22nd February, 2025, he had gone to Village Diyando, in order to attend a marriage, in the house of his relative, where, at about 01.00 in the noon, Attar Singh, r/o Village Diyando, had a scuffle with him and he had slapped him (complainant).

10.1. According to the complainant, thereafter, 15-20 other persons, who were taking their meals, namely Pratap Singh, Ashok, Kanwar Singh, Suresh, Dinesh, Chamel Singh and others, whose names were not known to him, have also beaten him.

10.2. As per the complainant, he belongs to Scheduled Caste category and the persons, who had beaten him, are from General category (Rajput). During the scuffle, the gold chain of the complainant is stated to

have been taken away, the cost of which, according to the complainant, was ₹ 1,50,000/-.

10.3. Lastly, the complainant has deposed that when, he was being beaten, the accused persons had also made caste based aspersions.

10.4. The incident is also stated to have been recorded, on the basis of which, the FIR in question was registered and the police machinery swung into motion. The complainant was medico-legally examined at CHC Shillai. The injuries, on the person of the complainant, were found to be simple in nature, caused with blunt weapon.

10.5. Since, the provisions of SC & ST Act were attracted, in this case, as such, the further investigation was handed over to DySP, in pursuance of the orders of SP Sirmaur.

10.6. As per the status report, the IO visited the spot on 27th February, 2025 and at the instance of the complainant, the videography and photography of the spot was done. Spot map was prepared. The statements of the complainant and the witnesses were recorded, under

Section 180 of the BNSS. The caste certificates and pedigree tables of the complainant and the accused persons (applicants) were obtained.

11. After considering the factual position, as mentioned in the status report, the applicants were ordered to be released on interim bail, vide order, dated 1st March, 2025, with a direction to join the investigation.

12. In the status report, which has been filed today, similar facts have been re-iterated. It has also been mentioned in the said status report that on 3rd March, 2025, the applicants had joined the investigation.

12.1. It has been mentioned in the status report that as per the character certificate of applicant-Mohan Singh, a case, under Sections 341, 323, 34 IPC is found to have been registered against him, with Police Station Shillai on 7th May, 2020.

12.2. As per the status report, according to the version of one Amit Kumar, s/o Khatri Ram, who was recording the marriage function, on the day of incident, he was recording/photographing the ceremonies of marriage, then, all of a sudden, a scuffle took place between Attar

Singh Tomar {applicant in CrMP (M) No. 383 of 2025} and Kamal Deep (complainant). According to his further version, the incident was recorded by him and he has handed over the same to the police, by putting the same in a pen drive.

12.3. As per the caste certificates/pedigree tables, obtained by the IO, complainant-Kamal Deep belongs to Scheduled Caste category, whereas, the applicants are from General category.

12.4. As per the status report, on 16th March, 2025, the applicants have again joined the investigation.

12.5. According to the IO, the incident was also recorded by one Shyam Singh, who is yet to be associated in the investigation and the video from his mobile phone is yet to be taken into possession.

13. Today, the complainant has filed the objections, in which, it has been highlighted that the applicants had committed a heinous crime, which is not only against an individual, but, against the society, at large.

13.1. As per his further objections, his gold chain is yet to be recovered and the investigation, in the case, is at the initial stage.

13.2. According to the complainant, the police, during the investigation, has recorded the statements of eleven witnesses, who had supported the case of the complainant and the applicants are not entitled for the relief of bail.

13.3. Apart from this, the complainant has also given the factual position, with regard to the fact, that he is working as NAIK in 11 Rashtriya Rifles, Dogra Regiment.

13.4. As per the further objections of the complainant, the applicants have wrongly mentioned in the bail applications, that the complainant was drunk and started misbehaving with one of the applicants-Attar Singh Tomar. In this regard, the complainant has relied upon the MLC, issued by the Medical Officer, CHC Shillai.

13.5. Not only this, the complainant has also annexed the DVD, containing the video footage of the alleged incident.

14. As such, the complainant has prayed for dismissal of all the bail applications.

15. In this case, the injuries, which were found on the person of the complainant, were declared to be simple in nature, caused by blunt weapon. In the complaint, the complainant has simply got mentioned that he belongs to Scheduled Caste category, whereas, the persons, who had allegedly beaten him, are from General category (Rajput Caste). He has got lodged in the complaint that when, he was being beaten, the accused persons (applicants) had allegedly used the caste based aspersions.

16. As per the complainant, the investigation, is at the initial stage, whereas, according to the police, the documentary evidence with regard to the caste of the complainants, as well as, all the accused persons (applicants) has been taken into possession and only the video footage from the mobile phone of one Shyam Singh is to be taken into possession. No prayer has been made in the status report, regarding the alleged recovery of gold chain, as alleged by the complainant.

17. Moreover, at the time of deciding the bail application, the detailed discussion about the evidence, so collected by the Investigating Officer, during the

investigation, should be avoided, as, the same would cause prejudice to the case of the prosecution, or, to the case of the accused persons.

18. Learned counsel for the complainant has relied upon the decision of a Co-ordinate Bench of this Court in **CrMP (M) No. 1022 of 2024,** titled as **Ram Lok versus State of Himachal Pradesh,** decided on 5th July, 2024. With due respect to the law laid down by the Co-ordinate Bench of this Court in **Ram Lok's** case (supra), the same, in no way, helps the case of the complainant, as, in the said case, the alleged offence committed, was under Sections 325, 307 IPC. On this score, this Court is of the view that no benefit could be derived by the complainant, from the said judgment.

19. Even otherwise, the role, allegedly, played by the applicants, in the commission of the alleged crime, will be proved, during the course of the trial and the bail applications cannot be rejected merely as a punishment, as, pre-trial punishment is prohibited under the law.

20. So far as the criminal history of the applicants is concerned, except the present case, no other case is

reported to have been registered against any of the applicants, except applicant in CrMP (M) No. 397 of 2025, namely Mohan Singh. Moreover, he has not been convicted by the competent Court of Law, in the said case, as such, presumption of innocence is still available to the applicants.

21. In this case, no apprehension has been expressed by the police, nor, it is the case of the complainant that in case, the applicants are ordered to be released on bail, they may not be available for the trial, or, they may coerce the witnesses.

22. Since, as per the directions of this Court, the applicants have joined and are co-operating in the investigation, as such, no fruitful purpose would be served by rejecting their bail applications.

23. Considering all these facts, this Court is of the view that the applicants have made out a case, in their favour, for releasing them, on bail.

24. Consequently, the bail applications are allowed and interim order, dated 1st March, 2025, passed in all the bail applications, is made absolute. Therefore, it is ordered

that the applicants be released on bail, in case FIR No. 10 of 2025, dated 22nd February, 2025, registered under Sections 115 (2), 190 and 191 (2) of the BNS and Sections 3(1)(r) & 3(1)(s) of the SC&ST Act, with Police Station Shillai, District Sirmaur, H.P. The bail is granted, subject to the following conditions:

> *a) That the applicants will join the investigation of the case, as and when, called for, by the Investigating Officer, in accordance with law;*
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> *b) That the applicants will not leave India, without prior permission of the Court;*
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> *c) That the applicants will not, directly or indirectly, make any inducement, threat or promise to any person, acquainted with the facts of the case, so as to dissuade him/her from disclosing such facts to the Investigating Officer or the Court; and*
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> *d) That the applicants shall regularly 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;*

25. Any of 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, to the disposal of the present bail applications.

26. The applicants are directed to move regular bail applications, when charge sheet will be filed in the Competent Court of Law.

27. It is made clear that the respondent-State is at liberty to move an appropriate application(s), in case, any of the bail conditions, is found to be violated by any of the applicants.

(Virender Singh)
Judge

March 19, 2025
(rajni)