2025:HHC:36368

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**

**Cr. MP(M) Nos.: 2342, 2467 & 2468 of 2025**
**Reserved on : 27th October, 2025**
**Decided on : 31st October, 2025**

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1. **Cr. MP (M) No.2342 of 2025**

Harish Kumar ...Applicant

Versus

State of Himachal Pradesh ...Respondent

2. **Cr. MP (M) No.2467 of 2025**

Pinku ...Applicant

Versus

State of Himachal Pradesh ...Respondent

3. **Cr. MP (M) No.2468 of 2025**

Chetan ...Applicant

Versus

State of Himachal Pradesh ...Respondent

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*Coram*
**The Hon'ble Mr. Justice Virender Singh, Judge.**
*Whether approved for reporting?*[1]

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For the applicant(s) : Mr. Desh Raj Thakur, Advocate.

For the respondent : Mr. Anup Rattan, Advocate General with Mr. Mohinder Zharaick, Mr.

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

H.S. Rawat & Mr. Varun Chandel, Additional Advocates General and Mr. Rohit Sharma, Deputy Advocate General, assisted by HC Ravinder Kumar, No.40, Police Station Ramshehar, District Solan, H.P.

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**Virender Singh, Judge**

The above titled bail applications, are being decided by a common order, as the applicants have filed these applications, under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'BNSS'), with a prayer to release them on bail, in the event of their arrest, in case arising out of **FIR No.53 of 2024, dated 09.12.2024,** registered, under **Sections 126(2), 115(2), 351(2), 352, 109, 117(2) and Section 3(5) of the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as 'BNS'),** with **Police Station Ramshehar, District Solan, H.P**.

2. According to the applicants, they are innocent persons and have falsely been implicated by the Police, in this case.

3. As per the applicants, applicant Harish Kumar is document writer by profession and assisting people with

documentation work relating to property belonging to several areas, whereas, the other two applicants have no concern, whatsoever, with the crime, in question and their names have later been introduced, in the alleged crime.

4. Apart from this, the applicants have given certain undertakings, for which they are ready to abide by, in case, any direction is issued to the I.O./Police of Police Station, Ramshehar, under Section 482 of the BNSS.

5. It is the case of the applicants, that their custodial interrogation is no longer required by the police as their arrest will not serve any purpose, except to cause harassment to the applicants.

6. On the basis of the above facts, Mr. Desh Raj Thakur, Advocate appearing for the applicants, has given certain undertakings, for which, the applicants are ready to abide by, in case, the interim orders, passed in these cases, are ordered to be made absolute.

7. On the basis of the above facts, a prayer has been made to allow the applications.

8. When put to notice, the police has filed the status report, disclosing therein, that on 09.12.2024, when

ASI Dhanveer Singh, I.O., Police Station, Ramshehar left the Police Station to attend the Court of learned Additional Chief Judicial Magistrate, Nalagarh, then, at about 4.14 p.m., he received an information from the Police Station that one person, in an injured condition, has been brought to CHC Ramshehar. The said person was further referred to CHC Nalagarh, by the Medical Officer, and, Lady Constable Ankita No.296, along with MLC, was sent with him to CHC Nalagarh.

8.1. Lady Constable Ankita No.296, has submitted to the I.O. that injured Vikas has been referred to PGI Chandigarh, for further treatment. Doctor concerned has declared the said person unfit to make statement and deferred the final opinion regarding the nature of injuries, after perusal of NCCT head, medicine opinion and summary.

8.2. Thereafter, the I.O. reached at PGI Chandigarh, where Vikas was found admitted in Cardiology Department, in unconscious condition, where, one Sachin Bhatia, resident of Faridabad Haryana, has made a complaint, disclosing therein, that he along with, Sahil and

Vikas Kumar, came to Ramshehar, in connection with GPA of Vikas, on 09.12.2024. When they reached in Tehsil compound, where, deal was finalized, regarding the GPA, at that time, Vikas was attacked and 5-6 persons had threatened to kill him.

8.3. According to the complainant, he could identify those persons. Due to the attack, Vikas became unconscious and he was taken to Government Hospital Ramshehar, from where, he was referred to CHC Nalagarh and from where, he was referred to PGI Chandigarh, where, he is still in unconscious condition. As such, he has requested that action be taken against those unknown persons.

8.4. Lastly, the complainant has got recorded that the assailants have acquaintance with Vikas (injured). Upon this, the police registered the case under Sections 126(2), 115(2), 190, 191(2), 351(2), and 352 of BNS.

9. After registration of the FIR, the matter was inquired from injured Vikas and his friends Sachin Bhatia and Sahil Sharma on 11.12.2024. At the instance of eye witnesses, the spot was visited and spot map was

prepared. On 12.12.2024, requisite correspondence was made to Doctors of PGI Chandigarh. However, the Doctor again declared injured Vikas, not fit to make statement.

10. On 23.12.2024, the treatment summary was obtained from PGI Chandigarh and final opinion was taken from CHC Ramshehar, and the Medical Officer, has declared the injuries on the person of injured Vikas as grievous and dangerous to life. As such, Sections 117(2) and 109 of the BNS were added, in the present case.

11. On 5.1.2025, injured was inquired in the presence of his elder brother Rahul. He was not found mentally fit. As such, he was not able to understand anything. However, statement of his brother was recorded under Section 180 of BNSS. On 14.4.2025, injured Vikas was again associated in the investigation and his statement, under Section 180 of BNSS, was recorded. Vikas has named Harish Kumar (applicant in Cr.MP(M) No.2342 of 2025), as accused.

12. After perusing the said status report, interim protection was granted to the applicants and the matter was adjourned for filing fresh status report.

13. On 06.10.2025, the police filed the fresh status report in Cr.MP(M) No. 2342 of 2025, disclosing therein, that applicant Harish Kumar has joined the investigation. On 03.10.2025, applicant Harish Kumar was got identified from the complainant, injured and spot witnesses.

14. It is the further case of the police that applicants Chetan and Pinku never joined the investigation and in case the interim orders are made absolute, they may coerce the witnesses.

15. On 27.10.2025, fresh status report has been filed, according to which, all the three applicants have joined the investigation and matter has been inquired from them. No recovery is stated to be effected from them. Except the present case, no other case is found to be registered against the applicants.

16. On the basis of the above facts, a prayer has been made to dismiss the applications.

17. The role attributed to the applicants would be proved during the trial and the applicants have joined the investigation. According to the police, nothing is to be recovered from them. In such situation, this Court is of

the view that rejection of the bail would be nothing, but pre-trial punishment, which is prohibited under the law.

18. It has rightly been highlighted by the learned counsel for the applicants, in the present case, that the complainant has not named the applicants as accused in the complaint filed by them and no Test Identification Parade has been got conducted by the I.O.

19. The mere fact that the complainant, injured and the alleged eye witnesses have identified the applicants, during investigation, is inconsequential. Even otherwise, no request has been made by the police for custodial interrogation of the applicants.

20. Considering the stand of the police that nothing is to be recovered from the applicants, this Court is of the view that the interim protection, granted to the applicants, is required to be made absolute, as, no useful purpose would be served by dismissing the present applications, which would result into the judicial custody of the applicants.

21. Considering all these facts, the interim orders dated 22.09.2025 and 13.10.2025, passed by this Court, in

all the cases, are hereby made absolute. Therefore, it is ordered that the applicants be released on bail, in the event of their arrest, in case arising out of **FIR No.53 of 2024, dated 09.12.2024**, registered, under **Sections 126(2), 115(2), 351(2), 352, 109, 117(2) and Section 3(5) of the BNS**, with **Police Station Ramshehar, District Solan, H.P**, on their furnishing personal bonds, in the sum of ₹50,000/- each, with one surety, each of the like amount, to the satisfaction of the Investigating Officer. This order, however, shall be subject to the following conditions :

a) *That the applicants shall join the investigation of the case, as and when, called for, by the Investigating Officer, in accordance with law;*

b) *That the applicants shall not leave India, without prior permission of the Court;*

c) *That the applicants shall 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*

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.*

22. 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 applications.

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

**( Virender Singh )**
**Judge**

**October 31, 2025** *(ps)*