IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.MP(M) No. 177 of 2026
Reserved on: 30.10.2026
Date of Decision: 17.11.2026.

Rewat Ram ...Petitioner

Versus

State of H.P. & Anr. ...Respondent

Coram

Hon'ble Mr Justice Rakesh Kainthla, Judge.

Whether approved for reporting?[1] *No*

For the Petitioner : Mr Jagat Pal, Advocate.

For Respondent No.1/State : Mr Ajit Sharma, Deputy Advocate General.

For Respondent No.2 : Mr Ajay Kochhar, Senior Advocate with M/s Anubhav Chopra and Swati Sharma, Advocate.

Rakesh Kainthla, Judge

The petitioner has filed the present petition for cancellation of the bail granted by the learned Sessions Judge, District Kullu, HP. (learned Trial Court) in FIR No. 192 of 2025 dated 03.12.2025 registered at Police Station Manali, District

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

Kullu for the commission of an offence punishable under Section 108 read with Section 3(5) of Bharatiya Nyaya Sanhita (BNS).

2. It has been asserted that Kalpana (since deceased) was the petitioner's daughter. Her marriage was solemnised with respondent No. 2, Ravi Kumar, in 2021. Two children, Tywiska, now aged about 3 years and Krishna, now aged about 8 months, were born to them. The respondent No. 2 and his family members started harassing Kalpana on one pretext or another. They demanded money from her and quarrelled with her on trivial issues. The petitioner met the monetary demands made by the respondent No. 2. However, the respondent No. 2 and his family members continued to torture Kalpana. She was beaten on many occasions between August and November 2025. She used to call her brother, Tara Chand, requesting him to record her statement on the mobile phone, as she apprehended that respondent No. 2 and his family members would kill her. The respondent No. 2 and his family members murdered Kalpana on 03.12.2025 in her matrimonial home. The respondent No. 2 called Kalpana's brother and wrongly informed him that Kalpana was missing from the home. Kalpana’s brother noticed injury marks on her body. The death was inconsistent with hanging. The police

registered an FIR for the commission of offences punishable under Section 108 read with Section 3(5) instead of Section 103 read with Section 3(5) of BNS. The petitioner had also filed a Civil Writ Petition No. 592 of 2025, which is still pending before the Court. The learned Trial Court granted bail to respondent no.2 on 26.12.2025 without the application of mind and considering the nature of the offence. The investigation was continuing and granting bail was not justified. Therefore, it was prayed that the present petition be allowed and the bail granted to the respondent no. 2 be cancelled.

3. The petition is opposed by respondent No. 1 by filing a reply asserting that the police had received information about a suicide case brought to Mission Hospital, Manali. The police visited the hospital and found the dead body of Kalpana. The police carried out the investigation. The informant made a statement to the police that Kalpana was his daughter, and the respondent No. 2 and his family members used to quarrel with her. The post-mortem examination of Kalpana was conducted at Lal Bahadur Shastri Government Medical College, Ner Chowk Mandi and as per the report of the Medical Officer, the cause of death was asphyxia secondary to ligature compression of the

neck, consistent with ante-mortem hanging. The viscera was sent to the FSL. The police arrested the respondent No. 2. He was released on bail by the learned Sessions Judge. As per the report of the RFSL, Mandi, the dupatta was able to hold 71 kgs of weight without breaking, and death was possible by hanging with it. The dupatta could have been cut with the knife recovered from the spot. No poison could be detected in the viscera. The police found during the investigation that respondent No. 2 had withdrawn ₹3,00,000/- from the account of the deceased on 20.01.2022. The informant had deposited ₹45,000/- in the bank account of Kalpana on 20.11.2025, and the respondent No. 2 withdrew ₹47,500/- from the account of the deceased. It was found after the investigation that Kalpana had committed suicide because of the physical and mental harassment caused by respondent No. 2, his mother and sisters. The police filed the charge sheet before the Court after the completion of the investigation. Therefore, it was prayed that the present petition be dismissed.

4. A separate reply was filed by respondent No. 2 asserting that the present petition is not maintainable. It was asserted that the petitioner/informant has not made out any allegation regarding the misuse of liberty by the respondent No.

2. The respondent No. 2 and Kalpana were in a relationship since 2011, when they were studying in college. The marriage between the parties was solemnised with the consent of the parents. No dowry was given at the time of the marriage. The respondent No. 2 is an orchardist and hotelier. The deceased used to help the respondent No. 2 in running the business. The respondent No. 2 and Kalpana had some trivial issues which are common in every marriage. The respondent had not created any circumstances which would lead Kalpana to commit suicide. Kalpana was maintaining an independent separate account in PNB Jagat Sukh without any interference from any person. The deceased was found missing from her home, and efforts were being made to search for her. Therefore, an intimation was given to Kalpana's brother that she was missing from the home. The Medical Officer had also found that the cause of death was asphyxia and not murder. Therefore, it was prayed that the present application be dismissed.

5. I have heard Mr Jagat Pal, learned counsel for the petitioner/informant, Mr Ajit Sharma, learned Deputy Advocate General for the respondent no.1/State and Mr Ajay Kochhar,

learned Senior Advocate, assisted by M/s Anubhav Chopra and Swati Sharma, learned counsel for respondent no.2.

6. Mr Jagat Pal, learned counsel for the petitioner/informant, submitted that the learned Trial Court failed to consider the gravity of the offence and enlarged the respondent no.2 on bail when the investigations were continuing. The respondent no.2 is not entitled to the concession of bail because of the heinousness of the offence and his relationship with the deceased. Therefore, he prayed that the present petition be allowed and the bail granted to respondent no.2 be cancelled.

7. Mr Ajit Sharma, learned Deputy Advocate General for the respondent no.1/State, submitted that the State has not assailed the order granting bail to the respondent no.2. No report was made by any person regarding the violation of the conditions of the bail by respondent no.2.

8. Mr Ajay Kochhar, learned Senior Advocate for the respondent no. 2, submitted that there is a distinction between cancellation and annulment of the bail. The annulment of the bail can be sought by way of appeal or revision and not by filing an application for cancellation of the bail. The petitioner has to

show violation of the conditions of the bail or any conduct which would put the fair trial into jeopardy to seek the cancellation of the bail. The petitioner has not mentioned any such act, and the present petition is not maintainable. Hence, he prayed that the same be dismissed. He relied upon the following judgments in support of his submissions:

i) ***State of Karnataka Vs. Sri Darshan and others (2026) 8 SCC 223;***

ii) ***Kailash Kumar Vs. State of Himachal Pradesh, Criminal Appeal No. 861 of 2025 decided on 20.02.2025 SLP(Crl.) 713/2025;***

iii) ***Himanshu Sharma Vs. State of Madhya Pradesh (2024) 4 SCC 222;***

iv) ***Bhuri Bai Vs. The State of Madhya Pradesh 2022 Live Law (SC) 956;***

v) ***Puran Vs. Rambilas and another (2001) 6 SCC 338;***

vi) ***Devi Bai Vs. State of Karnataka 2025:KHC-K:3332;***

vii) ***Shree Vikas Co.op Bank Ltd (LIQ) through Sunil Laxmanrao Powle Vs. State of Gujrat & 2 other(s) 2022:GUJHC:21757 and;***

viii) ***Sanjay Kumar Vs. State of H.P. & Ors. 2024:HHC:3301.***

9. I have given considerable thought to the submissions made at the bar and have gone through the records carefully.

10. The Hon'ble Supreme Court held in ***Ajwar v. Waseem (2024) 10 SCC 768: 2024 SCC OnLine SC 974*** that the bail, once granted, should not be cancelled mechanically; however, an unreasoned and perverse order is open to interference by the

Superior Court. The bail can be cancelled if there are serious allegations against the accused. It was observed at page 783:

> ***"Relevant parameters for granting bail***
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> **26.** While considering as to whether bail ought to be granted in a matter involving a serious criminal offence, the Court must consider relevant factors like the nature of the accusations made against the accused, the manner in which the crime is alleged to have been committed, the gravity of the offence, the role attributed to the accused, the criminal antecedents of the accused, the probability of tampering of the witnesses and repeating the offence, if the accused are released on bail, the likelihood of the accused being unavailable in the event bail is granted, the possibility of obstructing the proceedings and evading the courts of justice and the overall desirability of releasing the accused on bail. [Refer: ***Chaman Lal* v. *State of U.P.*** **[*Chaman Lal* v. *State of U.P.*, *(2004) 7 SCC 525: 2004 SCC (Cri) 1974]; Kalyan Chandra Sarkar v. Rajesh Ranjan [Kalyan Chandra Sarkar v. Rajesh Ranjan, (2004) 7 SCC 528: 2004 SCC (Cri) 1977]; Masroor v. State of U.P. [Masroor v. State of U.P., (2009) 14 SCC 286 : (2010) 1 SCC (Cri) 1368]; Prasanta Kumar Sarkar v. Ashis Chatterjee [Prasanta Kumar Sarkar v. Ashis Chatterjee, (2010) 14 SCC 496 : (2011) 3 SCC (Cri) 765]; Neeru Yadav v. State of U.P. [Neeru Yadav v. State of U.P., (2014) 16 SCC 508 : (2015) 3 SCC (Cri) 527]; Anil Kumar Yadav v. State (NCT of Delhi) [Anil Kumar Yadav v. State (NCT of Delhi), (2018) 12 SCC 129 : (2018) 3 SCC (Cri) 425]; Mahipal v. Rajesh Kumar [Mahipal v. Rajesh Kumar, (2020) 2 SCC 118 : (2020) 1 SCC (Cri) 558] .]***
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> **27.** It is equally well settled that bail, once granted, ought not to be cancelled in a mechanical manner. However, an unreasoned or perverse bail order is always open to interference by the superior court. If there are serious allegations against the accused, even if he has not misused the bail granted to him, such an order can be cancelled by the same Court that has granted the bail. Bail can also be

revoked by a superior court if the courts below have ignored the relevant material available on record or have not looked into the gravity of the offence or the impact on society, resulting in such an order. In ***P v. State of M.P. [P v. State of M.P., (2022) 15 SCC 211]*** decided by a three-judge Bench of this Court [authored by one of us (Hima Kohli, J.)] has spelt out the considerations that must weigh with the Court for interfering in an order granting bail to an accused under Section 439(1)CrPC in the following words : (SCC p. 224, para 24)

> "24. As can be discerned from the above decisions, for cancelling bail once granted, the court must consider whether any supervening circumstances have arisen or the conduct of the accused post grant of bail demonstrates that it is no longer conducive to a fair trial to permit him to retain his freedom by enjoying the concession of bail during trial [***Dolat Ram v. State of Haryana, (1995) 1 SCC 349: 1995 SCC (Cri) 237***]. To put it differently, in ordinary circumstances, this Court would be loath to interfere with an order passed by the court below granting bail, but if such an order is found to be illegal or perverse or premised on material that is irrelevant, then such an order is susceptible to scrutiny and interference by the appellate court."

Considerations for Setting Aside Bail Orders

28. The considerations that weigh with the appellate court for setting aside the bail order on an application being moved by the aggrieved party include any supervening circumstances that may have occurred after granting relief to the accused, the conduct of the accused while on bail, any attempt on the part of the accused to procrastinate, resulting in delaying the trial, any instance of threats being extended to the witnesses while on bail, and any attempt on the part of the accused to tamper with the evidence in any manner. We may add that this list is only illustrative and not exhaustive. However, the court must be cautious that at the stage of granting bail, only a prima

facie case needs to be examined, and detailed reasons relating to the merits of the case that may cause prejudice to the accused ought to be avoided. Suffice it to state that the bail order should reveal the factors that have been considered by the Court for granting relief to the accused.

29. In ***Jagjeet Singh [Jagjeet Singh v. Ashish Mishra, (2022) 9 SCC 321: (2022) 3 SCC (Cri) 560]***, a three-judge Bench of this Court has observed that the power to grant bail under Section 439CrPC is of wide amplitude and the High Court or a Sessions Court, as the case may be, is bestowed with considerable discretion while deciding a bail application. But this discretion is not unfettered. The order passed must reflect the due application of the judicial mind following well-established principles of law. In the ordinary course, courts would be slow to interfere with the order where bail has been granted by the courts below. But if it is found that such an order is illegal or perverse or based upon utterly irrelevant material, the appellate court would be well within its power to set aside and cancel the bail. (Also refer: ***Puran v. Rambilas [Puran v. Rambilas, (2001) 6 SCC 338: 2001 SCC (Cri) 1124]; Narendra K. Amin v. State of Gujarat [Narendra K. Amin v. State of Gujarat, (2008) 13 SCC 584: (2009) 3 SCC (Cri) 813]***.)

11. Similar is the judgment passed by the Hon'ble Supreme Court in ***Manik Madhukar versus Vitthal Damuji Meher and Ors. 2024: INSC:636*** wherein it was observed as under: -

"**19.** Courts, while granting bail, are required to consider relevant factors such as the nature of the accusation, the role ascribed to the accused concerned, possibilities/chances of tampering with the evidence and/or witnesses, antecedents, flight risk, *et al*. Speaking through Hima Kohli, J., the present *coram* in ***Ajwar v. Waseem, 2024 SCC OnLine SC 974***, apropos relevant parameters for granting bail, observed:

"**26.** While considering as to whether bail ought to be granted in a matter involving a serious criminal offence, *the Court must consider relevant factors like the nature of the accusations made against the accused, the manner in which the crime is alleged to have been committed, the gravity of the offence, the role attributed to the accused, the criminal antecedents of the accused, the probability of tampering of the witnesses and repeating the offence, if the accused are released on bail, the likelihood of the accused being unavailable in the event bail is granted, the possibility of obstructing the proceedings and evading the courts of justice and the overall desirability of releasing the accused on bail. (Refer:* ***Chaman Lal v. State of U.P. (2004) 7 SCC 525; Kalyan Chandra Sarkar v. Rajesh Ranjan alias Pappu Yadav (supra) (2004) 7 SCC 528; Masroor v. State of Uttar Pradesh (2009) 14 SCC 286; Prasanta Kumar Sarkar v. Ashis Chatterjee (2010) 14 SCC 496; Neeru Yadav v. State of Uttar Pradesh (2014) 16 SCC 508; Anil Kumar Yadav v. State (NCT of Delhi) (2018) 12 SCC 129; Mahipal v. Rajesh Kumar @ Polia (supra) (2020) 2 SCC 118***.

27. It is equally well settled that bail, once granted, ought not to be cancelled in a mechanical manner. However, an unreasoned or perverse order of bail is always open to interference by the Superior Court. If there are serious allegations against the accused, even if he has not misused the bail granted to him, such an order can be cancelled by the same Court that has granted the bail. Bail can also be revoked by a Superior Court if the courts below have ignored the relevant material available on record or have not looked into the gravity of the offence or the impact on society, resulting in such an order. In ***P v. State of Madhya Pradesh (supra) (2022), 15 SCR 211,*** decided by a three-judge bench of this Court [authored by one of us (Hima Kohli, J)], has spelt out the considerations that must be weighed with the Court for interfering with an order granting bail to an accused under Section 439(1) of the CrPC in the following words:

> "24. As can be discerned from the above decisions, *for cancelling bail once granted, the court must consider whether any supervening circumstances have arisen or the conduct of the accused post grant of bail demonstrates that it is no longer conducive to a fair trial to permit him to retain his freedom by enjoying the concession of bail during trial* [***Dolat Ram v. State of Haryana, (1995) 1 SCC 349: 1995 SCC (Cri) 237***]. To put it differently, *in ordinary circumstances, this Court would be loath to interfere with an order passed by the court below granting bail, but if such an order is found to be illegal or perverse or premised on material that is irrelevant, then such an order is susceptible to scrutiny and interference by the appellate court."* (emphasis supplied)

20. In ***State of Haryana v. Dharamraj, 2023 SCC OnLine SC 1085***, speaking through one of us (Ahsanuddin Amanullah, J.), the Court, while setting aside an order of the Punjab and Haryana High Court granting (anticipatory) bail, discussed and reasoned:

> "**7.** A foray, albeit brief, into relevant precedents is warranted. *This Court considered the factors to guide the grant of bail in Ram* ***Govind Upadhyay v. Sudarshan Singh (2002) 3 SCC 598*** *and* ***Kalyan Chandra Sarkar v. Rajesh Ranjan (2004) 7 SCC 528***. In ***Prasanta Kumar Sarkar v. Ashis Chatterjee (2010) 14 SCC 496***, *the relevant principles were restated thus*:
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> > '9. … *It is trite that this Court does not, normally, interfere with an order passed by the High Court granting or rejecting bail to the accused. However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are:*

(i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;

(ii) nature and gravity of the accusation;

(iii) severity of the punishment in the event of conviction;

(iv) danger of the accused absconding or fleeing if released on bail;

(v) character, behaviour, means, position and standing of the accused;

(vi) likelihood of the offence being repeated;

(vii) reasonable apprehension of the witnesses being influenced; and

(viii) danger, of course, of justice being thwarted by the grant of bail.'

*8. In **Mahipal v. Rajesh Kumar alias Polia (2020) 2 SCC 118**, this Court opined as under:*

'16. The considerations that guide the power of an appellate court in assessing the correctness of an order granting bail stand on a different footing from an assessment of an application for the cancellation of bail. The correctness of an order granting bail is tested on the anvil of whether there was an improper or arbitrary exercise of discretion in the grant of bail. The test is whether the order granting bail is perverse, illegal or unjustified. On the other hand, an application for cancellation of bail is generally examined on the anvil of the existence of supervening circumstances or violations of the conditions of bail by a person to whom bail has been granted. ...'

*9. In **Bhagwan Singh v. Dilip Kumar @ Deepu @ Depak, 2023 INSC 761***, this Court, in view of ***Dolat Ram v. State of Haryana, (1995) 1 SCC 349; Kashmira Singh v. Duman Singh, (1996) 4 SCC 693*** *and* ***X v. State of Telangana, (2018) 16 SCC 511***, *held as follows:*

'13. It is also required to be borne in mind that when a prayer is made for the cancellation of the grant of bail, cogent and overwhelming circumstances must be present, and bail, once granted, cannot be cancelled in a mechanical manner without considering whether any supervening circumstances have rendered it conducing to allow a fair trial. This proposition draws support from the Judgment of this Court in ***Daulat Ram v. State of Haryana (1995) 1 SCC 349, Kashmira Singh v. Duman Singh (1996) 4 SCC 693 and XXX v. State of Telangana (2018) 16 SCC 511.'***

10. *In* ***XXX v. Union Territory of Andaman & Nicobar Islands, 2023 INSC 767,*** *this Court noted that the principles in* ***Prasanta Kumar Sarkar*** *(supra) stood reiterated in* ***Jagjeet Singh v. Ashish Mishra (2022) 9 SCC 321.***

11. The contours of anticipatory bail have been elaborately dealt with by 5-Judge Benches in ***Gurbaksh Singh Sibbia v. State of Punjab, (1980) 2 SCC 565*** and ***Sushila Aggarwal v. State (NCT of Delhi), (2020) 5 SCC 1. Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC 694*** is worthy of mention in this context, despite its partial overruling in ***Sushila Aggarwal (supra)***. *We are cognizant that liberty is not to be interfered with easily. More so when an order of pre-arrest bail already stands granted by the High Court.*

12. *Yet, much like bail, the grant of anticipatory bail is to be exercised with judicial discretion. The factors illustrated by this Court through its pronouncements are illustrative and not exhaustive. Undoubtedly, the fate of each case turns on its own facts and merits."* (emphasis supplied)

21. In ***Ajwar*** (supra), this Court also examined the considerations for setting aside bail orders in terms below:

"***28.*** *The considerations that weigh with the appellate Court for setting aside the bail order on an application being moved by the aggrieved party include any supervening circumstances that may have occurred after granting relief to the accused, the conduct of the accused*

> *while on bail, any attempt on the part of the accused to procrastinate, resulting in delaying the trial, any instance of threats being extended to the witnesses while on bail, any attempt on the part of the accused to tamper with the evidence in any manner. We may add that this list is only illustrative and not exhaustive. However, the court must be cautious that at the stage of granting bail, only a prima facie case needs to be examined, and detailed reasons relating to the merits of the case that may cause prejudice to the accused ought to be avoided. Suffice it to state that the bail order should reveal the factors that have been considered by the Court for granting* relief to the accused.
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> **29.** In ***Jagjeet Singh (supra) (2022) 9 SCC 321***, a three-judge bench of this Court has observed that *the power to grant bail under Section 439 Cr. P.C. is of wide amplitude and the High Court or a Sessions Court, as the case may be, is bestowed with considerable discretion while deciding a bail application. But this discretion is not unfettered. The order passed must reflect the due application of the judicial mind following well-established principles of law. In the ordinary course, courts would be slow to interfere with the order where bail has been granted by the courts below. But if it is found that such an order is illegal or perverse or based upon utterly irrelevant material, the appellate Court would be well within its power to set aside and cancel the bail.* (Also refer: ***Puran v. Ram Bilas (2001) 6 SCC 338; Narendra K. Amin (Dr.) v. State of Gujarat (2008) 13 SCC 584)*** (emphasis supplied)

12. A similar view was taken in ***Kailash Kumar versus State of H.P.***, in ***Criminal Appeal No. 861 of 2025 decided on 20.02.2025 (SC)*** wherein it was observed:

> "10. The decision of this Court in ***Ajwar v. Waseem and Anr. (2024) 10 SCC 768***, relied on by the High Court, has been perused. In terms of such a decision, while seized of an application for cancellation/revocation of bail, the

considerations (illustrative, not exhaustive) which ought to weigh with the courts are whether: (i) the accused has misused the concession of liberty; (ii) he has been delaying the trial; (iii) he has been influencing/threatening the witnesses; (iv) he has been tampering with evidence in any manner; and (v) there has been any supervening circumstance after grant of bail warranting a relook. The decision also lays down that orders granting bail could be interfered with if the same is found to be perverse or illegal in the sense that the Court's conscience is shocked or extraneous material has been considered."

13. This position was reiterated in ***Sri Darshan and others*** (supra) wherein it was observed at page 250:

> **29.15.** Thus, it is clear that while cancellation of bail is a serious matter involving deprivation of personal liberty, the law does permit annulment of a bail order that is unjustified, legally untenable, or passed without due regard to material considerations. The distinction between annulment of bail orders due to perversity and cancellation for post-bail misconduct must be clearly understood and applied, ensuring a careful, calibrated, and constitutionally sound approach to the administration of criminal justice.
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> **30.** At this juncture, it is apposite to refer to the decision of this Bench in ***Pinki v. State of U.P. [Pinki v. State of U.P., (2025) 7 SCC 314 : (2025) 3 SCC (Cri) 183]***, wherein the bail granted to the accused therein was cancelled, after a detailed consideration of the facts and the gravity of the offence, namely, child trafficking, as well as the legal principles. The Court underscored that while personal liberty is a cherished constitutional value, it is not absolute. Liberty must yield where it poses a threat to the collective interest of society. No individual can claim a liberty that endangers the life or liberty of others, as the rational collective cannot tolerate anti-social or anti-collective conduct. Emphasising that bail jurisprudence is inherently

> fact-specific, the Court reiterated that each bail application must be decided on its own merits, in light of the well settled on its own merits, in light of the well-settled parameters governing grant or denial of bail.

14. A similar view was taken in ***Kailash Kumar*** (supra)**,** ***Himanshu Sharma*** (supra)**,** ***Bhuri Bai (supra)***, ***Puran*** (supra), ***Devi Bai*** (supra), ***Shree Vikas Co.op Bank Ltd*** (supra) and ***Sanjay Kumar*** (supra), and it is not necessary to refer to each judgment individually.

15. The present petition has to be decided as per the parameters laid down by the Hon'ble Supreme Court.

16. The informant/petitioner asserted that the respondent No. 2 had murdered the deceased. This assertion is without any basis. The reply filed by the State states that the deceased had died due to asphyxia secondary to ligature compression of neck consistent with ante-mortem hanging in a case where no poison could be detected in viscera of the deceased as per the medical opinion and the death was possible by hanging with the exhibit as per the report received from RFSL, Mandi. Therefore, the report of the Medical Officer falsifies the plea taken by the informant that respondent no.2 and his family members had murdered the deceased.

17. Learned Trial Court held while granting the bail that the investigation was complete and the charge sheet was being filed, custodial interrogation of the petitioner was not required, the other co-accused had been granted the concession of pre-arrest bail, and no fruitful purpose would be served by keeping the petitioner in custody. These considerations are not irrelevant.

18. It was submitted that the offence was grave and the learned Trial Court was not justified in granting the bail. This submission will not help the petitioner/informant. There is no record that the petitioner/informant or Kalpana had made any complaint regarding the harassment of Kalpana. No suicide note was found. Therefore, these circumstances would *prima facie* cast a doubt regarding the prosecution version that the deceased was being harassed by the respondent no.2 and his family members.

19. It was submitted that the respondent no.2 had withdrawn the money from the account of the deceased Kalpana, which shows that the informant's allegations are correct. This submission is not acceptable. The respondent No. 2 asserted that he was running a business. The deceased had never asserted during her lifetime that the money was withdrawn without her

consent. The circumstances in which the money was withdrawn by respondent no.2 from the account of the deceased can only be ascertained during the trial, and it is premature to say anything regarding it.

20. The petitioner is silent on the fact that the respondent no.2 or his family members had acted contrary to the terms and conditions of the bail granted to them. Therefore, the bail cannot be cancelled on the ground that the respondent no.2 and his family members have violated the terms and conditions of the bail.

21. It was rightly submitted on behalf of the respondent no.2 that the cancellation of bail is not to be resorted to lightly. In the present case, the circumstances on record do not justify the cancellation of the bail. Hence, the present petition fails and is dismissed.

22. The observations made herein before shall remain confined to the disposal of the present petition and will have no bearing, whatsoever, on the merits of the case.

23. Before parting, it is to be noticed that the certified copy of the bail order supplied by the office of the District and

Sessions Judge, Civil and Sessions Division, Kullu and Lahaul Spiti at Kullu is illegible and it is impossible to read its contents. The learned District and Sessions Judge is requested to ensure that the certified copies supplied by the copying agencies are legible in future.

24. A copy of this order be sent to the learned District and Sessions Judge, Kullu, for information and compliance.

25. The present petition stands disposed of.

(Rakesh Kainthla)
Judge

17th November, 2026
(Nikita)