IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA
Cr.MP(M) No.374 of 2026
Reserved on: 21.04.2026
Date of Decision: 27.04.2026

Vishal Awasthi …Applicant

Versus

State of H.P. …..Respondent

Coram:

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

Whether approved for reporting?[1]

For the applicant : Mr. Yashveer Singh Rathore, Advocate.

For the respondent : Mr. Tejasvi Sharma and Mr. H.S. Rawat, Additional Advocates General, with Mr. Rohit Sharma, Deputy Advocate General, assisted by SI Geeta Nand Thakur, S.H.O. Police Station, Patlikuhal, District Kullu, H.P., for the respondent.

Virender Singh, Judge

Applicant-Vishal Awasthi, has filed the present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'BNSS'), for releasing him, on bail, during the pendency of the trial, arising out of **FIR No.81 of 2025, dated 27.08.2025,** registered under **Sections 126(2), 115(2), 117(2), 109, 351(2), 352, 3(5) of the Bharatiya Nyaya Sanhita** (hereinafter referred to as the 'BNS'), with Police Station, **Patlikuhal, District Kullu, H.P.**

[1] Whether reporters of Local Papers may be allowed to see the judgment?

2. According to the applicant, he is innocent person and was arrested by the police on 13.12.2025. Presently, he is in judicial custody.

3. As per the applicant, the case registered against him is totally absurd, baseless and imaginary.

4. According to the applicant, the present FIR is outcome of a concocted story made by the prosecution to harass him. The prosecution story is also stated to be highly improbable.

5. It is the case of the applicant that his father had filed a complaint with regard to the incident in question, to the police, prior to the filing of the complaint, by the present complainant, however, owing to the influence exerted by the complainant on the police, the FIR of the applicant's father was lodged later, with a view to give undue advantage to the complaint. In the incident, which has been lodged by the father of the applicant, it has been got lodged that the parents of the applicant were beaten by the complainant, as well as, his accomplices.

6. The relief of bail has also been sought on the ground that the family of the applicant had strained relations, with the

complainant, however, the said dispute was amicably settled by way of the compromise.

7. The applicant had earlier tried his luck by moving similar application, before the Court of learned Sessions Judge, Kullu, H.P., however, the said application was dismissed, vide order dated 17.12.2025. Thereafter, he has moved the application, before this Court, which was also dismissed on 06.01.2026.

8. Thereafter, again, he has moved the similar application, before the Court of learned Sessions Judge, Kullu, H.P., however, the said application was dismissed, vide order dated 25.02.2026.

9. On the basis of the above facts, Mr. Yashveer Singh Rathore, Advocate, appearing for the applicant, has given certain undertakings, on behalf of the applicant, for which, the applicant is ready to abide by, in case, ordered to be released on bail, during the pendency of the trial.

10. On the basis of the above facts, a prayer has been made to allow the application.

10.1. When, put to notice, the police has filed the status report, disclosing therein, that on 27.08.2025, complainant Rakesh Kumar, made a complaint to the police, mentioning

therein, that he is resident of village Ghurdorh, Post Office Larakelo, Tehsil and District Kullu, H.P. On 27.08.2025 at about 10:45 AM, he along with his wife Vijeta, were on their way to home, however, Deshraj Awasthi, Vishal Awasthi (applicant) and his mother Sudesh Awasthi had obstructed the path and verbal altercation took place. During that period, Vishal Awasthi (applicant) has inflicted a blow on his head and left arm with iron rod. He has also inflicted injuries to the wife of the complainant with the said rod. The mother of Vishal Awasthi (applicant) had pulled the hair of the wife of the complainant. He has also got lodged that the accused persons, although are their neighbours, but they were raising quarrel with them. The accused persons had also threatened to kill the complainant and his wife. The incident was allegedly witnessed by Tharban Thakur, Raghubir and Varun Sharma. Had these persons not been present there, then, the assailants would have finished them.

10.2. He has further deposed that he was taken to hospital by Tharban Thakur, Raghubir and Shyam, from where, he was referred to Regional Hospital, Kullu. On the basis of the above facts, he has prayed that strict action be taken against them.

10.3. On the basis of the above facts, the police registered the FIR, under Sections 126(2), 115(2), 352 and 351(2), read with Section 3(5) of the BNS. The investigation of the case was initially entrusted to ASI Birbal Singh. Complainant and his wife were medico legally examined at Regional Hospital Kullu and their MLCs were obtained. At the instance of the complainant-Rakesh Kumar, the spot was visited and spot map was prepared. From the spot, weapon of offence, i.e. stone, was taken into possession.

10.4. On 12.12.2025, final opinion from the Medical Officer on the MLCs of the injured and his wife were obtained. The Medical Officer declared the injuries on the person of complainant and his wife, as grievous and the injuries, on the person of his wife Vijeta were declared to be dangerous to life, upon which, Sections 109 and 117(2) of BNS were added in this case. On 13.12.2025, the accused Vishal Awasthi, Deshraj Awasthi and Sudesh Awasthi were associated and were arrested.

10.5. On 14.12.2025, accused persons were produced before the Court of learned Chief Judicial Magistrate, Kullu, from where, they were remanded to police custody for three days. During police custody, accused persons have not disclosed anything, about the weapon of offence (Iron pipe).

10.6. On 16.12.2025, accused persons were again produced, before the Court of learned Chief Judicial Magistrate, Kullu, from where, they were further remanded to police custody for two more days. On 16.12.2025, applicant-Vishal Awasthi allegedly made a disclosure statement, disclosing therein, that the iron pipe, with whom, he had beaten the complainant and his wife Vijeta, the same has been concealed by him and he is having the exclusive knowledge of the same and he can get it recovered, upon which, his confessional statement, under Section 23 of BNS was prepared. In pursuance of the said statement, applicant- Vishal Awasthi got recovered the iron pipe, from the ground floor of his house, kept near the wall of his old shop. The said iron pipe was identified by the complainant and his wife. The said weapon of offence was taken into possession.

10.7. It is the further case of the police that on 17.12.2025, accused Deshraj Awasthi and Sudesh Awasthi were released on bail, however, the bail application of applicant-Vishal Awasthi has been dismissed.

10.8. Lastly, it has been pleaded that apart from the present case, another case bearing FIR No.79 of 2024, dated 15.09.2024, under Sections 332(C), 126(2), 115(2), 352, 351(2)

and 3(5) of BNS was registered against the applicant, with Police Station Patlikuhal. The said case is still pending adjudication.

10.9. It is the further case of the police that at the instance of Desh Raj Awasthi, father of the applicant, FIR No.82 of 2025, dated 27.08.2025, under Sections 126(2), 115 (2), 351(2) and 3(5) of BNS has also been registered against complainant-Rakesh Kumar, his wife Vijeta and neighbour Tharban Kumar, with Police Station Patlikuhal.

10.10. As per the status report, the final report has been submitted in the Court on 13.02.2026 and in the trial, no witness has been examined.

11. On the basis of the above facts, a prayer has been made to dismiss the application.

12. The investigation, in the present case, is stated to be completed and from the fact that the charge sheet has been filed and the applicant is in judicial custody, it can be inferred, at this stage, that the custodial interrogation of the applicant is no longer required.

13. The bail application cannot be rejected, merely as a matter of punishment, as, pre-trial punishment is prohibited under the law and the punishment can only be inflicted, after the conclusion of trial.

14. The chances of conclusion of the trial, against the applicant, in near future, are not so bright, as such, no useful purpose would be served by keeping him in judicial custody, for indefinite period.

15. The applicant is permanent resident of District Kullu, as such, it cannot be said that in case, the applicant is ordered to be released on bail, he may not be available for the trial.

16. Moreover, reasonable conditions can be imposed, in case, the applicant is ordered to be released on bail, during the pendency of the trial.

17. Considering all these facts, this Court is of the view that the bail application is liable to be allowed and is accordingly allowed.

18. Consequently, the applicant is ordered to be released on bail, during the course of trial, arising out of **FIR No.81 of 2025, dated 27.08.2025**, registered under **Sections 126(2), 115(2), 117(2) 109, 351(2), 352, 3(5) of BNS**, with Police Station Patlikuhal, District Kullu, H.P., on his furnishing personal bail bond, in the sum of Rs. 50,000/-, with one surety of the like amount, to the satisfaction of the learned trial Court.

This order, however, shall be subject to the following conditions:-

a) The applicant 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;

b) The applicant shall not tamper with the prosecution evidence nor hamper the investigation of the case in any manner whatsoever;

c) The applicant shall not make any inducement, threat or promises to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or the Police Officer; and

d) The applicant shall not leave the territory of India without the prior permission of the Court.

19. 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 application.

20. 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 to be violated by the applicant.

21. The Registry is directed to forward a soft copy of the bail order to the Superintendent of Jail, Model Central Jail, Kanda, District Shimla, H.P., through email, with a direction to enter the date of grant of bail in the e-prison software.

22. In case, the applicant is not released within a period of seven days from the date of grant of bail, the Superintendent of Jail, Model Central Jail, Kanda, District Shimla, H.P., is directed to inform this fact to the Secretary, DLSA, Shimla. The Superintendent of Jail, Model Central Jail, Kanda, District Shimla, H.P., is further directed that if the applicant fails to furnish the bail bonds, as per the order passed by this Court, within a period of one month from today, then, the said fact be submitted to this Court.

(Virender Singh)
Judge

April 27, 2026
(subhash)

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