2026:HHC:49088

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

Cr.MP (M) No. : 1369 of 2026
Decided on : 02.11.2026

Ravi Shankar Mendiratta ...Applicant

Versus

State of Himachal Pradesh ...Respondent

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

For the applicant : Mr. Kumar Kaustubh, Advocate.

For the respondent : Mr. Mohinder Zharaick, Additional Advocate General, with Ms. Ranjna Patial, Deputy Advocate General, for respondent No.1.

Mr. Atul Jhingan, Advocate for respondent No.2.

Virender Singh, Judge (Oral)

Applicant-Ravi Shankar Mendiratta, has filed the present application, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (hereinafter referred to as 'the BNSS') for cancellation of the bail granted to respondent No.2, under the provisions of Section 482 of the BNSS, vide order dated 31.12.2025, passed by this Court in Cr.MP(M) No.2815 of 2025, which has been filed in case FIR No.103

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

of 2025 dated 01.11.2025, registered under Sections 420, 465, 468, 471 IPC, with Police Station East Shimla, District Shimla, Himachal Pradesh.

2. The bail has mainly been sought to be cancelled, on the ground that respondent No.2, after getting the relief from this Court has attacked upon Shri Deepak Nayar, Advocate, for the petitioner, which, according to him, is a direct breach of express condition, imposed by this Court on 31.12.2025, whereby, respondent No.2 was restrained from making any inducement, threat, or promise directly or indirectly to any person acquainted with the facts of the case.

3. It is the further case of the applicant that respondent No.2 has physically assaulted and caused severe injuries to his counsel, who represented the applicant, who is complainant in the FIR, in issue, in the bail proceedings, as such, it has caused the serious and genuine apprehension, in the mind of the applicant, regarding the safety and security. As such, the same is likely to dissuade the applicant, as well as, the witnesses and the counsel from freely and fearlessly pursuing and

participating in the proceedings, thereby gravely prejudicing a fair trial.

3. Highlighting the fact that the Hon'ble High Court of Punjab and Haryana, Chandigarh, in CM-60-CWPIL-2026 in CWP-PIL-378 of 2025 (O&M), which has led in registration of FIR No.34 dated 09.06.2026, has directed the Chandigarh Police to conduct the fair and transparent investigation, by an officer, not below the rank of Inspector.

4. On the basis of the above facts, Shri Kumar Kaustubh, Advocate appearing for the applicant has prayed that the relief granted to respondent No.2, vide order dated 31.12.2025, may kindly be recalled and he may kindly be remanded to the judicial custody.

5. When put to notice, State has filed the status report, reiterating the factual position, as mentioned, in case FIR No.103 of 2025.

6. Respondent No.2 has filed reply to the application, denying the allegations levelled against him and submitted that the present application is not maintainable.

7. Another fact, which has also been highlighted by respondent No.2 is that respondent No.2/accused filed a civil suit against Simple Nayyar, who, as per the learned counsel appearing for respondent No.2/ accused, is wife of the learned counsel representing respondent No.2, Shri Deepak Nayar, Advocate.

8. The petitioner is before this Court for cancellation of the bail granted by this Court to respondent No.2/accused.

9. The Hon'ble Supreme Court in case '***Dolat Ram and Others Vs. State of Haryana***', ***(1995) 1 SCC 349***, has held that very cogent and overwhelming circumstances are necessary for an order, directing the cancellation of the bail, already granted. Relevant paragraph 4 of the said judgment is reproduced, as under:-

> *"4. Rejection of bail in a non-bailable case at the initial stage and the cancellation of bail so granted, have to be considered and dealt with on different basis. Very cogent and overwhelming circumstances are necessary for an order directing the cancellation of the bail, already granted. Generally speaking, the grounds for cancellation of bail, broadly (illustrative and not exhaustive) are: interference or attempt to interfere with the due course of administration of Justice or evasion or attempt to evade the due course of justice or abuse of the concession granted to the accused in any manner. The satisfaction of the court, on the basis of material*

> *placed on the record of the possibility of the accused absconding is yet another reason justifying the cancellation of bail. However, bail once granted should not be cancelled in a mechanical manner without considering whether any supervening circumstances have rendered it no longer conducive to a fair trial to allow the accused to retain his freedom by enjoying the concession of bail during the trial. These principles, it appears, were lost sight of by the High Court when it decided to cancel the bail, already granted. The High Court it appears to us overlooked the distinction of the factors relevant for rejecting bail in a non-bailable case in the first instance and the cancellation of bail already granted."*

10. In another case titled as '***Dinesh M.N. (S.P.) Vs. State of Gujarat'*, *(2008) 5 SCC 66***, the Hon'ble Supreme Court has held that the bail can be cancelled, if material(s), on which, bail is granted is/are substantially irrelevant. Relevant Paragraphs 25 to 27 of the said judgment are reproduced, as under:-

> *"**25**. The perversity as highlighted in Puran's case (supra) can also flow from the fact that as noted above, irrelevant materials have been taken into consideration adding vulnerability to the order granting bail. The irrelevant materials should be of a substantial nature and not of a trivial nature. In the instant case, the trial Court seems to have been swayed by the fact that Sohrabuddin had shady reputation and criminal antecedents. That was not certainly a factor which was to be considered while granting bail. It was nature of the acts which ought to have been considered. By way of illustration, it can be said that the accused cannot take a plea while applying for bail that the person whom he killed was a hardened criminal. That certainly is not a factor which can be taken into account.*
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> ***26**. Another significant factor which was highlighted by the State before the High Court was that*

> *an FIR allegedly was filed to divert attention from the fake encounter. The same was not lodged by the Gujarat Police. The accused was the leader of the Rajasthan team and the other officials were Abdul Rehman, Himanshu Singh, Mohan Singh, Shyam Singh and Jai Singh. The first named Abdul Rehman had lodged the FIR. It is pointed out from the General Diary in respect of entry on 26.11.2005 that accused Dinesh was present. In FIR No.CR-I 5/2005 also the presence of Dinesh has been noted. The relevance of these factors does not appear to have been noticed by the High Court. In other words, relevant materials were kept out of consideration. Once it is concluded that bail was granted on untenable grounds, the plea of absence of supervening circumstances has no leg to stand.*
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> ***27**. We have only highlighted the above aspects to show that irrelevant materials have been taken into account and/or relevant materials have been kept out of consideration. That being so, the order of granting bail to the appellant was certainly vulnerable. The order of the High Court does not suffer from any infirmity to warrant interference. The appeal is dismissed. However, it is made clear that whatever observations have been made are only to decide the question of grant of bail and shall not be treated to be expression of any opinion on merits. The case relating to acceptability or otherwise of the evidence is the subject matter for the trial Court."*

11. If the facts and circumstances of the present case are seen in the light of decisions of Hon'ble Supreme Court, as referred to above, the applicant is not able to make out a case for cancellation of bail.

12. The alleged assault, by respondent No.2, upon the learned counsel representing the applicant, that too, in the background of the litigation, pending between them, is too short to accept the prayer for cancellation of bail.

13. Consequently, there is no merit in the application and the same is dismissed.

(Virender Singh)
Judge

November 02, 2026*(ps)*