IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. MP(M) No. 1854 of 2026
Reserved on: 19.11.2026
Decided on: 25 .11.2026

Parminder Singh .... Petitioner

Versus

State of HP .... Respondent

Coram
Hon'ble Mr Justice Rakesh Kainthla, Judge.
Whether approved for reporting?[1] No.

For the Petitioner : Mr Ganesh Barowalia, Advocate.

For the Respondent/State : Mr P.K. Nadda, Additional Advocate General.

Rakesh Kainthla, Judge

The petitioner has filed the present petition for seeking regular bail in FIR No. 358 of 2025, dated 20.11.2025, registered at Police Station Sadar, Una, District Una, H.P. HP, for the commission of offences punishable under Sections 103(1), 109(1), 352, 49, 61(2), and 126(2) read with Section 3 (5) of Bharatiya Nyaya Sanhita (BNS), 2023 and Sections 25 and 27 of the Arms Act.

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

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2. It has been asserted that, as per the prosecution, Ashu Puri died as a result of firearm injuries. The accused persons acted in furtherance of their common plan, and the petitioner used a licensed 0.32 bore revolver and fired at the deceased. The revolver was recovered from the vehicle of the co-accused, Gurjeet Singh. These allegations are false. The petitioner has sustained serious injuries and was required to undergo medical examination. The petitioner has remained in custody since 30.04.2026. The charge sheet and supplementary challan have been filed before the Court. The petitioner is not required for custodial interrogation. The petitioner has deep roots in the society, and he would abide by the terms and conditions that the Court may impose. Hence, it was prayed that the present petition be allowed and the petitioner be released on bail.

3. The petition is opposed by filing a status report asserting that the informant Akash, Virender Pal Singh alias Lali Bhai, Ashu Puri (since deceased) and other persons had gone to a Hotel at Lalsinghi on 19.11.2025 at about 8.15 p.m. to celebrate Ashu's birthday. Gurjeet Man, Gurjinder alias Bindu, Parminder (the present petitioner), Jaswinder, Harsh, Maninder, etc., also held a party in the hotel. All the people came out of the hotel into

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the parking area after the party. Ashu cut the cake. The informant's party played music in their vehicle and danced. Gurjeet Maan, Gurjinder, Parminder, Harsh, Jaswinder, Maninder and 2-3 other persons also came to the parking. Gurjeet, Gurjinder and Parminder (present petitioner) abused the informant party. Ashu Puri went towards them. Gurjeet Maan, Gurjinder, Parminder, Maninder, Harsh and Jaswinder abused Ashu Puri and gave him beatings. The other persons rescued Ashu Puri, and all of them sat in the vehicle. However, Ashu Puri and Mahesh Kaushal were talking to each other. The informant asked Ashu Puri to board the vehicle, but Mahesh Kaushal engaged him in conversation. Gurjeet Man, Gurjinder and Parminder took out a pistol from their vehicle. Lali Bhai ran away from the spot after seeing the pistol. Gurjeet Maan and Purjinder told Parminder to shoot Ashu in the head. Parminder shot Ashu Puri in the head. Ashu fell, but Parminder continued shooting him. One person pushed Parminder, Gurjeet and Purjinder. Ashu Puri was taken to the hospital, and the doctor declared him dead. The police registered the FIR and investigated the matter. Various articles were seized from the spot. It was found during the investigation that Gurjeet Singh, Parminder Singh, Gurjinder Singh, Mahesh

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Kaushal, Harshdeep and others had gone to the hotel to celebrate the birthday of Purjinder Singh on 19.11.2025. Ashu Puri and his friends, Akash, Sarul Kapila, Chand Thakur, Abhishek, Niteesh, Deepanshu, etc., were also celebrating the birthday of Ashu Kanav. Both parties had consumed liquor. Ashu Puri and other persons were dancing after playing music in their vehicle. Gurjeet, Purjinder, Parminder, Mahesh Kaushal, Harshdeep, etc., came out of the hotel. They shouted at Ashu Puri and other persons. Gurjeet Maan retorted and abused them. Abhishek, Nitish and Deepanshu went towards Gurjeet and asked him why he had abused them. Gurjeet and Deepanshu had a scuffle. Akash took out a sword from Ashutosh's vehicle and started hitting Parminder and Purjinder with the sword. Jaswinder sustained multiple injuries to his arms and other parts of his body. Gurjeet, Purjinder and Parminder talked to each other near their vehicle. Mahesh Kaushal and Harshdeep went towards Ashu Puri and started talking to him, and in this manner, they separated Ashu Puri from his friends. Parminder and Purjinder took out one pistol from their vehicle. Parminder, Purjinder and Gurjeet went towards Ashu Puri. Harshdeep and Mahesh Kaushal separated Ashu Puri from his friends and facilitated the attack on him. Parminder Singh shot at

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Ashu Puri, and Ashu Puri fell. Parminder continued to shoot him. Purjinder and Gurjeet instigated him to kill Ashu Puri. The friends of Ashu Puri attacked Gurjeet, Parminder and Gurjinder with a sword, belt, kicks and fist blows. Gurjeet Singh extricated himself and boarded the vehicle. He tried to hit Sarul Kapila and Ashu Kanav. Sarul Kapila was hit by the vehicle, and Gurjeet again tried to hit him, but he went towards a corner. Gurjeet, Purjinder, Parminder, Harshdeep and Mahesh Kaushal had conspired together to kill Ashu Puri, and Gurjeet had attempted to kill Sarul Kapila. The investigation is complete, and the charge sheet was filed before the learned Chief Judicial Magistrate, Una. The petitioner had fired at the deceased, and he has committed a heinous crime. Hence, the status report.

4. Reply/objections were filed to the status report filed by the respondent-State, reiterating the contents of the bail petition and denying the contents of the reply.

5. I have heard Mr Ganesh Barowalia, learned counsel for the petitioner, and Mr P.K. Nadda, learned Additional Advocate General for the respondent-State.

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6. Mr Ganesh Barowalia, learned counsel for the petitioner, submitted that the petitioner is innocent and he was falsely implicated. He had suffered multiple injuries in the incident and requires medical treatment. The police have completed the investigation and filed the charge sheet before the Court. No fruitful purpose would be served by detaining the petitioner in custody. The co-accused, Mahesh Kaushal, has been released on bail by the Hon'ble Supreme Court of India, and the petitioner is entitled to bail on the principle of parity. The petitioner would abide by the terms and conditions that the Court may impose. Therefore, he prayed that the present petition be allowed and the petitioner be released on bail.

7. Mr P.K. Nadda, learned Additional Advocate General for the respondent-State, submitted that the petitioner had shot at Ashu Puri, causing his death. The offence committed by the petitioner is heinous and is punishable with death. The petitioner would intimidate the witnesses in case of his release on bail. Therefore, he prayed that the present petition be dismissed.

8. I have given a considerable thought to the submissions made at the Bar and have gone through the records carefully.

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9. The parameters for granting bail were considered by the Hon'ble Supreme Court in ***Pinki v. State of U.P., (2025) 7 SCC 314: 2025 SCC OnLine SC 781,*** wherein it was observed at page 380:

> **(*i*) *Broad principles for the grant of bail***
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> **56.** In ***Gudikanti Narasimhulu v. High Court of A.P., (1978) 1 SCC 240: 1978 SCC (Cri) 115***, Krishna Iyer, J., while elaborating on the content of Article 21 of the Constitution of India in the context of personal liberty of a person under trial, has laid down the key factors that should be considered while granting bail, which are extracted as under: (SCC p. 244, paras 7-9)
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> > "7. It is thus obvious that the nature of the charge is the vital factor, and the nature of the evidence is also pertinent. The punishment to which the party may be liable, if convicted or a conviction is confirmed, also bears upon the issue.
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> > *8. Another relevant factor is whether the course of justice would be thwarted by him who seeks the benignant jurisdiction of the Court to be freed for the time being.* [***Patrick Devlin, "The Criminal Prosecution in England"*** (Oxford University Press, London 1960) p. 75 — Modern Law Review, Vol. 81, Jan. 1968, p. 54.]
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> > *9. Thus, the legal principles and practice validate the Court considering the likelihood of the applicant interfering with witnesses for the prosecution or otherwise polluting the process of justice. It is not only traditional but rational, in this context, to enquire into the antecedents of a man who is applying for bail to find whether he has a bad record, particularly a record which suggests that he is likely to commit serious offences while on bail. In regard to habituals, it is part of criminological history that a thoughtless bail order has enabled the bailee to exploit the opportunity to inflict further crimes on the members of society. Bail discretion, on the basis of evidence about the*

criminal record of a defendant, is therefore not an exercise in irrelevance." (emphasis supplied)

57. In ***Prahlad Singh Bhati v. State (NCT of Delhi), (2001) 4 SCC 280: 2001 SCC (Cri) 674***, this Court highlighted various aspects that the courts should keep in mind while dealing with an application seeking bail. The same may be extracted as follows: (SCC pp. 284-85, para 8)

"*8. The jurisdiction to grant bail has to be exercised on the basis of well-settled principles, having regard to the circumstances of each case and not in an arbitrary manner. While granting bail, the court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character, behaviour, means and standing of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public or State and similar other considerations. It has also to be kept in mind that for the purposes of granting the bail the legislature has used the words "reasonable grounds for believing" instead of "the evidence" which means the court dealing with the grant of bail can only satisfy it (sic itself) as to whether there is a genuine case against the accused and that the prosecution will be able to produce prima facie evidence in support of the charge*." (emphasis supplied)

58. This Court in ***Ram Govind Upadhyay v. Sudarshan Singh, (2002) 3 SCC 598: 2002 SCC (Cri) 688***, speaking through Banerjee, J., emphasised that a court exercising discretion in matters of bail has to undertake the same judiciously. In highlighting that bail should not be granted as a matter of course, bereft of cogent reasoning, this Court observed as follows: (SCC p. 602, para 3)

"*3. Grant of bail, though being a discretionary order, but, however, calls for the exercise of such a discretion in a judicious manner and not as a matter of course. An order for bail bereft of any cogent reason cannot be sustained.*

Needless to record, however, that the grant of bail is dependent upon the contextual facts of the matter being dealt with by the court and facts do always vary from case to case. While the placement of the accused in society, though it may be considered by itself, cannot be a guiding factor in the matter of grant of bail, the same should always be coupled with other circumstances warranting the grant of bail. The nature of the offence is one of the basic considerations for the grant of bail — the more heinous is the crime, the greater is the chance of rejection of the bail, though, however, dependent on the factual matrix of the matter." (emphasis supplied)

59. In ***Kalyan Chandra Sarkar v. Rajesh Ranjan, (2004) 7 SCC 528: 2004 SCC (Cri) 1977***, this Court held that although it is established that a court considering a bail application cannot undertake a detailed examination of evidence and an elaborate discussion on the merits of the case, the court is required to indicate the prima facie reasons justifying the grant of bail.

60. In ***Prasanta Kumar Sarkar v. Ashis Chatterjee, (2010) 14 SCC 496: (2011) 3 SCC (Cri) 765***, this Court observed that where a High Court has granted bail mechanically, the said order would suffer from the vice of non-application of mind, rendering it illegal. This Court held as under with regard to the circumstances under which an order granting bail may be set aside. In doing so, the factors which ought to have guided the Court's decision to grant bail have also been detailed as under: (SCC p. 499, para 9)

"*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 grant of bail.*" (emphasis supplied)

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62. One of the judgments of this Court on the aspect of application of mind and requirement of judicious exercise of discretion in arriving at an order granting bail to the accused is ***Brijmani Devi v. Pappu Kumar, (2022) 4 SCC 497 : (2022) 2 SCC (Cri) 170***, wherein a three-Judge Bench of this Court, while setting aside an unreasoned and casual order (***Pappu Kumar v. State of Bihar, 2021 SCC OnLine Pat 2856*** and ***Pappu Singh v. State of Bihar, 2021 SCC OnLine Pat 2857***) of the High Court granting bail to the accused, observed as follows: (***Brijmani Devi v. Pappu Kumar, (2022) 4 SCC 497 : (2022) 2 SCC (Cri) 170]***), SCC p. 511, para 35)

"*35. While we are conscious of the fact that liberty of an individual is an invaluable right, at the same time, while considering an application for bail, courts cannot lose sight of the serious nature of the accusations against an accused and the facts that have a bearing in the case, particularly when the accusations may not be false, frivolous or vexatious in nature but are supported by adequate material brought on record to enable a court to arrive at a prima*

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> *facie conclusion. While considering an application for the grant of bail, a prima facie conclusion must be supported by reasons and must be arrived at after having regard to the vital facts of the case brought on record. Due consideration must be given to facts suggestive of the nature of crime, the criminal antecedents of the accused, if any, and the nature of punishment that would follow a conviction vis-à-vis the offence(s) alleged against an accused.*" (emphasis supplied)

10. Hon'ble Supreme Court held in ***State of Rajasthan v. Balchand*, *(1977) 4 SCC 308: 1977 SCC (Cri) 594: 1977 SCC OnLine SC 261*** that the normal rule is bail and not jail, except where the gravity of the crime or the heinousness of the offence suggests otherwise. It was observed at page 308:

> **2.** The basic rule may perhaps be tersely put as bail, not jail, except where there are circumstances suggestive of fleeing from justice or thwarting the course of justice or creating other troubles in the shape of repeating offences or intimidating witnesses and the like, by the petitioner who seeks enlargement on bail from the Court. We do not intend to be exhaustive but only illustrative.
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> **3.** It is true that the gravity of the offence involved is likely to induce the petitioner to avoid the course of justice and must weigh with us when considering the question of jail. So also, the heinousness of the crime...."

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

12. The status report clearly shows that many members of both the parties had boarded their respective vehicles after the

first incident was over. Ashu Puri remained on the spot. The petitioner went to Ashu Puri and shot at him. Ashu Puri succumbed to his injuries on the spot. These allegations *prima facie* show the petitioner's involvement in the commission of an offence punishable under Section 103 of BNS, which is punishable with death or imprisonment for life. Thus, the offence is heinous, and the punishment is severe. It was laid down by the Hon'ble Supreme Court in ***Gudikanti Narasimhulu v. Public Prosecutor, High Court of A.P., (1978) 1 SCC 240: 1978 SCC (Cri) 115: 1977 SCC OnLine SC 327*** that when the punishment is severe, the person is not entitled to bail. It was observed at page 244:

> "**6.** Let us have a glance at the pros and cons and the true principle around which other relevant factors must revolve. When the case is finally disposed of, and a person is sentenced to incarceration, things stand on a different footing. We are concerned with the penultimate stage, and the principal rule to guide release on bail should be to secure the presence of the applicant who seeks to be liberated, to take judgment and serve a sentence in the event of the Court punishing him with imprisonment. In this perspective, the relevance of considerations is regulated by their nexus with the likely absence of the applicant for fear of a severe sentence, if such be plausible in the case. As Erle. J. indicated that when the crime charged (of which a conviction has been sustained) is of the highest magnitude and the punishment for it assigned by law is of extreme severity, the Court may reasonably presume, some evidence warranting, that no amount of bail would secure the presence of the convict at the stage of

judgment, should he be enlarged. [***Mod. Law Rev. p. 50 ibid., 1852 I E & B 1]*** Lord Campbell, C.J., concurred in this approach in that case, and Coleridge J. set down the order of priorities as follows: [***Mod. Law Rev. ibid., pp. 50-51***]

> "I do not think that an accused party is detained in custody because of his guilt, but because there are sufficient probable grounds for the charge against him as to make it proper that he should be tried, and because the detention is necessary to ensure his appearance at trial .... It is a very important element in considering whether the party, if admitted to bail, would appear to take his trial; and I think that in coming to a determination on that point, three elements will generally be found the most important: the charge, the nature of the evidence by which it is supported, and the punishment to which the party would be liable if convicted. In the present case, the charge is that of wilful murder; the evidence contains an admission by the prisoners of the truth of the charge, and the punishment of the offence is, by law, death."

7. It is thus obvious that the nature of the charge is the vital factor, and the nature of the evidence also is pertinent. The punishment to which the party may be liable, if convicted or conviction is confirmed, also bears upon the issue.

13. It was submitted that the co-accused, Mahesh Kaushal, has been released on bail, and the petitioner is entitled to bail on the principle of parity. This submission is stated to be rejected. The copy of the order passed by the Hon'ble Supreme Court of India in ***Mahesh Kaushal versus State of H.P., Special Leave to Appeal (Criminal) No. 17621 of 2026, decided on 14.10.2026***, shows that the evidence regarding his plea of shielding the

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deceased was inconclusive, as is his involvement in aiding or abetting the offence of murder. In the present case, the petitioner had actually shot at Ashu Puri, and he cannot claim parity with Mahesh Kaushal. It was laid down by the Hon'ble Supreme Court in ***Sagar v. State of U.P., 2025 SCC OnLine SC 2584***, that a person cannot be released on bail after applying the principle of parity without examining his role. It was observed:

> **"14.** What flows from the above judgments, which have been referred to, only to the limited extent indicated above, is that the High Courts speak in one voice that parity is not the sole ground on which bail can be granted. That, undoubtedly, is the correct position in law. The word 'parity' is defined by the *Cambridge Dictionary* as "*equality, especially of pay or position.*" When weighing an application on parity, it is the '*position*' that is the clincher. The requirement of '*position*' is not met only by involvement in the same offence. Position means the position of the person whose application is being weighed, his position in crime, i.e., his role, etc. There can be different roles played - someone part of a large group, intending to intimidate; an instigator of violence; someone who throws hands at the other side, instigated by such words spoken by another; someone who fired a weapon or swung a machete - parity of these people will be with those who have performed similar acts, and not with someone who was part of the group to intimidate the other by the sheer size of the gathering, with another who attempted to hack away at the opposer's limbs with a weapon."

14. It was submitted that the petitioner has sustained multiple injuries and he is entitled to bail on this consideration. This submission cannot be accepted. The status report specifically mentions that the petitioner is being taken to PGI and other

hospitals for his treatment. Therefore, the medical treatment is being provided to the petitioner while in custody, and he is not entitled to bail based on his medical condition.

15. No other point was urged.

16. In view of the above, the present petition fails and is dismissed.

17. The observation made hereinbefore shall remain confined to the disposal of the instant petition and will have no bearing whatsoever on the merits of the case.

(Rakesh Kainthla)
Judge

25th November, 2026
(Ravinder)