IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. MP(M) No. 1819 of 2026
Reserved on: 04.11.2026
Decided on: 06.11.2026

Gurjeet Singh @ Piri .... Petitioner

Versus

State of HP .... Respondent

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

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

Rakesh Kainthla, Judge

The petitioner has filed the present petition seeking regular bail in FIR No. 163 of 2022 dated 19.10.2022, registered at the Police Station, Dehra, District Kangra, H.P., for the commission of offences punishable under Sections 302, 396, 342, 452, 506, 201, and 120B of the Indian Penal Code (IPC) and Section 27 of the Arms Act.

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

2 It has been asserted that the FIR does not contain any specific allegation against the petitioner. The FIR was lodged against five to six unknown persons, most of whom had covered their faces. The police found, after the investigations, that co-accused Dharampal alias Hardeep and not the petitioner, had shot the deceased. The original version contained in the FIR is materially different from the version projected after the investigation. The informant nowhere named the petitioner as the person who was present on the spot. The police relied upon the disclosure statement recorded during the investigation, but it is inadmissible. As per the prosecution, the petitioner had arrived at Chintpurni with the co-accused and had participated in planning the crime. These allegations, even if taken to be correct, do not show that the petitioner had shared any intention to commit the offence. The petitioner was arrested on 20.10.2022, and not on the date of the incident. The police have completed the investigation. The trial has been continuing since 30.05.2024, and it is likely to take a long time to conclude. The petitioner is a permanent resident of District Muktsar, Punjab. He has roots in the society. 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 ordered to be released on bail.

3. The petition is opposed by filing a status report asserting that Rakesh Kumar informed the Police Station on 19.10.2022 that the grandson of Jagdish was shot by some unknown persons. The police went to the house of Kundan Sharma and found blood on the stairs. The informant made a statement to the police that she, her mother-in-law Kusum Lata, her brother-in-law Tushar and maids Raj Rani, Sonia and Aparna were present in their house on 19.10.2022. An unknown person entered the hall carrying a pistol. He put the pistol to the informant's head and demanded the keys to the locker. Five people also entered the house. Two people covered Tushar, and two people carried the informant and Raj Rani into the kitchen. One person covered Soni and Aparna. They demanded the keys to the locker and threatened to kill all the people if the keys were not provided. They searched the drawers and the almirahs. They took away the mobile phones of the informant, her brother-in-law and her mother-in-law. Tushar went after them. She heard some cries and found that Tushar was lying on the stairs, and he was bleeding. He was taken to the hospital, but he was declared

dead. The police registered the FIR and investigated the matter. Gurjeet Singh (the present petitioner) and Devinder ran away from the spot and took a lift from Ashwani Kumar, who carried them to the police station in Chintpurni. Sanjeev Kumar was also apprehended by local people. They disclosed the names of the other persons as Munni, Dharampal @ Hardeep and Pradeep @ Babbu. The vehicle bearing registration No. PB-53C-6757 was recovered from Moga. One live cartridge KF7.65, 4 mobile phones, and documents of the vehicle were found in it. The police arrested Pradeep Singh, who made a disclosure statement leading to the recovery of the left ear stud, which was identified by Sona Gupta as her ear stud. One mobile having the photograph of Sona Gupta was recovered at the instance of Pradeep. He got recovered one magazine of the pistol and two live cartridges marked KF7.65. One shirt was found in the vehicle bearing registration No. PB-53C-6757, which was identified by Pradeep as the one worn by him on the date of the incident. Gurjeet Singh (present petitioner) made a disclosure statement during the interrogation, which led to the recovery of one pistol containing a live cartridge. The petitioner also showed the place where the empty cartridge was thrown. The police recovered an empty

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cartridge and a backpack. The empty cartridge was sent to RFSL and matched the bullet found in the dead body of Tushar. The weapon of offence recovered at the petitioner's instance matched the weapon of offence. The petitioner had planned dacoity with the co-accused. He had entered the house of Tushar Garg with the pistol. Dharampal had shot Tushar. The petitioner had picked up the backpack of Hardeep. The petitioner had emptied the chamber of the gun, which was used for firing. He had thrown the gun, which was subsequently recovered. The petitioner was apprehended by the villagers along with Davinder. He was detained at the police station. He made disclosure statements leading to the recovery of many articles. The statements of witnesses were recorded as per version, and after the completion of the investigation, the challan was prepared and presented before the Court. The petitioner would indulge in the commission of a similar offence in case of his release on bail. Hence, the status report.

4. I have heard Mr Anshuman Thakur, learned counsel for the petitioner, and Mr P.K. Nadda, learned Additional Advocate General for the respondent-State.

5. Mr Anshuman Thakur, learned counsel for the petitioner, submitted that the petitioner is innocent and he was falsely implicated. There is no material to connect him to the commission of the crime. The petitioner has remained in custody for more than four years, and the prosecution has failed to complete the evidence within a reasonable time, which violates the petitioner's right to a speedy trial. The police have filed the charge-sheet before the court, and no fruitful purpose would be served by detaining the petitioner in custody. The petitioner would abide by the terms and conditions that the court may impose. Hence, he prayed that the present petition be allowed and the petitioner be released on bail.

6. Mr P.K. Nadda, learned Additional Advocate General for the respondent-State, submitted that the petitioner had entered inside the house. He was apprehended by local people. He had made disclosure statements leading to the recovery of the empty cartridge, which matched the bullet recovered from the dead body. There is sufficient material to connect the petitioner to the commission of the crime. Therefore, he prayed that the present petition be dismissed.

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

8. 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, yet 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 a bail application 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*

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> *vexatious in nature but are supported by adequate material brought on record to enable a court to arrive at a prima 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)

9. 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...."

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

11. The status report mentions that the petitioner and Devinder had taken a lift from Ashwani Kumar, who took them to the police station. The petitioner identified himself as Gurjeet Singh alias Piri, son of Gurnam Singh. He was interrogated, and he got a pistol recovered. He also led the police to a place from where an empty cartridge and backpack were recovered. As per the report of RFSL, the empty cartridge matched the bullet recovered from the body of Tushar. The pistol could have been used to fire the bullet. All these circumstances *prima facie* connect the petitioner to the commission of the crime. Hence, the submission that the petitioner is not involved in the commission of an offence and there is no material to connect him to the commission of the crime is not acceptable.

12. The status report shows that Tushar had died in the incident. The charge sheet has been filed for the commission of an offence punishable under Section 302 of the IPC, which is punishable with the extreme punishment of death. It was rightly submitted on behalf of the State that the offence is heinous and is punishable with death or life imprisonment. 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:***

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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***]
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> > "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 prosecution has not completed the evidence and the petitioner's right to a speedy trial is being violated. This submission will not help the petitioner. The petitioner is *prima facie* involved in the commission of murder. It was laid down by the Hon'ble Supreme Court in ***Anil Kumar Yadav v. State (NCT of Delhi)*, *(2018) 12 SCC 129; (2018) 3 SCC (Cri) 425: 2017 SCC OnLine SC 1363*** that the period of incarceration would not, by itself, entitle a person to bail in a crime like murder. It was observed at page 141:

> "**24.** As pointed out earlier, one of the grounds for the grant of bail to the appellant Anil Kumar Yadav by the Sessions Court was that he was in custody for more than one year. In crimes like murder, the mere fact that the accused was in custody for more than one year may not be a relevant consideration. In ***Gobarbhai Naranbhai Singala v. State of Gujarat, (2008) 3 SCC 7775; (2008) 2 SCC (Cri) 743***, it was observed that the period of incarceration by itself would not entitle the accused to be enlarged on bail. The same was reiterated in ***Ram Govind Upadhyay v. Sudarshan Singh, (2002) 3 SCC 598: 2002 SCC (Cri) 688***

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14. Therefore, the petitioner cannot be released on bail on the ground that his right to a speedy trial is being violated. However, the petitioner cannot be kept behind bars indefinitely. Hence, the learned trial court is encouraged to conclude the trial expeditiously, and the petitioner is given liberty to revive his prayer for bail in case the learned trial court fails to conclude the trial expeditiously.

15. No other point was urged.

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

17. The observations made hereinabove are regarding the disposal of this petition and will have no bearing whatsoever on the merits of the case.

(Rakesh Kainthla)
Judge

06th November, 2026
(Ravinder)