IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. MP(M) No. 2129 of 2026
Reserved on: 04.11.2026
Decided on: 06.11.2026

Surya Chandel .... Petitioner

Versus

State of HP .... Respondent

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

For the Petitioner	:	Mr Rajiv Rai, Advocate.
For the Respondent/State	:	Mr P.K.Nadda, Additional Advocate General with ASI Sandeep Kumar, Police Station Gumarwin, District Bilaspur, H.P.

Rakesh Kainthla, Judge

The petitioner has filed the present petition for regular bail in FIR No. 114 of 2026, dated 07.06.2026, registered at Police Station Ghumarwin, District Bilaspur, H.P., for the commission of offences punishable under Sections 126(2), 115(2), 109(1), 190, 191(2), 196(1), 196(2), 299, 351(2), 352, 324(6), and 238 of Bharatiya Nyaya Sanhita (BNS) and Sections 3(1)(r), 3(1)(s) read with Section 3(2) (va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act (SC& ST Act).

2. It has been asserted that, as per the prosecution, Amit Kumar made a call to the police regarding wrongful restraint and

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

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assault. The police went to the spot, where the informant Raj Kumar made a statement that he and other persons were travelling in two vehicles. They were wrongfully restrained by the petitioner and co-accused. The accused pulled the occupants off the vehicle and beat them with sticks. They abused and threatened the occupants. They pushed Ramesh Chand down the slope. Amit Kumar and Brij Lal were taken to a temple, where they were compelled to bow before a deity. The police registered an FIR and investigated the matter. The police arrested the petitioner on 28.07.2026. The police have completed the investigation and filed the charge-sheet before the Court. The petitioner's custodial interrogation is not required. 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. The allegation against the petitioner that he had abused the informant party in the name of caste is false. The petitioner does not believe in casteism, and his wife belongs to a Scheduled Caste. The petitioner has criminal antecedents, but those cases were registered when the petitioner was a student, and the petitioner has been acquitted in eight cases. Therefore, it

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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 Raj Kumar, Amit Kumar, Ramesh Chand, Martha, Ganga Devi, Kalpna, Meena Devi, Bimla Devi, Meena Devi, and Brij Lal were going towards Hawan Bazar after taking the meals at the house of Raj Kumar. Sandeep Kumar stopped the vehicle and pulled out the occupants of the vehicle. Surya (the present petitioner), Vishal Chandel, Ramakant Sharma, Champa Devi, Pooja, Sunita, Omkar, Dev Sharma, Kaku Kumar, Manorama, Prem Lal, Praveen, Jagdeep, Amit Sharma, and Sandeep beat the occupants. Some of the assailants were armed with sticks. The assailants pushed Ramesh Chand into a gorge. The assailants took Amit Kumar and Brij Lal to a temple, and they were forced to bow to the deity. The police registered the FIR and investigated the matter. Raj Kumar subsequently revealed that on 07.06.2026, he, Amit Kumar, Ramesh Kumar, Martha, Ganga Devi, Kalpna, Meena Devi, Bimla Devi, Meena Devi, and Brij Lal were abused by Sandeep Kumar in the name of their caste. The Medical Officer found simple injuries on the person of Martha. He advised X-rays

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for Raj Kumar, Brij Lal, Ganga Devi, and Ramesh Kumar. The police seized the vehicles, the sticks, and the video recording produced by Amit Kumar. Raj Kumar, Ramesh Kumar, Ganga Devi, and Amit Kumar had sustained simple injuries. Brij Lal had suffered severe hearing loss in the left ear. The police arrested the accused. It was found that the petitioner and the co-accused had pushed Ramesh Chand into a 120 ft. deep gorge. Ramesh Chand had sustained injuries to his head, which could have been caused by striking against a stone. The accused belonged to a non-Scheduled Caste, whereas Brij Lal and his wife belonged to a Scheduled Caste. The police checked the call detail records and found the accused in touch with each other. The petitioner's location was found near the place of the incident. The offences are heinous. The following F.I.Rs. have been pending against the petitioner:-

1.	F.I.R. No. 233/12, dated 01.11.12, under Sections 341,323,427,34 of IPC, Police Station Sadar Bilaspur, H.P.
2.	F.I.R. No. 207/13, dated 21.09.13, under Sections 341, 323, 504 of IPC, Police Station Sadar Bilaspur, H.P.
3.	F.I.R. No. 48/18, dated 29.05.18, under Sections 452, 323, 504, 506, 427, 34 of IPC, Police

	Station Jhandutta, District Bilaspur, H.P.
4.	F.I.R. No. 142/24, dated 28.11.24, under Sections 281, 125(A) of BNS, Police Station Jhandutta, District Bilaspur, H.P.
5	F.I.R. No. 143/24, dated 28.11.24, under Sections 126(2), 352, 351(2), 3(5) BNS, Police Station Jhandutta, District Bilaspur, H.P.
6.	F.I.R. No. 167/11, dated 05.09.11, under Sections 341, 323, 452, 382, 427, 34 IPC, Police Station Barmana, District Bilaspur, H.P.
7.	F.I.R. No. 157/11, dated 26.08.11, under Sections 452, 323, 427, 341 IPC, Police Station Barmana, District Bilaspur, H.P.
9.	F.I.R. No. 269/11, dated 27.12.11, under Sections 379, 279, 337 of IPC, Police Station Barmana, District Bilaspur, H.P.
10.	F.I.R. No. 66/12, dated 21.04.12, under Sections 341, 323, 504, 506, 34 of IPC, Police Station Ghumarwin, District Bilaspur, H.P.
11.	F.I.R. No. 250/12, dated 07.12.12, under Sections 341, 323, 147, 148, 149, 307, 506 of IPC, Police Station Sadar Bilaspur, H.P.
12.	F.I.R. No. 139/16, dated 25.05.16, under Sections 341, 147, 149, 504, 506, 427 of IPC, Police Station Sadar, Bilaspur, H.P.
13.	F.I.R. No. 63/16, dated 18.03.16, under Sections 341, 323, 504, 506, 427,34 of IPC, Police Station Sadar, Bilaspur, H.P.
14.	F.I.R. No. 185/16, dated 01.08.16, under Sections 147, 148, 149, 323, 506 of IPC, Police Station Sadar, Bilaspur, H.P.

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15.	F.I.R. No. 146/18, dated 12.06.18, under Section 30-54-59 of Arms Act read with Section 34 of IPC, Police Station Sadar Bilaspur, H.P.,
16.	F.I.R. No. 303/22, dated 28.12.22, under Sections 341, 323. 325, 506, 34 of IPC, Police Station Sadar Bilaspur, H.P.
17.	F.I.R. No. 203/23, dated 07.11.23, under Sections 147, 148. 149, 323, 325, 427 of IPC, Police Station Ghumarwin, District Bilaspur, H.P.
18.	F.I.R. No. 69/23, dated 24.07.23, under Sections 323, 147, 427, 506 of IPC, Police Station Jhandutta, District Bilaspur, H.P.
19.	F.I.R. No. 100/23, dated 08.10.23, under Sections 341, 323, 506, 34 of IPC, Police Station Jhandutta, District Bilaspur, H.P.
20.	F.I.R. No. 92/2025, dated 10.09.2025, under Sections 126(2),115(2),3(5) of BNS, Police Station Jhandutta, District Bilaspur, H.P.
21.	F.I.R. No. 167/26, dated 08/07/2026, under Sections 126(2),115(2),351(2),352, 109 of BNS, Police Station Sadar Bilaspur, H.P
22.	F.I.R.No. 114/26, dated 07-06-2026, under Sections 126(2), 115(2), 109(1),190, 191(2), 196(1), 196(2), 299,352(2), 352,324(6) BNS and Section 3(1) (r) 3(1)(S), 3(2) (va) of SC/ST Act, Police Station Ghumarwin, District Bilaspur, H.P.

4. The police have filed the charge-sheet before the Court of the learned Sessions Judge, Bilaspur, on 23.10.2026, and

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now the matter is listed before the Additional Sessions Judge, Bilaspur, H.P. Hence, the status report.

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

6. Mr Rajeev Rai, learned counsel for the petitioner, submitted that the petitioner is innocent and he was falsely implicated. The status report itself mentions that the petitioner had called the other co-accused, clearly showing that he was not present on the spot at the time of the incident, and false allegations have been made against him. The co-accused have been released on bail, and the petitioner is entitled to bail on the principle of parity. The police have completed the investigation and filed the charge-sheet before the Court; hence, 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. He relied upon the judgment of this Court in ***Radhe Shyam vs. State of H. P. & Ors. 2026:HHC:37618*** in support of his submission.

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7. Mr P.K. Nadda, learned Additional Advocate General for the respondent-State, submitted that the petitioner had led the other co-accused and is the prime accused in the present case. The mere fact that the petitioner has married a woman of scheduled caste does not mean that he cannot commit the offence punishable under the provisions of the SC & ST Act. The evidence has not commenced, and the petitioner would intimidate the witnesses in case of his release on bail. Hence, 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.

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)

"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.

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.]

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 an application for bail are*:
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> (*i*) *whether there is any prima facie or reasonable ground to believe that the accused had committed the offence*;
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> (*ii*) *nature and gravity of the accusation*;
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> (*iii*) *severity of the punishment in the event of conviction*;
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> (*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 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 specifically mentions the petitioner's name as one of the assailants. It was also mentioned that some of the persons were armed with sticks. The police interrogated the petitioner, and the petitioner made a disclosure statement leading to the recovery of the sticks, which were seized by the police. The status report further mentions that the

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petitioner had instigated the co-accused to give beatings to the informant party and push Ramesh Kumar into a gorge. The informant, Amit Kumar, made a statement that Surya Chandel (present petitioner), Vishal Chandel and other persons had accused him of converting the religion of the people. The petitioner had uploaded a video on his Facebook ID and instigated the people to act against the informant party. The police seized the informant's mobile phone, and it was found that it was formatted by the accused and data could not be retrieved. However, the screenshots were downloaded. These allegations, *prima facie,* show the petitioner's involvement in the commission of the crime.

13. It was submitted that the call detail record of the petitioner's mobile phone shows that various calls were made to the co-accused between 3:25 p.m. and 3:55 p.m., which, *prima facie,* rules out the petitioner's presence on the spot. This submission cannot be accepted. The petitioner's name was specifically mentioned by the informant and other witnesses. The location of the petitioner's mobile phone was also found at the place of the incident. Therefore, the presence of the

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petitioner is *prima facie* established. It is quite possible that the petitioner would have talked to the co-accused before the incident and could have been present on the spot at the time of the incident.

14. The status report mentions that many FIRs are pending against the petitioner. It was submitted that these FIRs were registered when the petitioner was a student and was involved in student politics. This submission is not correct because FIRs have been registered between the years 2011 and 2026, and are not confined to a particular period, but are spread over various years. Thus, the petitioner has criminal antecedents. This Court dealt with the relevance of criminal antecedents while granting bail in ***Champa vs. State of H.P.: 2025: HHC:28899*** and held that the criminal antecedents would disentitle an accused from the concession of bail, especially when the FIR registered against him related to the commission of a similar offence. This judgment was unsuccessfully assailed before the Hon'ble Supreme Court in ***SLP(Criminal) 19120 of 2025*** titled ***Champa Devi vs State of H.P.,*** decided on***27.11.2025.*** This position was reiterated

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in ***Shakti Sharma vs. State of H.P., 2026: HHC:33462.*** Therefore, the relevance of criminal antecedents cannot be ignored.

15. The pendency of various FIRs would show that the apprehension of the prosecution that the petitioner would indulge in the commission of an offence in case of his release on bail has some basis.

16. It was submitted that the co-accused has been released on bail and the petitioner is entitled to bail on the principle of parity. This submission will not help the petitioner. The principle of parity demands that the circumstances between the petitioner and the co-accused should be similar. It was laid down by the Hon'ble Supreme Court in ***Ramesh Bhavan Rathod v. Vishanbhai Hirabhai Makwana*****,** ***(2021) 6 SCC 230; (2021) 2 SCC (Cri) 722; 2021 SCC OnLine SC 335,*** that the role of the accused has to be considered while determining the parity. It was observed at page 246

> "Parity, while granting bail, must focus upon the role of the accused. Merely observing that another accused who was granted bail was armed with a similar weapon is not sufficient to determine whether a case for the grant of bail based on parity has been established. In deciding the aspect of parity, the role attached to the accused, their position in relation to the incident, and the victims is of utmost importance. The High

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> Court has proceeded on the basis of parity on a simplistic assessment as noted above, which again cannot pass muster under the law."

17. This position was reiterated in ***Tarun Kumar v. Enforcement Directorate, AIR 2024 SC 169: 2023 SCC OnLine SC 1486,*** wherein it was observed:

> "**18.** The submission of learned counsel, Mr Luthra, to grant bail to the appellant on the ground that the other co-accused, who were similarly situated as the appellant, have been granted bail, also cannot be accepted. It may be noted that parity is not the law. While applying the principle of parity, the Court is required to focus upon the role attached to the accused whose application is under consideration."

18. In the present case, it is not shown that the other co-accused had also criminal antecedents, and the petitioner cannot claim parity with the co-accused.

19. No other point was urged.

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

21. 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

___November, 2026
(Ravinder)