IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

Cr. MP(M) No. 2173 of 2026

Decided on : 19.11.2026

Ravi Kumar

...Applicant

Versus

State of H.P.

...Respondent

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

For the Applicant : Mr. K.S. Gill, Advocate.

For the Respondent *:* Mr. Tejasvi Sharma, Mr. H.S. Rawat, Addl. A.Gs with Mr. Rohit Sharma, Dy. A.G.

Virender Singh, Judge (oral)

Applicant Ravi Kumar has filed the present application, under Section 483 of Bharatiya Nagarik Suraksha Sanhita (hereinafter referred to as 'the BNSS') for releasing him, on bail, during the pendency of the trial, arising out of **FIR No. 207 of 2024, dated 25.8.2024, registered under Sections 103, 127 (2), 125(B), 61(2), 3(5) of the Bharatiya**

Nyaya Sanhita, (hereinafter referred to as the 'BNS' Act), with Police Station, Baddi, District Solan, H.P.

2. The applicant has pleaded the fact that he is innocent person and has falsely been implicated, in the present case, as he has no concern, whatsoever, with the offences, for which, he has been arrested, by the police, in this case.

3. According to the applicant, vague allegations have been levelled against him, which have been described as false, baseless and concocted one. According to him, he is in judicial custody since 27.8.2024.

4. Investigation, in the present case, is stated to be completed, and nothing is to be recovered from him, or at his instance. All these facts have been pleaded to show that custodial interrogation of the applicant is no longer required by the police and no useful purpose would be served by keeping him in judicial custody.

5. The applicant has tried his luck by moving bail application, before the learned Additional Sessions Judge, Nalagarh, District Solan, H.P., however, the same was dismissed on 8.10.2026.

6. Learned counsel for the applicant has prayed for the relief of bail on the ground of parity also, as his co-accused Yog Raj, Prakash Kumar, Nitin Kashyap, Shantanu and Sonu Kumar have been released on bail, by this Court, vide orders dated 7.7.2025, 31.3.2026, 7.9.2026, 9.9.2026 and 25.9.2026, passed in Cr.M.P.(M) No. 753 of 2025, Cr.M.P. (M) No. 70 of 2026, Cr.M.P.(M) No. 1621 of 2026, Cr.M.P.(M) No. 1543 of 2026, and Cr. M.P.(M) No. 1797 of 2026, respectively.

7. Apart from this, the applicant, through his counsel, has undertaken to abide by the terms and conditions, to be imposed by this Court, in case, he is

ordered to be released on bail, during the pendency of the trial.

8. On these submissions, a prayer has been made to allow the bail application.

9. When put to notice, the police has filed the status report, disclosing therein, that on 25.8.2024, HC Amarjeet Singh, I.O., Police Station, Baddi, telephonically informed the Police that at a place known as 'Sandoli Khawadiyan', on the road, one person is lying in injured condition, and one person is lying unconscious. Both these persons were stated to be taken for treatment to CHC, Baddi, upon which, Inspector/SHO, alongwith other police officials reached at Sandoli Khawadiyan, in order to verify the facts.

9.1 When, they reached at CHC, Baddi, two persons were found injured, who were brought for treatment. The Doctor declared injured Lakshmi Kant as fit to make statement. Thereafter, Lakshmi Kant

was referred to PGIMER, Chandigarh, for treatment, whereas, Rahul was declared dead.

9.2 At CHC, Baddi, statement of Lakshmi Kant was got recorded, under Section 173 of BNSS, disclosing therein that he is resident of the address, mentioned in the complaint. He alongwith, two other persons were stated to be residing in a rented accommodation at Panchkula. Rahul was stated to be the close friend of complainant.

9.3 The complainant has further got recorded in his statement that on 25.8.2024, he, alongwith his friends, have reached Baddi at about 3:30 p.m. After reaching there, Rahul, alongwith two other persons, went to bring Ganja (charas), upon which, complainant objected that they came from outside and they should spend the money wisely, however, while paying the money for Charas, the persons, who allegedly were selling the Charas, demanded more money, and when, Rahul refused to pay the amount

to the said persons, then, a quarrel had taken place. Those persons, being local residents, brought dandas from nearby huts and the complainant party was mercilessly beaten.

9.4 According to the complainant, he does not know the assailants, but can identify them, in case, they are shown to him. The assailants were stated to be the young persons, between 20 to 27 years of age. The complainant was also not aware about the name of the place, where incident had taken place. However, the said place was near road. Thereafter, complainant and his friend Rahul were taken to CHC, Baddi, where complainant came to know that his friend Rahul has expired. As such, he requested that action be taken against those unknown persons, upon which, the Police registered the FIR in question.

9.5 Thereafter, the spot was got inspected from FSL expert. As per the direction of the FSL expert, physical evidence, so found there, was preserved and

taken into possession. Thereafter, Section 127(2) of the BNS was added, in this case. The dead body of Rahul was brought to IGMC, Shimla, for post-mortem examination. Thereafter, the dead body of Rahul was handed over to his relatives, for performing his last rites.

9.6 During investigation, involvement of Chetan Singh, Ram Karan, Karan Kumar @ Soni Bangala was found in the incident. These three persons were associated in the investigation, and were arrested, on 26.8.2024, at 7:35 p.m.

9.7 Since, complainant had got recorded in his statement, under Section 173 of BNSS that he can identify the assailants, the Test Identification Parade of the aforesaid three persons was to be conducted, as such, they were kept, in muffled faces. Their medico-legal examination was also got conducted from CHC, Baddi, in the same condition (muffled faces). The wearing apparels, worn by the aforesaid

persons, at the relevant time, were also taken into possession.

9.8 On 27.8.2025, accused Chetan, Ram Karan and Karan Kumar were produced before the Court and were remanded to the judicial custody. During investigation, the SIT also found involvement of Nitin Kashyap, Sonu Kumar, Chhotu, Bablu Ahirwar, Shantanu and Praveen. They were also arrested on 27.8.2024 at 4 P.M. Since, their Test Identification Parade, was also to be conducted, as such, they were also kept in muffled faces.

9.9 Thereafter, applicant Ravi Kumar was also arrested on 30.8.2024. He was also kept in muffled face, for conducting the Test Identification Parade. Thereafter, accused Ajay Kumar was also arrested and he has also been kept in custody in muffled face, for conducting the Test Identification Parade.

9.10 On 4.9.2024, the Test Identification Parade was conducted by the learned JMFC-2, Solan, and all the 11 persons were got identified by Ankush.

9.11 On 4.9.2024, accused Rahul Kumar was arrested, in this case. On 5.9.2024, accused, Rahul Kumar, during police remand, has identified the place and memo under Section 23 of the BSA was prepared.

9.12 On 10.9.2024, Sonu Kumar made statement, under Section 23 of the BSA and identified the kiosk, and got recovered the bamboo stick, which was also taken into possession. On 11.9.2024, accused Karan Kumar also made statement, under Section 23 of the BSA, and got recovered the bamboo stick, painted with red colour paint, from tin shed, situated at Chakka road, Baddi, which was also taken into possession. CDRs of the mobile phone numbers of accused persons were obtained from the service provider.

9.13 On 11.9.2024, all the accused persons, had identified the place of occurrence, hence, memo under Section 23 of BSA was prepared. On 11.9.2024, Sanjeev Kumar, @ Sonu made statement under Section 180 of BNSS, according to which, Yog Raj, had directed accused Chetan, through video call, to bring the complainant party to the gambling place at Chakka road. Thereafter, the unknown persons are stated to have beaten them up, and without providing them treatment, they were taken here and there. Due to this fact, one person is stated to have expired.

9.14 With the help of artificial intelligence, involvement of Prakash Chand was found and he was associated in the investigation and later on, arrested on 14.9.2024 at 6:30 p.m.

9.15 During investigation, on 17.9.2024, Prakash Kumar made a statement, under Section 23 of BSA and identified the shop of Yog Raj, allegedly used for

gambling, and got recovered the scanner, which was also taken into possession.

9.16 On 18.9.2024, accused Lukesh @ Jassi was associated in the investigation, and arrested on 19.9.2024. During investigation, on 21.9.2024, Yog Raj has made a statement, under Section 23 of BSA and identified the place of gambling and disclosed that from his place of gambling, at Chakka road, he can get recovered the scanner. Thereafter, compliance of Section 23 of BSA was made.

9.17 On 6.11.2024, accused Rakib was arrested from Utter Pradesh. During investigation, accused Rakib has disclosed that on 25.8.2024, he alongwith his companions, Shantanu, Praveen Kumar and others had beaten the unknown persons at truck union, Baddi. On 10.11.2024, accused Rakib had identified the said place.

9.18 It has been mentioned in the status report that on the basis of investigation, it has been found

that on 25.8.2024, deceased Rahul, alongwith his companions, Lakshmi Kant, Saurav, Navneet @ Shiva, Ankush, Kapil, Karan, Ritik and Arjun reached at Baddi, by bus. Thereafter, they are stated to have gone to a place at bye pass road, near fire station, where deceased Rahul and Lakshmi Kant had gone to kiosk to bring Ganja (charas), and the other persons remained on the road. Accused Sonu, Anmol @ Tejua, Ravi Kumar (applicant), Bablu Ahirwar and Nitin Kashyap were already present, where Sonu had given a packet of ganja (charas) to Rahul Rai, but dispute had arisen between them, with regard to the value of said ganja (charas). Rahul Rai (deceased) and Lakshmi Kant, after arguing with them, are stated to have fled away from there. They were stated to have been chased by accused Sonu, Anmol @ Tejua, Ravi Kumar (applicant), Bablu Ahirwar and Nitin Kashyap, upto truck union, Baddi, where they had nabbed Rahul and Lakshmi

Kant, Ankush and Navneet, whereas, other companions of deceased Rahul, namely, Ritik, Arjun, Karan, Saurav and Kapil are stated to have fled away from the spot.

9.19 Thereafter, accused persons, telephonically called their companions, namely, Sonu, Praveen, Rahul, Shantanu, Prakash, Lukesh, Rakib, Chhotu, Chetan and CCL (a) (name withheld). Thereafter, accused Sonu, Nitin Kashyap, Karan Kumar, Ravi Kumar (applicant), Shantanu, Rakib and CCL (b) had beaten up Rahul and Lakshmi Kant with the sticks. From the spot, accused Chetan made a video call to Yog Raj and shown him the injured persons, upon which, Yog Raj stated that lesson is required to be taught to them and further directed him to recover their mobile phones and money and take them to their gambling place.

9.20 Thereafter, at the instance of Yog Raj, accused Chetan alongwith other persons, brought

them in their vehicle, bearing No. HR-49J-4947 to their gambling place.

9.21 It has been mentioned in the status report that accused Karan Kumar @ Sonu Bangala and Shantanu cut the hair of deceased Rahul and thereafter, all the injured persons were taken to Katha from Khabadiya Sandoli, where, due to commotion, they threw the injured persons, near cremation ground at Khabadiya Sandoli, from where injured Ankush and Navneet left the spot by taking lift from someone, whereas deceased Rahul and injured Lakshmi Kant were lying on the spot.

9.22 It has further been mentioned in the status report that accused Chetan and Yog Raj had talked to each other, at the time of the incident.

9.23 On the basis of aforesaid facts, it is the case of the Police that against accused Chetan, CCL(a), CCL(b), Karan Kumar, Nitin Kashyap, Sonu Kumar, Chhotu, Bablu Ahirwar, Shantanu, Praveen, Ravi

Kumar (applicant), Rahul Kumar, Prakash Kumar, Lukesh @ Jassi, Rakiv and Yog Raj, charge sheet has been prepared for the offences, punishable under Sections 103, 3(5), 127(2), 125(2) and 61(2) of BNS, whereas accused Ajay Kumar and Ram Karan are stated to be kept in Column No. 12.

9.24 As per the further stand of the Police on 10.9.2024, co-accused Ram Karan @ Soni Bangala disclosed/revealed to the I.O. that he was present near Truck union, then, at about 2:00-3:00 p.m., stone pelting started. Commotion was also there. 9-10 persons were present there, who were having knives and swords in their hands.

9.25 Charge Sheet is stated to have been filed on 23.11.2024, in the Court of learned Additional Sessions Judge, Nalagarh and the case is listed on various dates, in the month of September, 2026, for recording the statements of prosecution witnesses.

9.26 As per the status report filed by the Police, bail application of applicant Ravi Kumar was dismissed, on 8.10.2026, by learned Addl. District Judge, Nalagarh, District Solan, H.P.

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

10. Involvement of the applicant, in the present case, as per the stand taken by the Police, was found on the basis of alleged disclosure/revelations made by his co-accused. Whatever disclosed by other co-accused, was revealed by them, when, they were in police custody. As such, the same cannot be used against their co-accused. Hence, on the basis of alleged revelation/disclosure made by other co-accused, nothing can be attributed against the applicant.

11. Whatsoever disclosed by the co-accused of the applicant against him, is inadmissible in evidence.

12. Moreover, considering the fact that co-accused of the applicant, Yog Raj, Prakash Kumar , Nitin Kashyap, Shantanu and Sonu Kumar have already been released on bail by this Court, vide order dated 7.7.2025, passed in Cr. M.P.(M) No.753 of 2025, titled as, 'Yog Raj versus State of H.P.', vide order dated 31.3.2026, passed in Cr. MP(M) No. 70 of 2026, titled as, 'Prakash Kumar versus State of H.P.', vide order dated 7.9.2026, passed in Cr.M.P.(M) No. 1621 of 2026, titled as, 'Nitin Kashyap versus State of H.P.', vide order dated 9.9.2026, passed in Cr.M.P.(M) No. 1543 of 2026, titled as, 'Shantanu versus State of H.P.', and vide order dated 25.9.2026, passed in Cr.MP(M) No. 1797 of 2026, titled as, 'Sonu Kumar versus State of H.P.', this Court is of the view that the applicant is also entitled for the relief, as prayed for, in the application.

13. In the absence of any specific role, attributed in the crime in question, if the applicant is ordered to

be kept in judicial custody, that too, for indefinite period, it would be nothing, but pre-trial punishment, which is prohibited under the law.

14. So far as the apprehensions, which have been expressed by the Police, in the status report, are concerned, reasonable conditions can be imposed upon the applicant, in case, ordered to be released on bail.

15. Considering all these facts and the fact that the trial of the case will take sufficient long time for its conclusion, this Court is of the view that applicant is able to make out a case, in his favour and no useful purpose would be served by keeping him in judicial custody, that too, for indefinite period.

16. Consequently, the application is allowed and the applicant is ordered to be released on bail, in case **FIR No. 207 of 2024, dated 25.8.2024, registered under Sections 103, 127 (2), 125(B), 61(2), 3(5),** with Police Station, Baddi, District Solan,

H.P., on his furnishing personal bond in the sum of Rs. 50,000/-, with two sureties, in the like amount, to the satisfaction of learned trial Court.

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

> *a) 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 the appropriate application;*
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> *b) Applicant shall not tamper with the prosecution evidence nor hamper the investigation of the case in any manner whatsoever;*
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> *c) 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) Applicant shall not leave the territory of India without the prior permission of the Court.*

18. Any of the observations, made herein above, 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.

19. 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.

20. The Registry is directed to forward a soft copy of the bail order to the Superintendent of Model Central Jail, Kishanpura, through e-mail, with a direction to enter the date of grant of bail in the e-prison software.

21. In case, the applicant is not released within a period of seven days from the date of grant of bail, the Superintendent of Model Central Jail, Kishanpura is directed to inform this fact to the Secretary, DLSA, Solan. The Superintendent of the Model Central Jail, Kishanpura 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

November 19, 2026
(Kalpana)

KALPANA Digitally signed by KALPANA Date: 2026.11.19 15:57:32 +0000