**IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA**

**Cr.MP(M) No. 2247 of 2026**
**Reserved on 19th November, 2026**
**Decided on 20th November, 2026**

---

**Aaditya alias Aaditya Kalta …Petitioner**

**Versus**

**State of Himachal Pradesh …..Respondent**

---

**Coram**
**Hon'ble Mr. Justice Chirag Bhanu Singh, Judge.**
**[1]Whether approved for reporting?**

---

**For the petitioner : Mr. Hemant Vaid, Advocate.**

**For the respondent/State : Mr. Lokender Kutlehria, Additional Advocate General, assisted by ASI Ravinder Kumar, Police Station Sanjauli, Shimla.**

---

**Chirag Bhanu Singh, Judge**

The petitioner has preferred a petition under Section 483 of Bharatiya Nagarik Suyraksha Sanhita, 2023 (for short "BNSS") seeking post-arrest bail in case FIR No.75 of 2026, dated 25.10.2026 registered at Police Station Sanjauli, District Shimla, H.P., under Sections 109, 126(2), 115(2), 191 & 190 of the Bharatiya Nyaya Sanhita (hereinafter referred to as "the BNS").

2. The facts which emerge from the status report so filed

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

by respondent-State, is that on 24.10.2026, an information had been received in the Police Station Sanjauli from the police picket in IGMC Shimla that one Arpit Rathore had been brought for treatment to IGMC Shimla, having been injured in some fight, which had taken place at Chalonti helipad. Thereafter HC Gulbadan Singh had reached at IGMC Shimla. He had recorded the statement of one Aatish Rathore the cousin of the injured Arpit Rathore.

3. As per Aatish Rathore on 24.10.2026 the injured Arpit Rathore had telephonically informed him that Aaditya Kalta (the present petitioner) had telephonically called him to meet Aaditya Kalta to effect some compromise. The petitioner-Aaditya Kalta had also asked Aryan Sood to call Arpit Rathore. Aryan Sood had met him during the day time. They had called Arpit Rathore to get a compromise effected in the evening at about 7:00-8:00 PM. When, the two had gone to meet them, they found one Aryan Sood, Dev Thakur, Aditya Kalta (the present petitioner), Aayush Pathak at the spot and they all of a sudden attacked the injured Arpit Rathore with a Danda and an iron rod. Arpit Rathore the victim had sustained injuries on his head. They had immediately rushed him to IGMC Shimla.

4. Based on the aforesaid assertions, the aforesaid FIR had come to be recorded.

5. I have heard the learned counsel for the parties and gone through the records meticulously.

6. The learned counsel appearing for the petitioner would contend that the petitioner was innocent. He was a young boy of 19 years and a student of B.A. first year. He has no past antecedents. The other four accuseds, had since been enlarged on anticipatory bail. The petitioner was ready to abide by any conditions to be imposed by this Court. No recoveries have to be effected and the investigations are by an large over.

7. Per contra, Mr. Lokender Kutlehria, learned Additional Advocate General appearing for the respondent/State would contend that the petitioner in concert with the other four accuseds had made a murders assault on the victim Arpit Rathore and as such, he was not entitled to the discretion of bail.

8. Having considered the rival contentions so made and having gone through the record produced by the prosecution, it does come to the fore that one injury i.e. Injury No.3, in the MLC was found to be life threatening in view of traumatic EDHC, the traumatic SAHC

hammorage contusion. Fortunately, the victim however, now stands discharged and is said to be recuperating.

9. However, the statement of the eye witness more particularly the informant Atish Rathore and one Chirag merely states that all the five accuseds were found present on the spot and all of a sudden, they had assaulted injured Arpit with a Danda and a rod. The recital of the FIR is also on the same terms. The prosecution had recorded the statement of the victim Arpit Rathore on 17.11.2025, i.e. much after the occurrence, though he has attributed to the blow to the petitioner, but again apart from his bald statement, apparently, the version of the other witnesses is not on the same lines.

10. The perusal of the status report further shows that except for procuring the treatment summary from the PGI, Chandigarh, the investigations are by and large over. Admittedly no more recoveries have to be effected by the prosecution. Fortunately, the victim has also been discharged. Thus, seeing to the nature of allegations and the young age of the petitioner and keeping in view the fact that the other accuseds have already been enlarged on bail, either by the learned Sessions Judge or this Court, the petitioner has been able to carve out a case for grant of bail. Even otherwise, since the

investigation is complete and the charge sheet is likely to be filed soon, the culmination of trial will indeed take sufficient time.

11. The culmination of the trial is thus likely to take sufficient time. Pre-trial incarceration is otherwise generally loathed by the Courts, as has been held by the Hon'ble Supreme Court in catena of decisions including ***Union of India vs. K.N. Nazeeb 2021 (3) SCC 713*** & ***Javed Gulam Nabi Shaikh vs. State of Maharashtra*** & ***Another (Criminal Appeal No.2787 of 2024 decided on 03.07.2024).***

12. "Bail, not jail" is the golden thread which has been running right through the various judgments rendered by the Hon'ble Supreme Court starting from ***Gurbaksh Singh Sibbia & Others v. State of Punjab, (AIR 1980 SC 1632)***, which has consistently been followed till the decision rendered in ***P. Chidambaram v. Directorate of Enforcement, (AIR 2019 SC 4198)***. The object of granting bail was further elucidated in ***Sanjay Chandra & Others v. Central Bureau of Investigation, (AIR 2012 SC 830)***. The Hon'ble Supreme Court has further reiterated that grant of bail was a general rule, as was categorically held in ***Dataram Singh v. State of Uttar Pradesh, [(2018) 3 SCC 22 : AIR 2018 SC 980]***.

13. The Hon'ble Supreme Court and this Court, in a catena of decisions, have repeatedly held that an accused is presumed to be innocent until proven guilty. The trial is still at its inception and is likely to take sufficient time.

14. For all the reasons discussed hereinabove, the bail petition is thus allowed. As a sequel, the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the tune of Rs.50,000/- with two local sureties of the like amount, to the satisfaction of the learned trial Court subject to the following conditions:-

*i) That the petitioner shall not tamper with the prosecution evidence nor intimidate, threaten or coerce the witnesses conversant with the facts of the case;*

*ii) That the petitioner shall put in appearance before the Investigating Officer or the Court as and when directed;*

*iii) That the petitioner shall not leave the territory of India without the express permission of the Court, he shall surrender passport, if any, before the investigating agency;*

15. The observations, made hereinabove, shall not be taken, as an expression of opinion, on the merits of the case, as these observations are confined only for the purposes of the disposal of the present petition.

16. The petition stands accordingly disposed of. A copy of this order be sent to the Superintendent, District Jail Kaithu, District Shimla, H.P. and the learned Trial Court by **FASTER.**

17. Petition stands disposed off in the aforesaid terms, so also the pending miscellaneous applications, if any.

**(Chirag Bhanu Singh)**
**Judge**

**20th November, 2026**
(subhash sharma)

RITU RANI
Digitally signed by RITU RANI
Date: 2026.11.20 15:09:35 +0545