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

**Cr.MPM No. 1601 of 2026**
**Date of Decision: 2.9.2026**

---

**Narender Singh**

**.....Petitioner**

**Versus**

**State of Himachal Pradesh**

**.....Respondent**

---

**Coram**
**Hon'ble Mr. Justice Sandeep Sharma, Judge.**
**Whether approved for reporting?**

**For the Petitioner:** Ms. Ambika Thakur, proxy counsel vice Mr.Prem Chand Verma, Mr. Aakash Thakur and Mr. Varun Thakur, Advocates.

**For the Respondent:** Mr. Rajan Kahol & Mr. Vishal Panwar, Additional Advocates General and Mr. Ravi Chauhan & Mr. Anish Banshtu, Deputy Advocates General.

---

**Sandeep Sharma, J.** *(Oral)*

Bail petitioner, namely Narender Singh, who is behind the bars since 05.02.2026, has approached this Court in the instant proceedings filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of regular bail in case FIR No.12 of 2026, dated 01.02.2026, under Sections 103 & 61(2) of Bharatiya Nyaya Sanhita, 2023, registered at Police Station Kasauli, District Solan, Himachal Pradesh.

**2.** In terms of order dated 21.08.2026, respondent/State has filed status report and ASI Sanjeet Kumar, has come present along with record. Record perused and returned.

High Court of H.P.

::: Downloaded on - 07/11/2026 19:07:12 :::CIS

**3.** Close scrutiny of status report/record reveals that complainant namely Pooja Sharma, i.e. sister-in-law of the deceased Suman, got her statement recorded under Section 173 BNSS, alleging therein that on 31.01.2026, while she, along with her husband and father-in-law, had gone to Ashwani Khad for some personal work, her father-in-law, Sh. Dhyan Singh, received a call on his mobile at about 4:00 p.m. from bail petitioner i.e. brother-in-law of deceased Suman that some quarrel had taken place inter se deceased Suman and her husband, Chattar Singh. She alleged that bail petitioner also informed them that Suman had attacked her husband with a knife on his throat and as such, they were required to come to the matrimonial house of the deceased Suman. She alleged that at around 8:00 p.m., she, along with her husband Sumit and brother-in-law Dhyan Ram Thakur, reached Shanogi, where matrimonial house of the deceased Suman was situated, and found the dead body of the deceased Suman lying in a pool of blood. She alleged that she has suspicion that her sister-in-law Suman has been murdered by her husband Chattar Singh with a sharp-edged weapon. In the afore background, police investigated the case and arrested the accused namely Chattar Singh, who, at first instance, attempted to establish that deceased Suman had committed suicide by inflicting injuries on her throat, but subsequently, admitted to his guilt and

High Court of H.P.

::: Downloaded on - 07/11/2026 19:07:12 :::CIS

disclosed to the police that on the date of the alleged incident, some altercation had taken place inter se him and the deceased Suman, who used to taunt him. He disclosed to the police that immediately after his marriage with deceased Suman, factum of his suffering sexual disorder came to the notice of the deceased Suman, who thereafter not only became distressed, but also changed her behaviour towards him. He alleged that on 31.01.2026, deceased called him impotent and unmanly, as a result whereof, he became furious and caught hold of the deceased by her throat and strangulated her until she died. He alleged that once he narrated the entire incident to bail petitioner and niece Nikita, they, with a view to conceal the incident of strangulation, concocted a story that deceased had committed suicide by inflicting injury on her throat with scissors. He disclosed that he had inflicted an injury on the throat/neck of the deceased, as a result thereof, blood started oozing out of the same. He also disclosed to the police that with a view to prove that quarrel had taken place inter se him and the deceased, he also inflicted injury on the cheek of his niece Nikita with the same knife and also inflicted injuries upon himself. In the afore-background, bail petitioner and co-accused Nikita Tanwar, also came to be named in the FIR and since 05.02.2026, bail petitioner is behind bars whereas co-accused Nikita Tanwar stands

High Court of H.P.

::: Downloaded on - 07/11/2026 19:07:12 :::CIS

enlarged on bail vide judgment dated 19.8.2026, passed by this Court in Cr.MP(M) No. 1520 of 2026.

**4.** Since challan stands filed in the competent Court of law and nothing remains to be recovered from the bail petitioner, petitioner has approached this Court in the instant proceedings for grant of regular bail. Learned Counsel representing the petitioner, states that no case much less case under Sections 103 & 61(2) of Bharatiya Nyaya Sanhita is made out against the petitioner because as per own case of the prosecution, deceased Suman died after being strangulated by her husband Chattar Singh. He states that though factum with regard to concoction of false story, if any, propagated by the co-accused Chattar Singh, is yet to be established on record by the prosecution by leading cogent and convincing evidence, but even otherwise, deceased Suman had already died prior to the alleged hatching of the conspiracy by co-accused Nikita, Chattar Singh and present bail petitioner to conceal the alleged incident of strangulation. He states that there is nothing in the status report, suggestive of the fact that injury of any kind was ever inflicted by the present bail-petitioner on the person of the deceased, rather, as per own statement given by the co-accused Chatar Singh, he, after the death of the deceased, inflicted injuries on her throat/neck with the help of scissors, to prove that the deceased

High Court of H.P.

::: Downloaded on - 07/11/2026 19:07:12 :::CIS

had committed suicide by inflicting injury on her throat/neck. He states that it is yet to be established on record by the prosecution that petitioner herein was a part of conspiracy, if any, hatched by the main accused Chattar Singh, who otherwise has admitted his guilt.

**5.** To the contrary, Mr. Rajan Kahol, learned Additional Advocate General, while fairly admitting factum of filing of challan in the competent Court of law, states that though nothing remains to be recovered from the bail-petitioner, but keeping in view the gravity of offence, alleged to have been committed by him, he does not deserve any leniency, rather needs to be dealt with severely. He states that there is overwhelming evidence adduced on record suggestive of the fact that bail-petitioner hatched criminal conspiracy with the co-accused Chattar Singh and Nikita Tanwar to conceal the death of the deceased Suman, who was allegedly strangulated to death by co-accused Chattar Singh. He states that since at the time of alleged incident, both Chattar Singh and bail petitioner were present on the spot, it cannot be said that bail petitioner had no knowledge about the incident. While referring to the post-mortem report, Mr. Kahol states that the definite cause of death of the deceased cannot be attributed solely to strangulation, as the injuries inflicted thereafter have also been opined to have contributed to death. Lastly, Mr. Kahol states that since

High Court of H.P.

::: Downloaded on - 07/11/2026 19:07:12 :::CIS

petitioner is accused of a heinous crime punishable with life imprisonment, prayer made on behalf of the petitioner for grant of bail deserves outright rejection.

**6.** Having heard learned counsel for the parties and perused material available on record, this court finds that husband of the deceased, namely Chattar Singh, in his statement given to the police, admitted that on the date of alleged incident, there was a quarrel inter se him and his deceased wife, whereafter he strangulated her. He also admitted that to cover up his crime, he concocted a story that deceased Suman had committed suicide by inflicting injuries on her throat/neck, whereas he, after his having informed co-accused Nikta and present petitioner, had inflicted injuries on the neck/throat with the help of scissors. Though the statement of co-accused is not admissible insofar as the culpability of other co-accused is concerned, but even if statement made by Chattar Singh is perused in its entirety, as has been recorded in the status report, it nowhere suggests that present bail-petitioner ever inflicted any injury on the body of the deceased, rather, Chattar Singh inflicted injury on the cheek of the co-accused Nikita to prove that deceased Suman, after attacking him, had also attempted to attack bail petitioner as well as Nikita.

High Court of H.P.

::: Downloaded on - 07/11/2026 19:07:12 :::CIS

**7.** Though precise case of the prosecution is that present bail-petitioner hatched criminal conspiracy with the main accused Chattar Singh to conceal the killing of the deceased Suman by Chattar Singh, but it is also admitted case of the prosecution that deceased had actually died prior to inflicting of injuries on her neck/throat by Chattar Singh. Best case of the prosecution against the present bail-petitioner is that he made an attempt to conceal alleged murder of the deceased by Chattar Singh, which fact is yet to be established on record by the prosecution by leading cogent and convincing evidence.

**8.** Since there is no direct evidence adduced on record to prove infliction of injury, if any, by the petitioner on the body of deceased, coupled with the fact that co-accused Chattar Singh has admitted factum of his having killed his wife by strangulation, there appears to be no justification to keep present bail-petitioner behind bars for an indefinite period during trial, conclusion thereof may take considerable time. It is none of the case of the prosecution that in past, bail petitioner has committed an offence punishable with death, imprisonment for life, or imprisonment for seven years or more, or that he has previously been convicted on two or more occasions for a cognizable offence punishable with imprisonment for three years or more but less than seven years.

High Court of H.P.

::: Downloaded on - 07/11/2026 19:07:12 :::CIS

Petitioner herein is a first offender and, as such, his prayer for bail deserves to be accepted.

**9.** Hon'ble Apex Court as well as this Court in catena of cases have repeatedly held that one is deemed to be innocent till the time guilt, if any, of his/her is not proved in accordance with law. In the case at hand also, guilt, if any, of the accused is yet to be proved in accordance with law, by leading cogent and convincing material on record, as such, her incarceration in jail for indefinite period is clear cut violation of fundamental rights guaranteed under Article 21 of the Constitution of India. Apprehension expressed by the learned Additional Advocate General that in the event of petitioner's being enlarged on bail, she may flee from justice, can be best met by putting the bail petitioner to stringent conditions as has been fairly stated by the learned counsel for the petitioner.

**10.** Needless to say, object of the bail is to secure the attendance of the accused in the trial and the proper test to be applied in the solution of the question whether bail should be granted or refused is whether it is probable that the party will appear to take his trial. Otherwise, bail is not to be withheld as a punishment. Otherwise also, normal rule is of bail and not jail. Court has to keep in mind nature of accusations, nature of evidence in

High Court of H.P.

::: Downloaded on - 07/11/2026 19:07:12 :::CIS

support thereof, severity of the punishment which conviction will entail, character of the accused, circumstances which are peculiar to the accused involved in that crime.

**11.** Hon'ble Apex Court in Criminal Appeal No. 227/2018, **Dataram Singh vs. State of Uttar Pradesh & Anr** decided on 6.2.2018 has held that freedom of an individual cannot be curtailed for indefinite period, especially when his/her guilt is yet to be proved. It has been further held by the Hon'ble Apex Court in the aforesaid judgment that a person is believed to be innocent until found guilty.

**12.** Hon'ble Apex Court in **Sanjay Chandra versus Central Bureau of Investigation (2012)1 Supreme Court Cases 49** has held that gravity alone cannot be a decisive ground to deny bail, rather competing factors are required to be balanced by the court while exercising its discretion. It has been repeatedly held by the Hon'ble Apex Court that object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative.

**13.** In **Manoranjana Sinh alias Gupta versus CBI, (2017) 5 SCC 218**, Hon'ble Apex Court has held that the object of the bail is to secure the attendance of the accused in the trial and the proper test to be applied in the solution of the question whether bail should be granted or refused is

High Court of H.P.

::: Downloaded on - 07/11/2026 19:07:12 :::CIS

whether it is probable that the party will appear to take his trial. Otherwise also, normal rule is of bail and not jail. Apart from above, Court has to keep in mind nature of accusations, nature of evidence in support thereof, severity of the punishment, which conviction will entail, character of the accused, circumstances which are peculiar to the accused involved in that crime.

**14.** The Apex Court in **Prasanta Kumar Sarkar versus Ashis Chatterjee and another (2010) 14 SCC 496**, has laid down various principles to be kept in mind, while deciding petition for bail viz. prima facie case, nature and gravity of accusation, punishment involved, apprehension of repetition of offence and witnesses being influenced.

**15.** In view of above, bail petitioner has carved out a case for himself, as such, present petition is allowed. Bail petitioner is ordered to be enlarged on bail, subject to furnishing bail bonds in the sum of Rs.1,00,000/- with one surety in the like amount, to the satisfaction of the learned trial Court, besides the following conditions:

a. He shall make himself available for the purpose of interrogation, if so required and 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 appropriate application;
b. He shall not tamper with the prosecution evidence nor hamper the investigation of the case in any manner whatsoever;

High Court of H.P.

::: Downloaded on - 07/11/2026 19:07:12 :::CIS

c. He shall not make any inducement, threat or promises to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or the Police Officer; and

d. He shall not leave the territory of India without the prior permission of the Court.

**16.** It is clarified that if the petitioner misuses the liberty or violates any of the conditions imposed upon him, the investigating agency shall be free to move this Court for cancellation of the bail.

**17.** Any observations made hereinabove shall not be construed to be a reflection on the merits of the case and shall remain confined to the disposal of this application alone. The petition stands accordingly disposed of.

**18.** The bail petitioner is permitted to produce copy of the order downloaded from the High Court Website and the trial court shall not insist for certified copy of the order, however, it may verify the order from the High Court website or otherwise.

**September 2, 2026** **(Sandeep Sharma),**
(manjit) **Judge**

High Court of H.P.

::: Downloaded on - 07/11/2026 19:07:12 :::CIS