IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

Cr. MP(M) No.1846 of 2026

Decided on: 1.10.2026

Deepak Kumar

... Applicant

Versus

State of H.P.

...Respondent

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

For the Applicant : Mr. Rajesh Mandhotra, Advocate.

For the Respondent : Mr. Tejasvi Sharma, Addl. A.G.

Virender Singh, Judge

Petitioner Deepak Kumar has filed the present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'the B.N.S.S.') in case **FIR No. 188 of 2023, dated 2.11.2023, under Sections 302, 34 and 201 of the Indian Penal Code (hereinafter referred to as 'the IPC") and Section 25-54-59 of Arms Act,**

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registered with Police Station, Nagrota Bagwan, District Kangra, H.P.

2. According to the applicant, he is innocent person and has falsely been implicated and arrested by the Police, as there is no truth in the allegations, made against him, by the complainant.

3. According to the applicant, he is in judicial custody, for more than 28 months, since 27.11.2023, from the date of his arrest.

4. Investigation, in the present case, is stated to have been completed. Charge sheet has been filed. Charges are stated to have been framed and all the witnesses, except police witnesses, are stated to have been examined.

5. Highlighting the statements of PWs 1 and 2, it has been pleaded that they have not supported the case of the prosecution.

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6. Applicant Deepak Kumar had earlier filed Bail Application bearing Cr. M.P.(M) No. 1179 of 2024, before this Court, which was dismissed on 29.7.2024. Thereafter, he has filed another bail application, bearing Cr. M.P. No. 2239 of 2024, before this Court, which was dismissed as withdrawn. The applicant has again moved bail application bearing Cr.M.P.(M) No. 810 of 2026, however, the same was dismissed as withdrawn, on 27.5.2026. Thereafter, the applicant has again filed bail application bearing Cr.M.P.(M) No. 1062 of 2026, but the same has also been dismissed as withdrawn, on 19.6.2026. The applicant has again filed bail application bearing Cr. MP(M) No. 1141 of 2025, which was dismissed on 30.5.2025.

7. The applicant has also sought the relief of bail, on the ground, that he is suffering from stone in Gall Bladder and size of the stone is stated to be increasing day by day.

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8. Apart from this, another ground for relief of bail, which has been taken by learned counsel for the applicant, is delay in trial.

9. 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.

10. On these submissions, a prayer has been made to allow the bail applications.

11. When, put to notice, Police has filed the status report, disclosing therein that on 2.11.2023, an information was received in the Police Station, Nagrota Bagwan through Helpline No. 112, that from mobile number 8219145987, Vipan Kumar, R/o Raunkhar has informed with regard to quarrel having been taken place, upon which, relevant entry was made in the Rojnamcha. Thereafter, ASI Sushil Kumar proceeded to the

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spot, in order to verify the factual position, as entered in rapat No. 28.

11.1 Thereafter, Incharge/S.I. Ramesh Thakur, alongwith other police officials, also reached at the spot. At the spot, local people and their relatives were present. Dead bodies of Vinay Kumar and his wife Ramna @ Rama were found lying. On the spot, one Saroj Kumari made a statement under Section 154 Cr. P.C., disclosing therein that on 2.11.2023, at about 2:30 p.m., her niece Mansi @ Meghna telephonically apprised her that her uncle Deepak Kumar (applicant) has shot dead her mother and father, upon which, complainant, who is sister of deceased Vipan Kumar, reached at the house of the deceased and found that Vipan Kumar was lying dead near the door and her sister-in-law Ramna @ Rama was lying dead on the back side of the house. On inquiry, her niece Mansi @ Meghna disclosed that her uncle Deepak Kumar (applicant)

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trespassed the house of deceased Vipan Kumar and Rama and fired gun shots. Due to the said fact, her niece ran inside the house.

11.2 On the basis of above facts, the complainant has prayed that action be taken against Deepak Kumar (applicant).

11.3 After registration of the FIR, Police machinery swung into motion. On 2.11.2023, team of RFSL, Dharamshala, under the leadership of Ajay Sehgal visited the spot and the pellets and four empty cartridges were taken into possession. Other physical evidence was also collected and preserved. One darat (big sickle) was also found from the spot, which was also taken into possession, alongwith CCTV footage.

11.4 As per further case of the Police, on perusal of the CCTV footage, it was found that on 2.11.2023 at about 11:41 a.m., vehicle No HP-94-3767 (Tata Tiago), being driven by its driver, came

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there. From the said vehicle, Kavita Kumari and Mania Kumari alighted down. Said Kavita Kumari, Mania Kumari, one Munshi Ram and deceased Ramna @ Rama were found to be quarreling with each other, on the basis of their gestures, as there was no audio recording in the CCTV footage.

11.5 Thereafter, dead bodies of Vipan Kumar and Ramna @ Rama were sent for post-mortem examination. The tower location, CDR ad CAF of applicant Deepak Kumar and his family members, were obtained and on the basis of their CDRs, it was found that deceased Vipan Kumar made a call on 2.11.2023 at about 11:46 a.m. to his wife. At about 12:46 p.m., on 2.11.2023 deceased Rama Devi made a call to her husband deceased Vipan Kumar. At about 12:40 deceased Vipan Kumar has called his father Munshi Ram. Thereafter, deceased Vipan Kumar made a call to his wife Rama Devi at about 1:19 p.m. Thereafter, Meghna @ Mansi made

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a call at 1:40 p.m from mobile of her father bearing mobile No. 82191-45987 to her paternal uncle Shyam on his mobile phone No. 82173-61136. On inquiry, Shyam disclosed that Meghna @ Mansi informed him that her parents were shot dead.

11.6 On 4.11.2023, eye witness Meghna @ Mansi, aged about 7 years, was inquired and her statement, under Section 161 Cr. P.C. was recorded, after her counselling.

11.7 Thereafter, inquiry was made from wife of applicant Deepak Kumar and from his daughter. Thereafter, involvement of Kavita Kumari and Mania Kumari, was found in this case. Consequently, Kavita Kumari, w/o Deepak Kumar and Mania Kumari, D/o Deepak Kumar, were arrested on 4.11.2023 at 5:00 p.m. They were medico-legally examined. Thereafter, they made statement, under Section 27 of the Indian Evidence Act and got recovered the sickle, which was taken

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into possession. Thereafter, Munshi Ram was also arrested on 10.11.2023. During police remand, he has also made a statement under Section 27 of the Indian Evidence Act.

11.8 It is the further case of the Police that after incident, Deepak Kumar (applicant) had gone underground, alongwith his vehicle. However, his vehicle was found parked near Pahadganj Railway Station, Delhi, which was taken into possession.

11.9 On 26.11.2023, applicant Deepak Kumar surrendered himself to the custody of the Court and he was arrested on 27.11.2023 at 1:40 p.m.

11.10. During investigation, it has been found that applicant Deepak Kumar has thrown away his mobile phone in a nallah near Mukerian and license of the gun is stated to have been torn away and thrown at some place between Ambala and Delhi. As such, Section 201 of the IPC was added.

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11.11 After completion of investigation, police has filed the charge sheet.

11.12 On the basis of above facts, it has been apprehended that the applicant has committed a heinous offence and in case, he is released on bail, he may coerce the witnesses and may not be available for trial.

11.13 It is the further case of the Police that 20 witnesses have been examined and 12 witnesses remain to be examined in the case and now, the case is stated to be listed for recording the statements of prosecution witnesses.

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

12. The applicant has been named as main accused, in this case, for allegedly killing his brother and sister-in-law, in which Police has conducted investigation and filed charge sheet in the competent Court of law. The competent Court

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of law has framed charges, against the applicant. Prosecution has been directed to adduce evidence. Consequently, 20 witnesses have been examined and 12 witnesses remain to be examined and the case is now stated to be listed for recording the statements of PWs.

13. In such situation, the material question, which arises for determination, before this Court, is whether on the basis of the fact that two witnesses have not supported the case of the prosecution is sufficient to grant relief to the applicant? The answer to this question is in the negative, as evidence of the witness, does not efface from the record and it is the sole prerogative of the learned trial Court to consider the evidence of even hostile witness, in the light of the other evidence, adduced by the prosecution. The said prerogative cannot be snatched away by this Court, in these proceedings.

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14. At the time of deciding the application for bail, seriousness of the offence is also one of the main considerations. The accused has been arrested for committing the murder of two persons, alongwith other accused persons and the deceased persons were not strangers, but his real brother and sister-in-law.

15. Considering the manner, in which the alleged crime has been committed, release of applicant on bail, will give wrong signal to the society that after committing such a heinous crime, the applicant is moving freely in the society. Even otherwise, his release will encourage other people to take the law in their hands.

16. At the time of deciding the bail application, in such a serious matter, a delicate balance has to be maintained between the individual liberty and larger interest of the society.

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17. So far as the arguments of learned counsel for the applicant, qua delay in trial, is concerned, 20 witnesses have already been examined, and only 12 witnesses remain to be examined. As such, keeping in view the pace of the trial, the judicial conscience of this Court is satisfied that the learned trial Court is conducting the trial, without any delay, in this case. As such, there is no occasion for this Court to accept the prayer, as made in the application.

18. Moreover, the learned counsel for the applicant has failed to point out any change in circumstances.

19. In view of above, applicant is not able to make out a case for bail and as such, he is not entitled to be released on bail. Consequently, his bail application, is dismissed.

20. Any of the observations, made herein above, shall not be taken, as an expression of opinion, on

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the merits of the case, as these observations are confined, only to the disposal of the present bail application.

(Virender Singh)
Judge

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