IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. MP(M) No. 1968 of 2026
Reserved on: 04.11.2026
Decided on: 05.11.2026
Uploaded on: 05.11.2026

Rajesh Kumar ...Petitioner

Versus

State of Himachal Pradesh ...Respondent

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

For the Petitioner : Mr. Vijender Katoch, Advocate.

For the Respondent : Mr. Lokender Kutlehria, Additional Advocate General.

Chirag Bhanu Singh, Judge

The present bail petition has been filed under Section 483 of the Bhartiya Nagarik Suraksha Sanhita (BNSS), 2023, seeking post-arrest bail in case FIR No.72 of 2026, dated 28.06.2026, registered at Police Station Nagrota Bagwan, District Kangra, under Sections 310(1), 312, 115(2) & 324(4) of the Bhartiya Nyaya Sanhita (BNS), 2023 and Section 25 of the Arms Act, 1959 (hereinafter referred to as the "Act").

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

2. The facts which can be culled out from the status report are that the injured had got recorded his statement under Section 173 BNSS to the effect that he was employed as a Salesman in a liquor vend at Patiyalkad. A fair was going on there for the last two days. On 27.06.2026, at about 10:00 PM, three persons had come to the liquor vend and purchased two beer bottles, consumed them in the adjacent shop. Thereafter they had gone to the fair. He did not know the three of them. At about 11:00 at night, the three had again come to the liquor vend, accompanied by two other people. One person had pushed him, one of them had brandished a pistol and the third person had assaulted him with a knife. He had stopped the assault with his left arm and the person had hit him on the head with a bottle. The other miscreants had broken the CCTV cameras installed at the liquor vend and thereafter they had fled the spot. After he had raised an alarm, certain people had reached the spot. The accused had decamped with an amount of ₹1,85,000/- along with his purse. The miscreants seemed to be from outside the State. Based on the aforesaid statement, the FIR had come to be registered.

3. During the course of investigation, based on the perusal of the CCTV footage, a car bearing registration No. PB-07-AR-0101 was found to have been complicit in the occurrence. The owner of the car was found to be one Salooni, wife of Shri Sham Kumar, resident of Jalandhar, Punjab. The owner of the car had further disclosed that though the car was registered in her name, it was being used by her brother Rajesh Kumar (the present petitioner), who was residing at Lachhipur, Kathua, Jammu & Kashmir.

4. The petitioner came to be arrested on 19.07.2026 and presently he is in judicial custody.

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

6. The perusal of the record shows that as per the opinion given by the doctor, the injuries sustained by the victim have been opined to be simple and blunt in nature. Initially, the victim had deposed that about five people had come and attacked him. However, later on, while getting his statement recorded under Section 180 BNSS, he had stated that only two persons were present at the spot, including accused Lovepreet,

who had brandished a pistol, and the accused Rajesh Kumar (the petitioner), who had beaten him and broken the CCTV cameras.

7. Initially, the victim had stated that the accused Rajesh Kumar had attacked him with a knife; however, the perusal of the MLC shows that there are no cut injuries on the person of the victim. The injuries sustained by him on the head are also stated to be simple and blunt in nature.

8. It further transpires that the challan already stands filed. The culmination of trial, thus, is likely to take substantial time. The apprehension of the prosecution that the petitioner may tamper with the investigation is also ill-founded, as the challan already stands filed. 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).***

9. "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]***.

10. 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.

11. Thus, seeing the totality of circumstances, the nature of allegations, and the injuries sustained by the victim, the petitioner has carved out a case for the grant of bail.

12. 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 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."

13. A copy of this order be sent to the Superintendent, Lala Lajpat Rai District & Open Air Correctional Home Dharamshala, District Kangra, H.P. and the learned Trial Court by **FASTER.**

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

(Chirag Bhanu Singh)
Judge

05th November, 2026
(Shamsh Tabrez)

SHAMSH TABREZ

Digitally signed by SHAMSH TABREZ
Date: 2026.11.05 15:50:37 +0530