

**IN THE COURT OF NARESH KUMAR, SPECIAL JUDGE, UNA,
DISTRICT UNA (H.P).**

CNR HPUN01-001459-2026

Registration No. : 183 of 2025.

Date of Institution : 06.06.2026.

Date of Decision : 31.07.2026.

Rajesh Kumar aged 50 years S/o Sh. Kesar Chand, resident of
Village Dumkhar, Tehsil Bangana, District Una, HP.

.....Applicant.

Versus

State of H.P. through Public Prosecutor, Una, H.P.

..... Respondent.

**APPLICATION UNDER SECTION 483 OF THE
BHARATIYA NAGARIK SURAKSHA
SANHITA, 2023, FOR GRANT OF BAIL.**

For the Applicant : Sh. R.K.Sharma, Advocate.

For the Respondent : Sh. Eklabya, Learned P.P.

ORDER :

This order will dispose of an application under Section 483 of the Bharatiya Nagrik Suraksha Sanhita, 2023, (in short BNSS) moved by the applicant/accused for grant of bail in case FIR No. 57 of 2026, dated 05.06.2026, under Sections 115(2), 191, 190 of Bhartiya Nyaya Sanhita (in short BNS) and Section 3 (1)(r)(s) of The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short SC&ST Act), registered in Police Station Bangana, District Una (H.P.).

2. Briefly stated, the facts as averred in the application are that the applicant is permanent resident of District Una. He is innocent and has not committed the alleged offence.

He has falsely been implicated at the instance of some interested political persons having inimical relations with him. The complainant has levelled false allegations of atrocity against him with motive to send him behind the bars. He belongs to a respectable family. There is nothing on record which warrants his involvement in this case. No useful purpose will be served by keeping him in judicial custody. The investigation of the case is complete. He is no more required by the police for further investigation. He undertakes not to tamper with the prosecution evidence, not to leave India without prior permission of the Court, to appear before the Court on each and every date of hearing and to abide by all the conditions imposed by this Court while granting him bail. Hence, this application.

3. The application has been resisted by police/prosecution by filing reply. As per case of the prosecution, on 05.06.2026, complainant Suresh Kumar moved a written complaint to the SHO Police Station Bangana alleging that his wife contested election of Ward Member from Ward No.7 of Gram Panchayat Dhanet and she won the election. The election results were announced around 8:00 p.m. on 30.05.2026. Their supporters held a procession using DJ and they went to 'Shani' temple to pay obeisance. When they reached near temple, he got DJ stopped. In the meanwhile, driver Rajesh Kumar alias Billa (applicant/accused) and his son(Arvind Kumar) and Dr. Ranju(Rajeev Kumar) and others, about 30 persons in all, while hurling abuses came there and started giving beatings to him and his friends and abused them by caste name. 25-30 persons gave beatings to him and threw into a drain. His wife and friends

managed to escape. His family members brought him home and thereafter called the police. The police called him to the Police Station, but he was not in a position to go to the Police Station as his condition was critical due to severe beatings given to him. Thereafter, the police took him to hospital at Bangana and got him medically examined and thereafter he was dropped at his home. He could not give complete and accurate statement due to severe beatings given to him and as such his statement be recorded again.

3.1 On the basis of complaint, the instant FIR was registered against the accused. The investigation is conducted by Sh. Ajay Thakur, Dy.SP Una. The Investigating Officer prepared the spot map and recorded statements of the witnesses. The challan against the accused has been prepared and is to be presented before the Court. It has thus been prayed that the application be dismissed.

4. I have heard learned counsel for the applicant/accused, learned PP and the complainant and perused the case file carefully.

5. The learned Counsel for applicant/accused submitted that the police has completed the investigation and the applicant/accused is no more required by the police and the applicant/accused is permanent resident of District Una and belongs to a respectable family and, therefore, the application may be allowed and the applicant/accused be admitted on bail.

6. On the other hand, learned Public prosecutor opposed the bail application. The learned Public prosecutor

submitted that keeping in view the gravity of offence committed by the applicant/accused, the application be dismissed.

7. Hon'ble Supreme Court in ***National Investigating Agency vs. Zahoor Ahmad Shah Watali 2019 (5) SCC 1*** has laid down that while considering an application for bail, the court must take into account (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the charge; (iii) severity of the punishment in the event of conviction; (iv) danger of the accused absconding or fleeing, if released on bail; (v) character, behaviour, means, position and standing of the accused; (vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being tampered with; and (viii) danger, of course, of justice, being thwarted by grant of bail.

8. Hon'ble Supreme Court in ***P. Chidambaram vs. Central Bureau of Investigation AIR 2019 SC 5272*** has held:

22. The jurisdiction to grant bail has to be exercised on the basis of the well-settled principles having regard to the facts and circumstances of each case. The following factors are to be taken into consideration while considering an application for bail:- (i) the nature of accusation and the severity of the punishment in the case of conviction and the nature of the materials relied upon by the prosecution; (ii) reasonable apprehension of tampering with the witnesses or apprehension of threat to the complainant or the witnesses; (iii) reasonable possibility of securing the presence of the accused at the time of trial or the likelihood of his absconding; (iv) character behaviour and standing of

the accused and the circumstances which are peculiar to the accused; (v) larger interest of the public or the State and similar other considerations (vide ***Prahlad Singh Bhati v. NCT, Delhi and another (2001) 4 SCC 280***). There is no hard and fast rule regarding grant or refusal to grant bail. Each case has to be considered on the facts and circumstances of each case and on its own merits.

9. In the case in hand, there are no allegations against the accused that he was involved in commission of similar or any other offence in the past or he ever tried to threaten the prosecution witnesses or tampered with the prosecution evidence in any manner. The applicant/accused is a permanent resident of District Una and therefore, there are no chances of his absconding, if released on bail. The applicant/accused has surrendered before the court at the time of the moving of the present application and as per reply and status report filed by the police/prosecution, he has joined the investigation and there is nothing to be recovered from the possession of the accused or at his instance and the investigation is almost complete. Therefore, taking into consideration the aforesaid facts and circumstances, the applicant/accused, in view of the law laid down the Hon'ble Supreme Court in the abovesaid cases, is entitled to bail.

10. Therefore, in view of my above observations, the application is allowed and the applicant/accused is ordered to be released on bail in the instant case, subject to his furnishing personal bond in the sum of ₹.50,000/- with one surety in the like amount to the satisfaction of any Judicial Magistrate at Una **within 7 days** with the further following conditions:-

- I. the applicant/accused shall join the investigation as and when required;
- II. the the applicant/accused shall attend the court on each and every date of hearing;
- III. the applicant/accused shall not commit offence similar to the present one;
- IV. the applicant/accused shall not leave India without prior permission of the Court.
- V. the applicant/accused shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence.

11. The application stands disposed of. The file after its due completion, be consigned to the Record Room.

Announced in the open court today the 31st day of July, 2026.

Ashok Kumar/*

(Naresh Kumar)
Special Judge, Una, HP.