

IN THE COURT OF GAURAV MAHAJAN, ADDITIONAL
SESSIONS JUDGE, NAHAN DISTRICT SIRMAUR (H.P) .

In reference of :

CNR No.	HPSI01000600-2026
CIS Case Type	Bail Application.
CIS Case No.	100/2026
Bail Application No.	100-N/22 of 2026.
Instituted on	03.03.2026
Decided on	24.03.2026

Mohd. Anees S/o Sh. Khalil Mohammad, aged about 20
years, R/o Village Meliyon, P.O Majra, Tehsil Paonta Sahib,
District Sirmaur, H.P..

.....Applicant (A-1)

Versus

State of Himachal Pradesh Through Public Prosecutor,
District Sirmaur (HP).

..... Respondent.

In reference of :

2.	CNR No.	HPSI010006012026
	CIS Case Type	Bail Application.
	CIS Case No.	101/2026
	Bail Application No.	101-N/22 of 2026.
	Instituted on	03.03.2026
	Decided on	24.03.2026

Soaib S/o Sh. Dilshad aged about 21 years, R/o Village
Jagatpur, P.O Majra, Tehsil Paonta Sahib, District Sirmaur,
H.P.

.....Applicant (A-2)

Versus

State of Himachal Pradesh Through Public Prosecutor,
District Sirmaur (HP).

..... Respondent.

In reference of:

3.	CNR No.	HPSI010005992026
	CIS Case Type	Bail Application.
	CIS Case No.	99/2026
	Bail Application No.	99-N/22 of 2026.
	Instituted on	03.02.2026
	Decided on	24.03.2026

Ashu Khan, S/o Sh. Saleem, aged about 22 years, R/o Village Meliyon, P.O Majra, Tehsil Paonta Sahib, District Sirmaur, H.P.

.....Applicant (A-3)

Versus

State of Himachal Pradesh Through Public Prosecutor,
District Sirmaur (HP).

..... Respondent

APPLICATIONS UNDER SECTION 482
B.N.S.S FOR GRANT OF PRE-ARREST BAIL.

For the Applicant(s) : Sh. Sandeep Sidhu, Advocate.

For the Respondent : Mrs. Rashmi Sharma, Learned PP.

ORDER :

This order shall dispose of three bail applications filed by the applicants Mohd. Anish (A-1), Shoaib (A-2) and Ashu Khan (A-3). The applicants have preferred these bail applications seeking bail in case registered vide vide FIR No. 39/2026 dated 06.03.2026 under Sections 126(2), 115(2), 117(2), 191(2), 193(3), 324(4) & 140(3) of BNS registered at Police Station Majra, District Sirmaur, H.P. It has been averred that applicants have been falsely implicated in the case and have

committed no offence. It has further been averred that the applicants undertakes to join the investigation in the case and are ready and willing to abide by the terms and conditions of bail. It has been prayed that bail applications be allowed and justice be done.

2. The bail applications have been contested by State of H.P by filing reply in which it has been stated that the applicants have not joined the investigation and are willfully concealing themselves. Further submitted that if released on pre-arrest bail can tamper with prosecution evidence. It has been prayed that the applications be dismissed.

3. I have perused the record of the case and from the perusal of record it is evident that on 06-03-2026, an information was received from the Civil Hospital, Paonta Sahib, that a person had been brought to the hospital for treatment in connection with a road accident from Majra. On receiving this information, Head Constable/I.O Baljit Kumar No. 258 and Ct. Sanjesh No. 665 vide rapat no. 28, went to Civil Hospital, Paonta Sahib, where the I.O HC Baljeet Kumar met injured Zakaria Khan, son of Shri. Ayub Khan, resident of V.P.O Majra, Tehsil Paonta Sahib, District Sirmour (H.P.), age 15 years, injured Parvej, son of Shri Rasid, resident of village Puruwala, post office Puruwala-Kanshipur, Tehsil Paonta Sahib, District Sirmour (H.P.), age 18 years and injured Wasim, son of Shri Shakeel, resident of Village Kyarda, Post Office Mishrwala, Tehsil Paonta Sahib, District Sirmour (H.P.), age 19 years, who were undergoing treatment. They apprised the I.O that some boys, who were riding in an open gypsy, had deliberately hit

their motorcycle with the gypsy in Kotdi.

4. Thereafter, I.O filled Form 25.39 and obtained the MLCs of Zakaria Khan, Parvez and Wasim. At that time the Medical Officer had reserved his final opinion on the MLCs of injured Zakaria Khan, Parvez and Wasim and declared them fit to give statement.

5. Injured Wasim Khan submitted a complaint to the I.O. in which it was stated that when they were going to Dhaulakuan on bike and had reached near Kotdi Vyas, some persons namely Golu, Aamir, Ashu (A-3) of village Meliyon; Abbas, Sayyab of village Misarwala and some people of Haryana, total 9 in number stopped them. They hit their bike with an open gypsy, due to which they fell down and we suffered injuries. It was further stated that they were attacked with sharp weapons like knives, swords, axes/Gandasi and maces etc. After beating Zakaria and Parvez, they left them at the spot and took Wasim Khan in their vehicle to the forest.

6. Based on this complaint FIR No. 39/26 dated 06.03.2026 U/s 126(2), 115(2), 117(2), 191(2), 191(3), 190, 324(4), 143 of BNSS was registered at Police Station Majra. The investigation of the case is being carried out by HC Baljeet Kumar No. 258.

7. During the investigation, on 07-03-2025, as per identification of victim Wasim, Zakaria and Parvez, the I.O inspected the spot at Kotdi and prepared spot map. I.O did the videography and photography of the proceedings through the e-Evidence app on his personal mobile phone.

8. During investigation, the I.O checked the cameras installed in the office of one Rahil Khan at

Jagatpur. The time of the cameras was found to be 07 minutes behind the correct time. On checking the footage it was found that on 06-03-2026 at 15:09:55 (3:09:55 PM) a motorcycle came from Link Road Majra to Mishrawala, regarding which injured Wasim stated that the said motorcycle was being driven by Amir Khan son of Shri Naseem resident of Meliyon and Sameer son of Shri Islam resident of Jagatpur was pillion rider. Behind this motorcycle another motorcycle came which was being driven by Junaid son of Shri Shahid resident of Misrwala. Behind these motorcycles, an open gypsy driven by Sadaqat son of Shri Golu came. In the said gypsy, Anees (A-1) son of Shri Khalil, Ashu son of Shri Razzaq, Ashu (A-3) son of Shri Salim all residents of Meliyon, Abbas son of Shri Mustaqeem, Ayan son of Shri Amjad and Soyeb son of Shri Dilshad all residents of Jagatpur were sitting. In the footage, it was observed that they were forcibly taking Wasim in the gypsy and after beating him, all of them went towards NH07. This footage was taken in a pen drive.

9. Thereafter, the cameras installed at the main gate of Madrasa Qadriya were checked and it was found that on 06-03-2026 at 15:17 (3:17 PM) a motorcycle came from NH07. The victim Wasim told that the above-mentioned motorcycle was being driven by Amir Khan and Sameer was sitting behind him. Behind the motorcycle an open gypsy driven by Sadaqat alias Golu came and Anees (A-1), Ashu (A-3), Ashu, Abbas and Ayan were sitting in the gypsy. Behind the gypsy a motorcycle driven by Junaid came and Shoaib (A-2) was sitting behind it. All of them went towards IPH Colony. This footage was also taken in a

pen drive.

10. The I.O has recorded the statements of the witnesses under Section 180 BNSS. The final opinion has been taken from Medical Officer CH Paonta Sahib on the MLC of Wasim and Zakaria. As per final opinion, both of them have sustained simple injuries. On 16-3-2026, final opinion on the MLC of victim Parvez was taken. The Medical Officer has opined that injured Parvez has suffered grievous injuries, upon which Section 117(2) BNS was added in the case.

11. On 18-03-2026, the mother of the victim Parvez, Mrs. Razia, presented her motorcycle without number whose visor and front end etc. were damaged along with R/C of offended motorcycle. According to the R/C, the registration number of motorcycle was found to be HP17J-3664. After recording statements of witnesses under Section 180 BNS, Section 324 (4) BNS was added in the case.

12. As per report submitted by Investigating Agency, the investigation is ongoing and recovery of sticks, gypsy, and motorcycle used by the accused is still to be effected.

13. In the present case, the accused persons/applicants Mohd. Anish (A-1), Shaoib (A-2) and Ashu Khan (A-3) have absconded after commission of crime and have not joined the investigation proceedings. The investigation is at a preliminary stage and recovery of sticks, gypsy, and motorcycle used by the accused are yet to be effected. In this background, releasing the accused/applicants on interim bail will send a wrong signal

to the society at large and can erode public trust in the legal process and potentially embolden others to commit similar offenses. It was laid down by the Hon'ble Supreme Court in '**State of Orissa vs. Mahimanand Mishra** (2018) 10 SCC 516', that where the accused had absconded after the registration of the FIR, he cannot be granted bail. Hence, the conduct of the applicant will dis-entitle him from the discretionary relief of pre-arrest bail.

14. The Hon'ble Supreme Court in case of ***Serious Fraud Investigation Office v. Aditya Sarda; 2025 SCC OnLine SC 764***, has held that '*individuals who deliberately evade the judicial process are not entitled to the discretionary relief of anticipatory bail*'. It is thus a trite position that an absconder is not entitled to the relief of anticipatory bail. The Hon'ble Apex Court in case of ***Balmukund Singh Gautam versus State of Madhya Pradesh and Anr.; 2026 INSC 1571***, has held as follows:

50. It is apposite to mention that granting the relief of anticipatory bail to an absconding accused person sets a bad precedent and sends a message that the law-abiding co-accused persons who stood trial, were wrong to diligently attend the process of trial and further, incentivises people to evade the process of law with impunity.

15. Keeping in view, the conduct of the applicants (A-1 to A-3) in the light of the aforesaid circumstances, the applicants (A-1 to A-3) are not entitled to seek the benefit of pre-arrest bail. Thus, the bail applications are hereby dismissed. It is however, clarified that the observations made in this order are only for the purpose of disposal of these bail applications and shall not be construed as an expression of opinion on the merits of the case.

16. The application(s) stands disposed of. The files after its due completion be consigned to the Record Room.

17. One copy of this order be placed on each of the files.

Announced in the open court at Nahan today
the **24th day of March, 2026.**

(Gaurav Mahajan)
Additional Sessions Judge,
Nahan District Sirmaur, H.P.

Pallvi