

Paras Sharma versus State of HP & Anr.

CRMPM No. 104 of 2026

02.02.2026 Present: Mr. Sunit Dutt Gautam, Advocate vice Mr. Harmohan Thakur, Advocate for the petitioner.

Mr. Sidharth Jalta, Deputy Advocate General for the respondents.

In the present case, the status report was filed on 23.01.2026. On perusal of the orders, it reveals that no notice has been issued to the victim, therefore, the State is directed to inform the victim about the pendency of the present petition and also the next date fixed as 24th February 2026.

The petitioner has approached this Court for grant of pre-arrest bail under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS) in case FIR No.2 of 2026 dated 16th January, 2026 under Section 64 of BNSS, 2023, registered at Women Police Station, Solan.

The petitioner had earlier filed the application for grant of pre-arrest bail before the learned Additional Sessions Judge-I, Solan District Solan, HP, which was dismissed, vide order dated 20th January, 2026. The main ground which has been weighed with the learned Additional Sessions Judge against the petitioner is that the

allegations levelled against him are very serious and offence committed is heinous.

As per the prosecution story, a complaint was filed by the victim at Women Police Station, Solan, alleging therein that on 10th January, 2026, her friend Samridhi Gupta called her to come to her place for night out, but she ignored. She again called her and said that she is coming and get ready. She also told her that 2-4 people including the petitioner would be there. On this, victim informed her friend that she was uncomfortable with the petitioner as she had previously blocked him due to his inappropriate behaviour. Despite that her friend assured the victim that everything would be fine and that she would stay with her. Then they came to pick the victim up from her home at around 10:30 pm and she clearly told that she would not consume alcohol. However, despite her resistance and due to pressure, victim consumed alcohol and thereafter, the petitioner had sexually assaulted her without her consent. The incident is of dated 10th January, 2026 and the FIR in present case was registered on 16th January, 2026. At this juncture, this Court has to see that the petitioner till the time is convicted is to be treated as innocent.

The alleged incident has occurred on 10th January, 2026 and the victim has not lodged an FIR against the petitioner immediately thereafter. However, in the present case, the FIR against the petitioner has been lodged on 16th January, 2026 which is admittedly after a lapse of six days. It is not only the seriousness of the offence, but other attending circumstances have also to be seen. In the present case, as per the facts which are emerging from the impugned order as well as, from the status report, it seems that the sexually intercourse seems to be a consensual.

Since the petitioner is of a young age and further he is not involved in any other case prior to the present offence, therefore, till the time, the victim is heard, this Court is of the considered view that the petitioner deserves to be granted pre arrest bail. Keeping in view the above facts and circumstances, the interim protection is granted to the petitioner on the following conditions:

- That in the event of arrest of the petitioner, he will be enlarged on bail on furnishing of personal bond in the sum of Rs.1,00,000/- with one surety in the like amount to the satisfaction of the Arresting Officer;
- That the applicant shall appear before the I.O. as and when required by the Investigating Officer;
- That the applicant shall not interfere with the investigation;

- That he will not dissuade any of the witnesses; and further not leave the country without the permission of the Court.

(Jiya Lal Bhardwaj)
Vacation Judge

February 02, 2026

(Ritu)