

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**

**Cr.MP(M) Nos.:600 & 601 of 2025**

**Decided on : 08<sup>th</sup> April, 2025**

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1. **Cr.MP (M) No.600 of 2025**

Manpreet Singh ...Applicant

Versus

State of Himachal Pradesh ...Respondent

2. **Cr.MP (M) No.601 of 2025**

Satnam Singh ...Applicant

Versus

State of Himachal Pradesh ...Respondent

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*Coram*

**The Hon'ble Mr. Justice Virender Singh, Judge.**

*Whether approved for reporting?<sup>1</sup>*

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For the applicant(s) : Mr. Dinesh Bhanot, Advocate.

For the respondent : Mr. Mohinder Zharaick, Additional  
Advocate General, assisted by ASI  
Duni Chand, Police Station,  
Nalagarh, District Solan.

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**Virender Singh, Judge** (Oral)

The applicants, apprehending their arrest, in  
case FIR No.47 of 2025, dated 18.02.2025, registered,  
under Sections 126(2), 115(2), 118(2), 351(2) and 3(5) of

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<sup>1</sup> *Whether Reporters of local papers may be allowed to see the judgment? Yes.*

the Bharatiya Nyaya Sanhita, 2023 (hereinafter referred to as 'BNS'), have filed the above titled applications, under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'BNSS'), with a prayer to direct the Police/Investigating Officer of Police Station Nalagarh, District Solan, H.P., to release them on bail, in the event of their arrest.

2. According to the applicants, they are innocent persons and have falsely been implicated, in this case. According to them, they have not committed the offence as alleged.

3. Apart from this, the applicants have also put forward their clean antecedents to seek the relief, as prayed for.

4. The applicants have given certain undertakings, for which, they are ready to abide by, in case, any direction is issued under Section 482 BNSS.

5. On the basis of the above facts, a prayer has been made to allow the applications.

6. When put to notice, the police has filed the status report, disclosing therein, that on 18.02.2025, from

CHC, Nalagarh, a telephonic information was received in Police Station, Nalagarh, disclosing therein that one person, who had sustained injuries in a quarrel, taken place at Pirsthan, had been brought to Hospital for treatment and a request was made to the police to send someone. Thereafter, the Police visited the Hospital, where, a person namely Shyam Lal, was taken for treatment.

6.1. Thereafter, his medico-legal examination was conducted by the doctor and the doctor has declared the injuries on the person of Shyam Lal as sharp. Thereafter, in the Hospital itself Shyam Lal got recorded his statement under Section 173 of the BNSS, wherein, he had disclosed that he is resident of the address, as mentioned in the complaint and is driver by profession.

6.2. According to the complainant, on 18.2.2025, at about 2.00 p.m., his cousin Shareefdeen, telephonically, informed him that his driver Abdul has been beaten by Preet and his companion at Pick-up Union Pirsthan, upon which, complainant assured his cousin that he will come there and discuss the matter. At that time, he was at

Bharatgarh. He had parked his vehicle and thereafter, he had gone at Pirsthan over motorcycle PB-20E4086.

6.3.           Thereafter, the complainant had gone to union President, Pirsthan and inquired from him, as to who had beaten the driver of his cousin, upon which, he had disclosed that no incident had taken place in his presence. But, according to him, the persons, who had beaten the driver of his cousin, were sitting in Pick-up No.HP-12M-3517.

6.4.           When, the complainant had gone to inquire the said persons; namely Preet and his companion, sitting in the Pick-up, then, they got furious and had taken out their swords. When the complainant tried to flee away, then, both of them came out of the pick-up and accused Preet had inflicted a blow on his head with the help of sword, whereas, the other boy had also inflicted blow on his head.

6.4.           Thereafter, both the said assailants fled away from the spot and threatened to kill him. The complainant also prayed that action be taken against the said persons.

6.5. On the basis of the above facts, the police registered the FIR, in question and criminal machinery swung into motion.

7. Thereafter, CT Scan of the injured was done at Regional Hospital, Solan. Spot was visited on 24.02.2025. Final opinion, from the Medical Officer, CHC Nalagarh, on the MLC of injured was obtained, upon which, the Medical Officer has described the injuries on the persons of the injured as grievous sharp. As such, Section 118(1) of BNS was deleted and Section 118(2) of BNS was added. Blood stained clothes of the complainant were taken into possession and statements of the witnesses were recorded under Section 180 of BNSS.

8. It is the further case of the police that both the accused persons had filed applications, for anticipatory bail, before the Court of learned Additional Sessions Judge, Nalagarh, however, the same were dismissed on 18.03.2025.

9. It has been prayed that from the accused persons investigation is required to be conducted and weapons of offence are to be recovered.

10. After perusing the status report, interim protection was granted to the applicants and the case was adjourned for 27.03.2025.

11. On 27.3.2025, supplementary status report has been filed with the apprehension that in case, the relief is granted to the applicants, they may again indulge in the same activities. The applicants were directed to join the investigation.

12. On 02.04.2025, fresh status report has been filed, according to which, the applicants have joined the investigation, on 29.03.2025, but, they are not disclosing the true facts with regard to the incident and weapons of offence.

13. In the status report filed today, a specific stand has been taken by the police that the applicants have joined the investigation and the weapons of offence allegedly used, in the crime, have been taken into possession. The statements of the witnesses have also been recorded, under Section 180 of the BNSS.

14. Lastly, it has been apprehended that neither the accused persons are required to be investigated, nor

anything is to be recovered from them. As such, a prayer has been made to dismiss the applications.

15. Heard.

16. The applicants, have joined the investigation, in pursuance of the directions of this Court, as such, the police is not able to make out a case for their custodial interrogation.

17. Even otherwise, the allegations, which have been levelled against the applicants, in the complaint, will be proved, during the trial.

18. The bail application cannot be rejected, as a matter of punishment, as, pre-trial punishment is prohibited under the law and punishment can only be imposed, after the full fledged trial, by competent Court of law.

19. Except the present case, no other case is found to have been registered against the applicants. In such situation, presumption of innocence is still available in favour of the applicants.

20. Both the applicants are aged about 23 and 25 years, and in case, they are remanded to judicial custody,

that too, in the company of hardened criminals, their future will certainly get affected, adversely.

20. When, the police do not require the custodial interrogation of the applicants, then, the interim order dated 20.03.2025, is liable to be made absolute.

21. Considering all these facts, the interim order dated 20.03.2025, passed by this Court, is hereby made absolute. Therefore, it is ordered that the applicants be released on bail, in the event of their arrest, in case FIR No.47 of 2025, dated 18.02.2025, registered, under Sections 126(2), 115(2), 118(2), 351(2) and 3(5) of the BNS, registered with Police Station Nalagarh, District Solan, H.P., on their furnishing personal bonds, in the sum of ₹50,000/-, each with one surety each of the like amount, to the satisfaction of the Investigating Officer.

22. This order, however, shall be subject to the following conditions :-

- a) That the applicants will join the investigation of the case, as and when, called for, by the Investigating Officer, in accordance with law;*
- b) That the applicants will not leave India, without prior permission of the Court;*

- c) *That the applicants will 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/her from disclosing such facts to the Investigating Officer or the Court; and*
- d) *That the applicants shall regularly attend the trial Court on each and every date of hearing and if prevented by any reason to do so seek exemption from appearance by filing appropriate application.*

23. Any of the observations, made hereinabove, shall not be taken as an expression of opinion, on the merits of the case, as these observations, are confined, only, to the disposal of the present application.

24. The applicant is directed to move regular bail application, when charge sheet will be filed in the Competent Court of Law.

25. It is made clear that the respondent-State is at liberty to move an appropriate application, in case, any of the bail conditions, is found violated by the applicant.

**( Virender Singh )**  
**Judge**

**April 08, 2025** *(ps)*