

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

**Cr. MP(M) Nos. 644 and 594 of
2026.**

Reserved on: 24.04.2026

Date of Decision: 30.4.2026.

1. Cr.MP(M) No. 644 of 2026

Sunny Chandel

...Petitioner

Versus

State of Himachal Pradesh

...Respondent

2. Cr.MP(M) No. 594 of 2025

Ashish Kumar alias Nonu

..Petitioner

Versus

State of Himachal Pradesh

...Respondent

Coram

Hon'ble Mr Justice Rakesh Kainthla, Judge.

Whether approved for reporting?¹ No

For the Petitioner(s):

Mr Tara Singh Chauhan, Senior Advocate, with Mr Surya Chauhan, Advocate in Cr.MP(M) No. 644 of 2026.

Mr Ashwani Kaundal, Advocate in Cr.MP(M) No.594 of 2026.

For the Respondent/State: Mr Lokender Kutlehira, Additional Advocate General, in both the petitions.

Rakesh Kainthla, Judge

Since both the petitions have been filed for seeking regular bail in the same F.I.R, therefore, they are being taken up together for disposal.

2. The petitioners have filed the present petitions for seeking regular bail in F.I.R. No. 64 of 2026, dated 04.03.2026, registered at Police Station Ghumarwin, District Bilaspur, H.P., for the commission of offences punishable under Sections 109, 191(2), 191(3), 190, and 115 (2) of Bhartiya Nyaya Sanhita (BNS),2023.

3. It has been asserted that the petitioners- Sunny Chandel and Ashish Kumar alias Nonu were arrested, on 04.03.2026 and 10.03.2026, respectively, in F.I.R. No. 64 of 2026, dated 04.03.2026. As per the prosecution, the informant Ravi Paul Singh was going to the village Kasohal on 04.03.2026. He saw Naveen alias Monu, his brother Nonu, Sunny, Sukant Chauhan and his brother Jattu quarrelling with each other. The informant stopped his vehicle and asked the people not to quarrel. They misbehaved with the informant. They caught the

informant in the shop of Bablu and gave him beatings with a Gandasa (pole-axe), a sword and sticks. The police registered the F.I.R and investigated the matter. The petitioners are innocent, and they have nothing to do with the commission of the crime. The petitioners are in judicial custody, which shows that their custody is not required by the police. No fruitful purpose would be served by detaining the petitioners in custody. Hence, it was prayed that the present petitions be allowed and the petitioners be released on bail.

4. The petitions are opposed by filing a status report asserting that Naveen @ Monu, his brother Nonu, Sammi, Sukant Chauhan (the present petitioner) and his brother Jattu were quarrelling with each other on Kasohal bridge on 04.03.2026. The informant asked them not to quarrel. The informant had gone to the shop to purchase groceries on the same day at 7 PM. Naveen, Monu, Nonu, Sunny, Sukant, Jattu and 15 other persons came to the shop armed with *Gandasa* (pole-axe), sword and sticks. Naveen had a *Gandasa* (pole-axe), and Sukant had a sword. The other people had sticks. Naveen inflicted a blow on the informant's head with a *Gandasa*, and the other persons also inflicted injuries with swords, sticks, kicks and fists.

The informant became unconscious and was taken to the hospital. An intimation was given to the police. The police registered the FIR and recorded the informant's statement. The police investigated the matter and seized the material objects. The police arrested the petitioners. The police seized the CCTV footage and the vehicle bearing registration No. HP38H-2409. A vehicle bearing registration No. HP38E-4892 was recovered near the HRTC workshop. Naveen Kumar was arrested on 18.04.2026.

Hence, the status report.

5. I have heard Mr Tara Singh Chauhan, learned Senior Advocate, assisted by Mr Surya Chauhan, learned counsel for the petitioner, in Cr.MP(M) No.644/2026, Mr Ashwani Kaundal, learned counsel for the petitioner, in Cr.MP(M) No.594/2026 and Mr Lokender Kutlehria, learned Additional Advocate General, for the respondent/State.

6. Mr Tara Singh Chauhan, learned Senior Advocate for the petitioner, Sunny Chandel, submitted that the petitioner is innocent and has been falsely implicated. Learned Sessions Judge, Bilaspur, H.P. has released the main accused, Naveen Kumar, on bail. The petitioner is entitled to bail on the principle

of parity. Hence, he prayed that the petitioner, Sunny Chandel, be released on bail.

7. Mr Ashwani Kaundal, learned counsel for the petitioner Ashish Kumar alias (Nonu), adopted the submissions advanced by Mr Tara Singh Chauhan, learned Senior Advocate, and prayed that the petitioner, Ashish Kumar, be released on bail.

8. Mr Lokender Kutlehria, learned Additional Advocate General for the respondent-State in both the petitions submitted that the petitioners are involved in the commission of a heinous crime. Learned Sessions Judge released the co-accused Naveen Kumar because there is no explanation for the injuries sustained by him. The role of the petitioners is different from the role of co-accused Naveen Kumar, and they cannot claim any parity. Hence, he prayed that the present petitions be dismissed.

9. I have given a considerable thought to the submissions made at the bar and have gone through the records carefully.

10. The parameters for granting bail were considered by the Hon'ble Supreme Court in *Pinki v. State of U.P.*, (2025) 7 SCC 314: 2025 SCC OnLine SC 781, wherein it was observed at page 380:

(i) Broad principles for the grant of bail

56. In *Gudikanti Narasimhulu v. High Court of A.P.*, (1978) 1 SCC 240: 1978 SCC (Cri) 115, Krishna Iyer, J., while elaborating on the content of Article 21 of the Constitution of India in the context of personal liberty of a person under trial, has laid down the key factors that should be considered while granting bail, which are extracted as under: (SCC p. 244, paras 7-9)

“7. It is thus obvious that the nature of the charge is the vital factor, and the nature of the evidence is also pertinent. The punishment to which the party may be liable, if convicted or a conviction is confirmed, also bears upon the issue.

8. *Another relevant factor is whether the course of justice would be thwarted by him who seeks the benignant jurisdiction of the Court to be freed for the time being. [Patrick Devlin, “The Criminal Prosecution in England” (Oxford University Press, London 1960) p. 75 — Modern Law Review, Vol. 81, Jan. 1968, p. 54.]*

9. *Thus, the legal principles and practice validate the Court considering the likelihood of the applicant interfering with witnesses for the prosecution or otherwise polluting the process of justice. It is not only traditional but rational, in this context, to enquire into the antecedents of a man who is applying for bail to find whether he has a bad record, particularly a record which suggests that he is likely to commit serious offences while on bail. In regard to habituals, it is part of criminological history that a thoughtless bail order has enabled the bailee to exploit the opportunity to inflict further crimes on the members of society. Bail discretion, on the basis of evidence about the criminal record of a defendant, is therefore not an exercise in irrelevance.” (emphasis supplied)*

57. In *Prahlad Singh Bhati v. State (NCT of Delhi)*, (2001) 4 SCC 280: 2001 SCC (Cri) 674, this Court highlighted various aspects that the courts should keep in mind while dealing with an application seeking bail. The same may be extracted as follows: (SCC pp. 284-85, para 8)

“8. The jurisdiction to grant bail has to be exercised on the basis of well-settled principles, having regard to the circumstances of each case and not in an arbitrary manner. While granting the bail, the court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character, behaviour, means and standing of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public or State and similar other considerations. It has also to be kept in mind that for the purposes of granting the bail the legislature has used the words “reasonable grounds for believing” instead of “the evidence” which means the court dealing with the grant of bail can only satisfy it (sic itself) as to whether there is a genuine case against the accused and that the prosecution will be able to produce prima facie evidence in support of the charge.” (emphasis supplied)

58. This Court in *Ram Govind Upadhyay v. Sudarshan Singh*, (2002) 3 SCC 598: 2002 SCC (Cri) 688, speaking through Banerjee, J., emphasised that a court exercising discretion in matters of bail has to undertake the same judiciously. In highlighting that bail should not be granted as a matter of course, bereft of cogent reasoning, this Court observed as follows: (SCC p. 602, para 3)

“3. Grant of bail, though being a discretionary order, but, however, calls for the exercise of such a discretion in a judicious manner and not as a matter of course. An order for bail bereft of any cogent reason cannot be sustained. Needless to record, however, that the grant of bail is dependent upon the contextual facts of the matter being dealt with by the court and facts do always vary from case to case. While the placement of the accused in society, though it may be considered by itself, cannot be a guiding factor in the matter of grant of bail, the same should always be coupled with other circumstances warranting the grant of bail. The nature of the offence is one of the

basic considerations for the grant of bail — the more heinous is the crime, the greater is the chance of rejection of the bail, though, however, dependent on the factual matrix of the matter.” (emphasis supplied)

59. In *Kalyan Chandra Sarkar v. Rajesh Ranjan*, (2004) 7 SCC 528: 2004 SCC (Cri) 1977, this Court held that although it is established that a court considering a bail application cannot undertake a detailed examination of evidence and an elaborate discussion on the merits of the case, yet the court is required to indicate the prima facie reasons justifying the grant of bail.

60. In *Prasanta Kumar Sarkar v. Ashis Chatterjee*, (2010) 14 SCC 496: (2011) 3 SCC (Cri) 765, this Court observed that where a High Court has granted bail mechanically, the said order would suffer from the vice of non-application of mind, rendering it illegal. This Court held as under with regard to the circumstances under which an order granting bail may be set aside. In doing so, the factors which ought to have guided the Court's decision to grant bail have also been detailed as under: (SCC p. 499, para 9)

“9. ... It is trite that this Court does not, normally, interfere with an order passed by the High Court granting or rejecting bail to the accused. However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are:

(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 accusation;

(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 influenced; and

(viii) danger, of course, of justice being thwarted by grant of bail.” (emphasis supplied)

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62. One of the judgments of this Court on the aspect of application of mind and requirement of judicious exercise of discretion in arriving at an order granting bail to the accused is *Brijmani Devi v. Pappu Kumar*, (2022) 4 SCC 497: (2022) 2 SCC (Cri) 170, wherein a three-Judge Bench of this Court, while setting aside an unreasoned and casual order (*Pappu Kumar v. State of Bihar*, 2021 SCC OnLine Pat 2856 and *Pappu Singh v. State of Bihar*, 2021 SCC OnLine Pat 2857) of the High Court granting bail to the accused, observed as follows: (*Brijmani Devi v. Pappu Kumar*, (2022) 4 SCC 497: (2022) 2 SCC (Cri) 170]), SCC p. 511, para 35)

“35. While we are conscious of the fact that liberty of an individual is an invaluable right, at the same time while considering an application for bail courts cannot lose sight of the serious nature of the accusations against an accused and the facts that have a bearing in the case, particularly, when the accusations may not be false, frivolous or vexatious in nature but are supported by adequate material brought on record to enable a court to arrive at a prima facie conclusion. While considering an application for the grant of bail, a prima facie conclusion must be supported by reasons and must be arrived at after having regard to the vital facts of the case brought on record. Due consideration must be given to facts suggestive of the nature of crime, the criminal antecedents of the accused, if any, and the nature of punishment that would follow a conviction vis-à-vis the offence(s) alleged against an accused.” (emphasis supplied)

11. Hon'ble Supreme Court held in *State of Rajasthan v. Balchand*, (1977) 4 SCC 308: 1977 SCC (Cri) 594: 1977 SCC OnLine SC 261 that the normal rule is bail and not jail, except where the gravity of the crime or the heinousness of the offence suggests otherwise. It was observed at page 308:

2. The basic rule may perhaps be tersely put as bail, not jail, except where there are circumstances suggestive of fleeing from justice or thwarting the course of justice or creating other troubles in the shape of repeating offences or intimidating witnesses and the like, by the petitioner who seeks enlargement on bail from the Court. We do not intend to be exhaustive but only illustrative.

3. It is true that the gravity of the offence involved is likely to induce the petitioner to avoid the course of justice and must weigh with us when considering the question of jail. So also, the heinousness of the crime....”

12. The present petitions have to be decided as per the parameters laid down by the Hon'ble Supreme Court.

13. The status report mentions that, as per the investigation conducted by the police, Naveen Kumar, Munish Kumar and Sukant Chauhan are running a Dhaba at Dehlag. Sunny Chandel is running a fast-food restaurant near the toll bridge. Ashish Kumar, Sunny Chandel, and other persons were celebrating Holi on 04.03.2026. There was a quarrel. One person, called Santy, made inquiries about the quarrel, which led to a scuffle with Ashish Kumar, Sunny Chandel, etc. Ashish Kumar

and Sunny Chandel had sustained injuries. They informed Sukant Chauhan about the quarrel. Sukant Chauhan, Munish Kumar and Naveen Kumar boarded one vehicle, and Sunny Chandel boarded another vehicle. They went to Patta Chowk, where Ravi Pal and other persons were present. There was a quarrel near Patta Chowk regarding the incident that had occurred at Bhadrog. Naveen sustained an injury to his head. They went in different vehicles armed with sticks and rods, etc., to Bablu Chicken Corner, where they gave a beating to Ravi Pal, who sustained grievous injuries.

14. The status report shows that all the accused had acted together and there was no distinction in the role played by them. They were all armed with different weapons, and they had given beatings to Ravi Paul Singh. Thus, the submission made on behalf of the State cannot be accepted that the petitioners' role is different from that of the co-accused. Once the learned Sessions Judge, Bilaspur, H.P., has released Naveen on bail, the bail cannot be denied to the co-accused because they are entitled to bail based on the principle of parity.

15. It was submitted that the petitioners would influence the witnesses and the investigation. The other accused are yet to

be arrested, and the weapons of offence are also to be recovered. The police have not filed the charge-sheet, and the petitioners should not be released on bail. This submission will not help the State because the apprehensions expressed by the State also apply to Naveen, who has been released on bail. The state has not filed any petition for cancellation of the bail granted to Naveen. Moreover, the apprehensions expressed by the State can be removed by imposing conditions and are not sufficient to deny bail to the petitioner.

16. The petitioners claimed that they are the permanent residents of District Bilaspur. This was not stated to be incorrect. This means that the petitioners have roots in society, and there are no chances of their absconding.

17. In view of the above, the present petitions are allowed, and the petitioners are ordered to be released on bail, subject to their furnishing bail bonds in the sum of ₹1,00,000/- each with one surety each in the like amount to the satisfaction of the learned Trial Court. While on bail, the petitioners will abide by the following conditions:

- (I) The petitioners will not intimidate the witnesses, nor will they influence any evidence in any manner whatsoever.

- (II) The petitioners shall attend the trial on each and every hearing and will not seek unnecessary adjournments.
- (III) The petitioners will not leave their present addresses for a continuous period of seven days without furnishing their addresses of the intended visit to the SHO concerned, the Police Station concerned and the Trial Court.
- (IV) The petitioners will surrender their passports, if any, to the Court; and
- (V) The petitioners will furnish their mobile number and social media contacts to the Police and the Court and will abide by the summons/notices received from the Police/Court through SMS/ WhatsApp/ Social Media Accounts. In case of any change in their mobile numbers or social media accounts, the same will be intimated to the Police/Court within five days from the date of the change.

18. It is expressly made clear that in case of violation of any of these conditions, the prosecution will have the right to file a petition for cancellation of their bail.

19. The petitions stand accordingly disposed of. A copy of this order be sent to the Jail Superintendent, Open Air Jail, Bilaspur, H.P. and the learned Trial Court by *FASTER*.

20. The observations made hereinabove are regarding the disposal of these petitions and will have no bearing whatsoever on the merits of the main case.

30th April, 2026
(ravinder)

(Rakesh Kainthla)
Judge