

**IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA****Cr. MP(M) No.677 of 2026
Date of Decision: 8.5.2026**

Jagroop Singh	VersusPetitioner
State of Himachal Pradesh	Respondent

Coram:
The Hon'ble Mr. Justice Sandeep Sharma, Judge.
Whether approved for reporting?¹

For the Petitioner:	Mr. K.S. Gill, Advocate.
For the Respondent:	Mr. Rajan Kahol & Mr. Vishal Panwar, Additional Advocates General, with Mr. Ravi Chauhan and Mr. Anish Banshtu, Deputy Advocates General, for State. ASI Atul Kumar, PS Amb, District Una, Himachal Pradesh, present along with record.

Sandeep Sharma, J. *(Oral)*

Bail petitioner, namely Jagroop Singh, who is behind the bars since 23.03.2025, has approached this Court in the instant proceedings filed under Section 483 of BNSS, 2023, for grant of regular bail in case FIR No.30/2025, dated 23.03.2025, under Sections 304 and 3(5) of BNS, later on converted to Section 310(2) of BNS, Police Station Amb, District Una, Himachal Pradesh.

2. In terms of order dated 23.04.2026, respondent/State has filed status report and ASI Atul Kumar, has come present along with record. Record perused and returned.

¹Whether reporters of the local papers may be allowed to see the judgment?



3. Close scrutiny of status report/record reveals that complainant, who claimed to be working in a bakery at Amb, District Una, lodged a complaint alleging therein that on 20.03.2025, at about 9:30 pm, while he was going to his house and had reached near Dosarka, Amb, one car with registration number starting with PB-08 stopped in front of him and one of the occupants of the car started asking for the road leading to Chintpurni. He alleged that before he could answer, one person alighted from the vehicle and gave blow of danda/stick on his head and snatched cash of Rs.18,000/- and one mobile phone, cost whereof was Rs.17,000/-. He alleged that with great difficulty, he saved his life. After receipt of aforesaid complaint, Police checked the footage of CCTV cameras installed in the area and found that on 20.03.2025 at 9:51 pm, one car bearing No.PB-08-CX-8476 had gone from Dosarka chowk to Patehar via Nehariya Bazaar. Though occupants of the car could not be recognised in the CCTV footage, but Police lodged FIR under Sections 304 and 3(5) of BNS at Police Station Amb. During investigation, complainant again got his statement recorded on 26.03.2025, alleging therein that after alleged incident of beating and dacoity, occupants of the car bearing No.PB-08-CX-8476 also committed robbery at liquor vend situate at Sikran Da Paroh. During investigation, it came to the notice of the Police that occupants of the car, detailed hereinabove, were taken into



custody by the Police of Police Station Rakkar, District Kangra, in connection with robbery at liquor vend at Sikran Da Paroh.

4. Complainant herein recognised the person, who had given blow of danda/stick on his head and had snatched Rs.18,000/-, while they were being brought to the Court of learned Judicial Magistrate First Class, Dehra, in connection with FIR No.22 of 2025, dated 21.03.2025, registered at Police Station Rakkar, District Kangra, H.P. In the afore background, FIR, initially registered under Sections 304 and 3(5) of BNS was later on converted to Section 310(2) of BNS. Since 21.03.2025, bail petitioner is behind bars. Though bail petitioner has been already granted bail in FIR No.22 of 2025, registered at Police Station Rakkar, for the offence punishable under Section 310(2) of the BNS, but since 21.03.2025, he is behind bars on account of lodging of FIR No.30 of 2025, dated 23.03.2025, registered at Police Station Amb, which is subject matter of the present case. Since co-accused namely Sagar, Devender Singh, Karandeep Singh, Amarjeet and juveniles Kanoj and Gurwinder already stand enlarged on bail in both the FIRs, detailed hereinabove, prayer has been made on behalf of the petitioner for grant of bail on the ground of parity.

5. Mr. K.S. Gill, learned counsel representing the petitioner, submits that bare perusal of status report and record made available to this Court reveals that person namely Devender Singh had given blow of danda/stick on the head of the



complainant and he has been already enlarged on bail by the learned trial Court and as such, petitioner, who is merely one of the occupants of the car, involved in the commission of offence, is also entitled to bail. He states that there is no material adduced on record suggestive of the fact that petitioner played any active role in the commission of offence punishable under Section 310(2) of BNS. He states that petitioner is first-time offender and investigation in the case at hand is complete and as such, no fruitful purpose would be served by keeping the petitioner behind bars for indefinite period, rather, same would violate Article 21 of the Constitution of India.

6. To the contrary, Mr. Rajan Kahol, learned Additional Advocate General, though admits factum with regard to completion of investigation, but he states that keeping in view the gravity of offence, alleged to have been committed by the petitioner, he does not deserve any leniency. He states that petitioner was not only one of the occupants of the car involved in the commission of offence, but he also participated in the crime and as such, rightly came to be booked under Section 310(2) of BNS. He states that though status report reveals that co-accused Devender Singh had given blow of danda/stick on the head of the complainant, but since all the occupants of the car, including the bail petitioner, had come with predetermined mind of committing dacoity, petitioner is also fully responsible. He states that petitioner is a hardened criminal, because he after



committing dacoity at Amb, again committed similar act at liquor vend, situate at Sikran Da Paroh. He states that in case petitioner is ordered to be enlarged on bail, he may not only flee from justice, but may again indulge in these activities and as such, prayer made in the instant petition for grant of regular bail deserves outright rejection.

7. Having heard learned counsel representing the parties and perused material available on record, this Court finds that co-accused Devender Singh, who had allegedly given blow of danda on the head of the complainant, has been already granted regular bail by the learned trial Court. It is also not in dispute that petitioner has been enlarged on bail in FIR No.22 of 2025, dated 21.03.2025, registered at Police Station Rakkar, District Kangra, H.P., by the Coordinate Bench of this Court in Cr.MP(M) No.107 of 2026, vide judgment dated 05.03.2026. Since majority of the accused named in both the FIR's already stand enlarged on bail, petitioner, being similarly situate, is also entitled to bail on the ground of parity.

8. Most importantly, petitioner herein has been roped in the case at hand on the basis of statement of the co-accused. Hon'ble Apex Court in case titled as ***Dipakbhai Jagdishchandra Patel Vs. State of Gujarat, (2019) 16 SCC 547***, has categorically held that statement made by a co-accused during the investigation is hit by Section 162 of Cr.P.C. and cannot be used as a piece of evidence. It also came to be held in



afore judgment that confession made by the co-accused is inadmissible under Section 25 of the Indian Evidence Act.

Relevant Para of afore judgment read as under:

“44. Such a person, viz., the person who is named in the FIR, and therefore, the accused in the eye of the law, can indeed be questioned, and the statement is taken by the police officer. A confession that is made to a police officer would be inadmissible, having regard to Section 25 of the Evidence Act. A confession, which is vitiated under Section 24 of the Evidence Act, would also be inadmissible. A confession, unless it fulfils the test laid down in Pakala Narayana Swami [Pakala Narayana Swami v. King Emperor, 1939 SCC OnLine PC 1 : (1938-39) 66 IA 66: AIR 1939 PC 47] and as accepted by this Court, may still be used as an admission under Section 21 of the Evidence Act. This, however, is subject to the bar of admissibility of a statement under Section 161 CrPC. Therefore, even if a statement contains an admission, the statement being one under Section 161, it would immediately attract the bar under Section 162 CrPC.”

9. Reliance is also placed upon the judgment of Hon'ble Apex Court in **Surinder Kumar Khanna Vs. Intelligence Officer, Directorate of Revenue Intelligence, 2018 (8) SCC 271**, wherein it came to be ruled that confession made by a co-accused cannot be taken as a substantive piece of evidence against another co-accused and can only be utilised to lend assurance to the other evidence. Hon'ble Apex Court in recent judgment passed in **Tofan Singh Vs. State of Tamil Nadu, 2021 (4) SCC 1**, held that a confession made to a Police officer during the investigation is hit by Section 25 of the Indian Evidence Act and is not saved by the provisions of Section 67 of the NDPS Act, as a result thereof, no advantage can be derived by



the prosecution from the confessional statement made by the co-accused implicating the petitioner and it is impermissible to detain the petitioner in custody based on the statement made by the co-accused.

10. Hon'ble Apex Court as well as this Court in catena of cases have repeatedly held that one is deemed to be innocent till the time guilt, if any, of his/her is not proved in accordance with law. In the case at hand also, guilt, if any, of the accused is yet to be proved in accordance with law, by leading cogent and convincing material on record, as such, his incarceration in jail for indefinite period is clear cut violation of fundamental rights guaranteed under Article 21 of the Constitution of India. Apprehension expressed by the learned Additional Advocate General that in the event of petitioner's being enlarged on bail, he may flee from justice, can be best met by putting the bail petitioner to stringent conditions as has been fairly stated by the learned counsel for the petitioner.

11. Hon'ble Apex Court in Criminal Appeal No. 227/2018, ***Dataram Singh vs. State of Uttar Pradesh & Anr*** decided on 6.2.2018 has held that freedom of an individual cannot be curtailed for indefinite period, especially when his/her guilt is yet to be proved. It has been further held by the Hon'ble Apex Court in the aforesaid judgment that a person is believed to be innocent until found guilty.



12. Hon'ble Apex Court in ***Sanjay Chandra versus Central Bureau of Investigation (2012)1 Supreme Court Cases 49*** has held that gravity alone cannot be a decisive ground to deny bail, rather competing factors are required to be balanced by the Court while exercising its discretion. It has been repeatedly held by the Hon'ble Apex Court that object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative.

13. In ***Manoranjana Sinh alias Gupta versus CBI, (2017) 5 SCC 218***, Hon'ble Apex Court has held that the object of the bail is to secure the attendance of the accused in the trial and the proper test to be applied in the solution of the question whether bail should be granted or refused is whether it is probable that the party will appear to take his trial. Otherwise also, normal rule is of bail and not jail. Apart from above, Court has to keep in mind nature of accusations, nature of evidence in support thereof, severity of the punishment, which conviction will entail, character of the accused, circumstances which are peculiar to the accused involved in that crime.

14. The Apex Court in ***Prasanta Kumar Sarkar versus Ashis Chatterjee and another (2010) 14 SCC 496***, has laid down various principles to be kept in mind, while deciding petition for bail viz. prima facie case, nature and gravity of



accusation, punishment involved, apprehension of repetition of offence and witnesses being influenced.

15. In view of the aforesaid discussion as well as law laid down by the Hon'ble Apex Court, petitioner has carved out a case for grant of bail. Accordingly, present petition is allowed and the petitioner is ordered to be enlarged on bail in aforesaid FIR, subject to his furnishing personal bond in the sum of Rs.1,00,000/- with two local sureties in the like amount to the satisfaction of concerned Chief Judicial Magistrate/trial Court, with following conditions:

- (a) he shall make himself available for the purpose of interrogation, if so required and 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;*
- (b) he shall not tamper with the prosecution evidence nor hamper the investigation of the case in any manner whatsoever;*
- (c) he shall not make any inducement, threat or promises to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or the Police Officer; and*
- (d) he shall not leave the territory of India without the prior permission of the Court.*

16. It is clarified that if the petitioner misuses the liberty or violates any of the conditions imposed upon him, the investigating agency shall be free to move this Court for cancellation of the bail.

17. Any observations made hereinabove shall not be construed to be a reflection on the merits of the case and shall remain confined to the disposal of this application alone. The petition stands accordingly disposed of.



18. The petitioner is permitted to produce copy of the order downloaded from the High Court Website and the trial court shall not insist for certified copy of the order, however, it may verify the order from the High Court website or otherwise.

(Sandeep Sharma)
Judge

May 8, 2026
Manjit