



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. MP(M) No. 893 of 2026

Reserved on: 29.05.2026

Date of Decision: 05.06.2026.

Deepak Kumar @ Deepu

.... Petitioner

Versus

State of HP

.... Respondent

Coram

Hon'ble Mr Justice Rakesh Kainthla, Judge.

Whether approved for reporting?¹ No

For the Petitioner : Mr. Prikshit Rathore, Advocate.

For the Respondent/State : Mr. Tarun Pathak, Deputy Advocate General.

Rakesh Kainthla, Judge

The petitioner has filed the present petition seeking regular bail in FIR No. 150 of 2022, dated 27.10.2022, registered at Police Station, Manpura, District Solan, H.P., for the commission of offences punishable under Sections 302 and 120B of the Indian Penal Code and Section 27 of the Arms Act, 1959.

2. It has been asserted that, as per the prosecution, Harbhajan Singh (since deceased) was found missing from his

¹ Whether reporters of Local Papers may be allowed to see the judgment? Yes.



home. He had left the home on 26.10.2022 on a motorcycle bearing registration No. HP-12E-2721 at about 8:45 P.M. and did not return. His mobile phone was also found switched off. His dead body was found lying in the bushes on 27.10.2022 with injury marks. The police registered the FIR and investigated the matter. The police checked the CCTV footage and found that Inderpreet and Amandeep were moving with the deceased. The police arrested the petitioner as the person who was accompanying them. The police recovered one *Gandasi* at the instance of Lakhwinder and one *Gandasi* at the instance of the petitioner. The police filed the charge sheet before the Court. The investigation is complete, and no recovery is to be effected from the petitioner. The police have cited 51 witnesses, and the statements of only 10 witnesses have been recorded. Co-accused Lakhwinder Singh @ Lucky has been released on bail by the Hon'ble Supreme Court of India in Special Leave to Appeal Criminal No. 4537 of 2026. The petitioner is also entitled to bail on the principle of parity. The petitioner would abide by the terms and conditions that the Court may impose. Hence, it was prayed that the present petition be allowed and the petitioner be released on bail.



3. The petition is opposed by filing a status report asserting that the police received information that the dead body of Harbhajan Singh @ Bunty was lying in the bushes. The police reached the spot. The informant, Balwinder Singh, made a statement that Harbhajan Singh @ Bunty had gone towards the main road on his motorcycle bearing registration No. HP-12E-2721 on 26.10.2022 at 08:45 P.M. He did not return. Attempts were made to contact him on his mobile phone, but his mobile phone was switched off. A search was made for him, and his dead body was recovered. He was stabbed with a sharp-edged weapon. The police registered the FIR, investigated the matter and found that the deceased was talking to Amandeep Singh and Inderpreet Singh as per the CCTV footage. The police arrested them. They disclosed the petitioner's name. The police arrested the petitioner. He made a disclosure statement leading to the recovery of *Gandasi*. The police also recovered the petitioner's clothes, which were sent to FSL. The blood was found on the *Gandasi*, but it did not yield any DNA for analysis. The petitioner had murdered Harbhajan Singh @ Bunty with a *gandasi*. The statements of 12 witnesses out of 60 cited by the prosecution have been recorded. The matter is listed in September 2026 for



recording the statements of the prosecution witnesses. Hence, the status report.

4. I have heard Mr Parikshit Rathore, learned counsel for the petitioner and Mr Tarun Pathak, learned Deputy Advocate General, for the respondent/State.

5. Mr. Parikshit Rathore, learned counsel for the petitioner, submitted that the petitioner is innocent and he was falsely implicated. Co-accused Lakhwinder @ Lucky has been released on bail by the Hon'ble Supreme Court of India because of the delay in the progress of the trial. The petitioner is also entitled to bail on the principle of parity. The petitioner would abide by the terms and conditions that the Court may impose. Hence, he prayed that the present petition be allowed and the petitioner be released on bail.

6. Mr Tarun Pathak, learned Deputy Advocate General for the respondent/State, submitted that the petitioner is involved in the commission of a heinous offence. The matter is listed on 10 days in September for recording the statements of prosecution witnesses, which shows that the learned Trial Court



intends to expeditiously conclude the trial. Therefore, he prayed that the present petition be dismissed.

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

8. 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, 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)

9. 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....”

10. The present petition has to be decided as per the parameters laid down by the Hon’ble Supreme Court.

11. The status report mentions that the police had initially arrested Amandeep Singh and Inderpreet Singh. They disclosed the names of Lucky and the petitioner. The police arrested the petitioner and Lucky based on this statement, leading to the recovery of various articles. Therefore, the role of the petitioner and Lucky is similar. The Hon’ble Supreme Court has granted bail to the accused Lakhwinder alias Lucky in SLP Criminal No.4537 of 2026 titled Lakhwinder Singh versus State of H.P., decided on 11.5.2026, after holding that the trial was likely to take sufficient time for completion, and Lucky was entitled to bail. The same considerations will apply to the petitioner as well. The petitioner has remained in custody for the same time as the co-accused, Lucky. The trial against the petitioner is also likely to take the same time as the trial against Lucky. Therefore, there is a force in the submission of learned counsel for the petitioner that the petitioner is entitled to bail on the principle of parity.



12. The Hon'ble Supreme Court directed that Lakhwinder be released on such terms and conditions as may be imposed by the learned Trial Court, provided that he co-operates with the trial and appears before the Trial Court as and when required. Since the present petitioner is also being released on the principle of parity, the same conditions have to be imposed on the petitioner. Hence, it is ordered that the petitioner will be released on bail subject to such terms and conditions as may be imposed by the learned Trial Court, provided that he cooperates with the trial and appears before the Trial Court as and when required.

13. The observation made herein before shall remain confined to the disposal of the instant petition and will have no bearing whatsoever on the merits of the case.

(Rakesh Kainthla)
Judge

5th June, 2026
(Nikita)