

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr.MPM No.1144 of 2026
Date of Decision: 15.7.2026

Rohan Kumar

.....Petitioner

Versus

State of Himachal Pradesh

.....Respondent

Coram

Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting?

For the Petitioner: Mr. Sanjeev K. Suri and Mr. Dixit Sahotra,
Advocates.

For the Respondent: Mr. Rajan Kahol & Mr. Vishal Panwar, Additional
Advocates General and Mr. Ravi Chauhan & Mr.
Anish Banshtu, Deputy Advocates General.

Sandeep Sharma, J. *(Oral)*

Sequel to order dated 29.6.2026, whereby the petitioner was ordered to be enlarged on interim bail in connection with FIR No.131/2026 dated 24.6.2026 under Sections 69 and 351 (1) of the Bharatiya Nyaya Sanhita, 2023, registered at Police Station Balh, District Mandi, Himachal Pradesh, respondent-State has placed on record the status report and SI Surinder Kumar, has come present with record. Record perused and returned.

2. Mr. Rajan Kahol, learned Additional Advocate General, on instructions of the Investigating Officer, who is present in the Court, fairly

states that pursuant to order dated 29.6.2026, passed by this Court, bail petitioner has joined the investigation. Learned Additional Advocate General, fairly states that at this juncture, his custodial interrogation is not required and as such State has no objection, in case the petitioner is ordered to be enlarged on bail subject to condition that he shall always make himself available as and when required by the Investigating Agency.

3. Needless to say, 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, bail is not to be withheld as a punishment. Otherwise also, normal rule is of bail and not jail. 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. See: ***Sanjay Chandra versus Central Bureau of Investigation*** (2012)1 Supreme Court Cases 49 and ***Prasanta Kumar Sarkar v. Ashis Chatterjee and Another*** (2010) 14 SCC 496.

4. Hon'ble Apex Court in Criminal Appeal No. 227/2018, ***Dataram Singh vs. State of Uttar Pradesh & Anr.***, decided on 6.2.2018, has categorically held that a fundamental postulate of criminal

jurisprudence is the presumption of innocence, meaning thereby that a person is believed to be innocent until found guilty. Hon'ble Apex Court further held that while considering prayer for grant of bail, it is important to ascertain whether the accused was participating in the investigations to the satisfaction of the investigating officer and was not absconding or not appearing when required by the investigating officer. Hon'ble Apex Court further held that if an accused is not hiding from the investigating officer or is hiding due to some genuine and expressed fear of being victimized, it would be a factor that a judge would need to consider in an appropriate case.

5. Consequently, in view of the above, order dated 29.6.2026, passed by this Court, is made absolute, subject to the 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 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.*

6. It is clarified that if the petitioner misuses his 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.

7. 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.

8. The bail petition stands disposed of accordingly.

9. The petitioner is permitted to produce copy of 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.

July 15, 2026

(manjit)

**(Sandeep Sharma),
Judge**