

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

Cr.MP (M) No. 1264 of 2026

Date of Decision: 4.8.2026

Manpreet Singh	Versus	...Petitioner
State of Himachal Pradesh		...Respondent

Coram:

The Hon'ble Mr. Justice Sandeep Sharma, Judge.

Whether approved for reporting?¹

For the Petitioner	Mr. Ajay Kochhar, Senior Advocate with Ms. Preetika Thakur, Advocate.
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)

Bail petitioner namely Manpreet Singh, who is behind bars since 16.3.2026, has approached this Court in the instant proceedings filed under Section 483 of Bharatiya Nagrik Suraksha Sanhita, for grant of regular bail in case FIR No.56 of 2026, dated 01.03.2026, registered at Police Station Baddi, District Solan, Himachal Pradesh, under Sections 109, 3(5), 61 (2) of Bharatiya Nyaya Sanhita and Sections 25-54-59 of Arms Act.

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

2. Respondent-State has filed the status report and ASI Amit Kumar, has come present with record. Record perused and returned.

3. Close scrutiny of record/status report reveals that on 28.02.2026, a complaint was lodged by complainant namely Gurbachan Singh at afore Police Station, alleging therein that at about 06:00 p.m., while he along with Balbir Singh had reached near his quarters, a Creta car came from Baddi University side and stopped in front of Balbir Singh, who at relevant time was parking his motorcycle. Complainant alleged that five persons, who at relevant time were carrying pistols, alighted from the afore car and started firing gunshots at Balbir Singh. He alleged that he along with Kamal and Pawan attempted to rescue Balbir Singh but in the meantime, three of the assailants namely Shiv Pandit, Rajan and Rohit, succeeded in fleeing from the spot. Complainant also alleged that he has suspicion that person namely Lalit and David, who are the residents of Village Makhnumajra, had hatched conspiracy with persons named hereinabove to kill Balbir Singh and in that regard, for the last few days, they had been conducting reconnaissance of the area and monitoring movements of Balbir Singh. In view of aforesaid statement of the complainant, all the persons

named herein above, came to be named in the FIR. Persons namely David and Lalit already stand enlarged on bail by this Court on the ground that they were never present on the spot of occurrence at the relevant time.

4. During investigation, it emerged that Shiv Pandit, Rajan and Rohit asked him to give minute to minute information with regard to movement of injured Balbir Singh and allegedly, present bail petitioner on 28.2.2026, informed the above named assailants with regard to his movement on Instagram and as such, petitioner also came to be named in the FIR and since 16.3.2026, he is behind the bars.

5. Since challan stands filed in the competent Court of law and nothing remains to be recovered from the bail petitioner, petitioner has approached this Court in the instant proceedings for grant of regular bail

6. Mr. Ajay Kochhar, learned Senior Counsel, duly assisted by Ms. Preetika Thakur, Advocate, appearing for the petitioner, states that it is own case of the prosecution that petitioner herein was never present at the time of the alleged incident, rather he had allegedly intimated the assailants with regard to minute to minute movement of injured Balbir Singh to the assailants and h, like co-accused David and Lalit, deserves to be enlarged on bail. Mr.

Kochhar, further argued that by now it is well settled that statement of co-accused made before the police is inadmissible and as such, could not be made basis to rope in the petitioner, who admittedly was not present at the time of the alleged incident.

7. Mr. Rajan Kahol, learned Additional Advocate General, while fairly admitting factum with regard to filing of the challan in the competent court of law, states that though nothing remains to be recovered from the bail petitioner, but keeping in view the gravity of offence alleged to have been committed by him, he does not deserve any leniency. Mr. Kahol, states that evidence adduced on record by the prosecution clearly reveals that petitioner and co-accused David and Lalit are close friends of the persons, who fired gunshots at Balbir Singh and they had definite knowledge of plan made by persons namely Shiv Pandit, Rajan and Rohit to kill Balbir Singh. He states that since two persons, who had actually fired gunshots at Balbir Singh, are absconding, it may not be in the interest of justice to enlarge the petitioner on bail because in that event, he may not only flee from justice, but may also tamper with the prosecution evidence.

8. Having heard learned counsel for the parties and perused material available on record, this Court finds that petitioner herein was not a member of the group, which allegedly fired gunshots at victim on the date of alleged incident, rather as per own case of the prosecution, five persons, namely Shiv Pandit, Rajan, Rohit and two other unidentified individuals, fired gunshots at Balbir Singh. Perusal of statement of the complainant recorded under Section 154 Cr.P.C nowhere suggests that bail petitioner was present at the time of the incident, rather complainant had not named him. Complainant though alleged that he has suspicion that co-accused David and Lalit had prior information with regard to conspiracy allegedly hatched by five persons to kill the victim, but he nowhere named the petitioner herein. Even as per case of the prosecution, co-accused Lalit had introduced the petitioner to co-accused Rajan, who had allegedly instructed him to keep an eye on the movement of injured Balbir Singh.

9. Case of the prosecution is based upon mere suspicion. By now it is well settled that mere suspicion cannot take place of legal proof. It is not in dispute that co-accused Lalit and David, who had allegedly shared the information with the assailants of minute to minute

movement of the Balbir Singh, already stand enlarged on bail and as such, petitioner, who is also facing similar allegation of sharing information with the assailants, also deserves to be enlarged on bail.

10. Though learned Additional Advocate General, attempted to argue that assailants, who had fired gunshot at Balbir Singh are absconding, but such fact, if any, may not be sufficient to conclude complicity of the petitioner in the offence alleged to have been committed by the co-accused. Once it is own case of the prosecution that injuries were received by the Balbir Singh on account of gunshots fired by person namely Shiv Pandit, Rajan and Rohit and two other unidentified individuals, there appears to be no justification to let the bail-petitioner incarcerate in jail for indefinite period during trial, especially when his guilt, if any, is yet to be established on record.

11. Hon'ble Apex Court and this Court in a catena of cases have repeatedly held that one is deemed to be innocent, till the time, he/she is proved guilty in accordance with law. In the case at hand, complicity, if any, of the bail petitioner is yet to be established on record by the investigating agency and if he is left to incarcerate in jail during afore period, it would not only amount to pre-trial

conviction, but would also be violative of Section 21 of the Constitution of India. Apprehension expressed by learned Deputy Advocate General, that in the event of being enlarged on bail, bail petitioner may flee from justice or indulge in such offences again, can be best met by putting the bail petitioner to stringent conditions.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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.

17. 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, the 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 each to the satisfaction of learned 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.***
- (e) ***He shall surrender his passport, if any, before the investigating agency.***

18. 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.

19. 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.

20. A downloaded copy of this order shall be accepted by the learned trial Court, while accepting the bail bonds from the petitioner and in case, said court intends to ascertain the veracity of the downloaded copy of order presented to it, same may be ascertained from the official website of this Court.

(Sandeep Sharma)
Judge

August 4, 2026
(manjit)