

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. MP(M) No. 2388 of 2025

Reserved on : 14.10.2025

Decided on : 17.10.2025

Nand Lal

...Applicant

Versus

State of H.P.

...Respondent

Coram

The Hon'ble Mr. Justice Virender Singh, Judge.

Whether approved for reporting?¹

For the Applicant : Mr. Kamlesh Kumar, Advocate
vice Mr. Raj Kumar Verma,
Advocate.

For the respondent : Mr. Tejasvi Sharma, Mr.
Mohinder Zharaick, Addl. AGs
with Mr. Rohit Sharma,
Deputy Advocate General.

Virender Singh, Judge

The applicant has filed the present application, under Section 483 of Code of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'the BNSS.') in case FIR No. 28 of 2024, dated 23.2.2024, under Sections 302 and 120-B of the Indian Penal Code (hereinafter referred to as "the

¹ *Whether Reporters of local papers may be allowed to see the judgment? Yes.*

IPC”), registered with Police Station, Balh, District Mandi, H.P.

2. According to the applicant, he has been falsely implicated, in the present case, as he is an innocent person and has nothing to do with the case, for which, he has been arrested by the Police.

3. It is the further case of the applicant that allegations, levelled against him, in the FIR in question, are completely false, baseless and concocted.

4. The applicant has tried his luck by moving similar bail applications before the learned Sessions Judge, Mandi. However, the same were dismissed on 12.7.2024.

5. It is the further case of the applicant that his co-accused Bhadar Singh has been released on bail by this Court, on 19.6.2025, while deciding Cr. MP(M) No. 1239 of 2025. He has further pleaded that his co-accused Lata Kumari has also been released on

bail by the learned Sessions Judge, Mandi, vide order dated 17.5.2025.

6. According to the applicant, investigation, in the present case, is complete and he is in the judicial custody for the last one and half year.

7. On the basis of above facts, Mr. Kamlesh Kumar, Advocate vice Mr. Raj Kumar Verma, Advocate, appearing for the applicant, has given certain undertakings, for which, the applicant is ready to abide by, in case, ordered to be released on bail, during the pendency of the trial.

8. When, put to notice, the Police has filed the status report, disclosing therein that on 22.2.2024, Councillor Meena informed the Police from her mobile phone No. 98056-87169, that near Satsang Bhawan, Nerdhangu, one person is lying, who seems to be dead and requested the Police to reach there, upon which, ASI Vinod Kumar, alongwith other police officials, proceeded towards the spot.

8.1 On the spot, near Suketi Khad, dead body of one unknown person was found to have been bitten by dogs. On checking the dead body, injury marks were found on the head and mouth of the dead body. The wearing apparels of the dead body were searched, on which, from the left pocket of the apparels, one mobile phone (Vivo) and from the another pocket, two currency notes of denomination of Rs. 10/- were found, which were also taken into possession. Other physical evidence was also taken into possession. The spot was photographed. The spot map was also prepared. On inquiry, the said dead person was found to be residing in a rented accommodation in Dhangu and working as a migrated labourer. Thereafter, members of the migrated labourers were inquired. On inquiry, cousin and uncle of deceased disclosed the name of the dead person as Arjun, S/o Fakeera, R/o Village Nagla, Bulandshehar, U.P.

8.2 On 23.2.2024, the team of RFSL was requested to visit the spot. They have also collected the physical evidence from the spot. Dead body was sent for post-mortem examination to Medical College and Hospital, Nerchowk. Statement of Dr. Abhishek Sharma, who is stated to have conducted the post mortem examination of dead body, was recorded, in which, he has got recorded that on 23.2.2024, ASI Vinod Kumar, Police Station, Balh, District Mandi, H.P. had brought the dead body of deceased Arjun, for post-mortem examination. He has further got recorded, in his statement, that in the post mortem examination, injuries found on the person of Arjun, were declared to be sufficient to cause his death.

8.3 On the basis of above facts, Police registered a case under Section 302 IPC. Thereafter, the investigation was entrusted to ASI Vinod Kumar.

8.4 During investigation, CDR of mobile phone number of Arjun, bearing No. 93179-20775 was obtained from the service provider. Perusal of the same shows that on 21.2.2024 from 7:56 a.m to 11:14 p.m., conversation is stated to have taken place 18 times with mobile number 62309-46908. The said mobile number was found to be issued in the name of Lata Devi W/o Nand Lal, R/o Dhadwahan, Nerchowk, Distt. Mandi, H.P.

8.5 On inquiry, Lata Devi disclosed that she was in talking terms with deceased Arjun. On 21.2.2024, deceased Arjun had come to her house to meet her, where, her brother-in-law Bhadar Singh had noticed both of them together in her room. Thereafter, the applicant is stated to have bolted the door from outside and informed her husband Nand Lal (applicant), on phone. It has also been found that during night time, accused Bhadar singh was having regular conversation, in intervals, with Nand Lal (applicant). Applicant

Nand Lal is stated to have returned back in the odd hours of night. Thereafter, Applicant Nand Lal and Bhadar Singh had beaten up deceased Arjun with the dandas.

8.6 When, accused Lata Devi was inquired about the injuries on her person, she disclosed that she had suffered the injuries when her husband Nand Lal (applicant) and brother-in-law Bhadar Singh were beating Arjun with the danda and since, she felt pain, as such, she visited the hospital, where plaster was applied on her arm. It has further been disclosed by Lata Devi that due to beatings given by applicant Nand Lal and Bhadar Singh, Arjun had died and all three of them had taken away his dead body in their vehicle bearing No. HP-14B-8709 and thrown the same near Dhangu. Thereafter, they had burnt the wearing apparels of deceased Arjun, bed sheet, blanket, covers of mattresses, upper foam

of mattresses. She has further disclosed that this fact has not been disclosed to anyone.

8.7 Thereafter, Bhadar Singh was also inquired, who has disclosed that on 21.2.2024, during night time, when, he came to his room, then, he noticed that his sister-in-law (bhabhi) Lata Devi was going to her room with some person. The applicant has further disclosed that thereafter, he heard the murmurings from the room. Prior to this, the applicant was having suspicion that his sister in law was having extra marital affair with someone. Consequently, he had bolted the door from outside and informed the aforesaid fact to applicant Nand Lal. Consequently, on 22.2.2024, applicant Nand Lal reached there at 2:00 a.m. They had taken the danda and entered the room of Lata Devi, where Bhadar Singh and his brother Nand Lal (applicant) had beaten Arjun. When, Lata Devi tried to save Arjun, they had also given the danda

blows to Lata Devi. Due to the beatings given to Arjun, he became unconscious and later on, expired. Thereafter, all of them had lifted the dead body and thrown the same near Dhangu. He has also disclosed that they had also burnt the articles, as referred to above.

8.8 Thereafter, search for applicant Nand Lal was made. Applicant Nand Lal was also inquired and on inquiry, he has reiterated the version given by his wife Lata Devi and Bhadar Singh.

8.9 The vehicle in question was taken into possession. On 24.2.2024, applicant Nand Lal and Bhadar Singh were associated in the investigation. The vehicle in question was inspected by the expert team of RFSL. The team had collected the physical evidence, found from the spot.

8.10 Thereafter, room of applicant Nand Lal was visited by the experts of RFSL, Mandi.

Physical evidence, so collected, was taken into possession.

8.11 On 24.2.2024, in the presence of independent witnesses, prescription slip of Lata Devi, bearing OPD No. 6997, dated 23.2.2024, issued by Civil Hospital, Ratti KRSNAA DIAGNOSTICS PVT LTD., alongwith X-Ray film, was taken into possession. Applicant Nand Lal was arrested on 24.2.2025, whereas Bhadar Singh was arrested on 25.2.2024.

8.12 Accused Lata Devi was medico legally examined.

8.13 On 26.2.2024, applicant Nand Lal, made statement under Section 27 of the Indian Evidence Act, during custody, disclosing therein that he could get recovered the danda, used in the crime, alongwith wearing apparels. His statement was recorded and in pursuance of his statement, he got recovered the wearing apparels from his room, which were taken into possession.

8.14 On 27.2.2024, as per disclosure statement, applicant Nand Lal got recovered a danda from the room, meant to store the fodder. The said danda was also taken into possession.

8.15 It is the further case of the Police that report from the RFSL has been received. The Doctor, who had conducted the post mortem examination of the deceased, has given his final opinion that the deceased has died due to homicidal traumatic brain injury.

8.16 After completion of investigation, the Police filed charge-sheet, under Section 302 and 120-B IPC, against all the three accused, on 22.5.2024.

8.17 Lastly, it has been mentioned in the status report that against applicant, total 16 cases have been registered, details of which, are reproduced as under:

1) FIR No. 172/2001, dated 14.5.2025, u/s 377 and 34 IPC, Police Station, Balh, District Mandi, H.P.;

- 2) FIR No. 285/2003, dated 13.11.2003, u/s 147, 148, 149, 324 IPC, Police Station, Balh, District Mandi, H.P.;
- 3) FIR No. 340/2019, dated 14.11.2019, u/s 174 A Police Station Balh, District Mandi, H.P.;
- 4) FIR No. 387/2008, dated 7.9.2008, u/s 20 of NDPS Act, P.S. Sunder Nagar, Distt. Mandi, H.P.;
- 5) FIR No. 427 of 2008, dated 4.10.2008, u/s 225, 120-B IPC, PS Sundar Nagar, District Mandi, H.P.;
- 6) FIR No. 304/2009, dated 2.12.2009, u/s 20 of NDPS Act, P.S. Sadar District Mandi, H.P.;
- 7) FIR No. 17/11 dated 19.1.2011, u/s 379, 457, 380 and 34 IPC, P.S. Sadar Mandi, H.P.;
- 8) FIR No. 189/2011, dated 14.8.2011, u/s 457, 511, 34 IPC and P.S. Balh, District Mandi, H.P.;
- 9) FIR No. 188/2011, dated 8.11.2011, u/s 279, 337 IPC & 181 M.V. Act, P.S. Balh, District Mandi, H.P.;
- 10) FIR No. 82/2011, dated 22.4.2011, u/s 457, 380 IPC, P.S. Sadar, Mandi, H.P.;
- 11.) FIR No. 141/12, dated 10.5.2012, u/s 452, 323, 506 and 34 IPC, P.S. Balh, District Mandi, H.P.;
- 12) FIR No. 219/12, dated 14.8.2012, u/s 457, 380 IPC, P.S. Balh, District Mandi, H.P.;
- 13) FIR No. 102/16, dated 14.4.2016, u/s 174 IPC, P.S. Sadar Mandi H.P.;
- 14) FIR No. 231/21, dated 12.7.2021, u/s 341, 504, 506 IPC, P.S. Balh, District Mandi, H.P.;
- 15) FIR No. 337/2021, dated 21.10.2021, u/s 341, 504, 506, 447 IPC, P.S. Balh, District Mandi, H.P.;

16) FIR No. 14/2023, dated 11.1.2023, u/s 20 of NDPS Act, P.S. Sundernagar, District Mandi, H.P.

8.18 On the basis of above, it has been prayed by the learned Addl. A.G. that keeping in view the seriousness of the offence, for which, the applicant has been arrested, the bail application may kindly be dismissed.

9. To the considered opinion of this Court, the role attributed to the applicant in the crime in question, would be proved during the trial.

10. Considering the fact that co-accused Lata Devi has been released on bail, by the Court of learned Sessions Judge, Mandi, vide order dated 17.5.2024, passed in bail application No. 141 of 2024 and Bhadar Singh has been released on bail this Court, vide order dated 19.6.2025, passed in Cr.MP(M) No. 1239 of 2025, this Court is of the view that the allegations, which have been levelled against the applicant, are similar to

the role attributed to his co-accused. In such situation, even on the ground of parity, the applicant is entitled for the relief, as claimed, in the application.

11. Chances of conclusion of trial, against the applicant, in near future, are not so bright, since as per the record, there are total 25 witnesses, in this case.

12. Merely, that the applicant has been named as accused, in this case, does not mean that he is not entitled for the relief of bail, during pendency of the trial, as his guilt is yet to be proved by the prosecution, during trial. As such, he is presumed to be innocent.

13. So far as, the registration of other cases against the applicant is concerned, this fact is also not sufficient to take away the presumption of innocence, as, admittedly, no punishment has been awarded to the applicant by the competent Court of law. Mere registration of other cases,

does not take away the presumption of innocence. The bail application cannot be rejected, as a matter of punishment, as the punishment can only be inflicted after the trial.

14. Considering the period of custody, this Court is of the view that the bail application cannot be rejected, as a matter of punishment, as pre-trial punishment is prohibited, under the law.

15. The applicant is permanent resident of District Mandi, as such, it cannot be apprehended that in case, he is ordered to be released on bail, he may not be available for the trial.

16. Considering all these facts, this Court is of the view that the bail application is liable to be allowed and is accordingly allowed.

17. Consequently, the applicant is ordered to be released on bail in case **FIR No. 28 of 2024, dated 23.2.2024, registered under Sections 302 and 120-B IPC, with Police Station, Balh, District Mandi, H.P., on his furnishing personal bond in**

the sum of Rs. 50,000/-, with two sureties in the like amount, to the satisfaction of the learned trial Court.

18. This order, however, shall be subject to the following conditions:-

a) Applicant shall 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 the appropriate application;

b) Applicant shall not tamper with the prosecution evidence nor hamper the investigation of the case in any manner whatsoever;

c) Applicant shall not make any inducement, threat or promises to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or the Police Officer, and

d) Applicant shall not leave the territory of India without the prior permission of the Court.

19. Any of the observations, made herein above, shall not be taken, as an expression of opinion, on the merits of the case, as these observations are confined, only to the disposal of the present bail application.

20. It is made clear that the respondent-State is at liberty to move an appropriate

application, in case, any of the bail conditions is found violated by the applicant.

21. The Registry is directed to forward a soft copy of the bail order to the Superintendent of Model Central Jail, Kanda, District Shimla, H.P., through e-mail, with a direction to enter the date of grant of bail in the e-prison software.

22. In case, the applicant is not released within a period of seven days from the date of grant of bail, the Superintendent of Model Central Jail, Kanda, District Shimla, H.P. is directed to inform this fact to the Secretary, DLSA, Shimla. The Superintendent of the Model Central Jail, Kanda, District Shimla, H.P. is further directed that if the applicant fails to furnish the bail bonds, as per the order passed by this Court within a period of one month from today, then, the said fact be submitted to this Court.

23. Record be returned to the quarter concerned.

(Virender Singh)
Judge

October 17, 2025
Kalpana

KALPANA Digitally signed
by KALPANA
Date: 2025.10.17
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