

**IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA
ON THE 06th DAY OF NOVEMBER, 2025**

BEFORE

HON'BLE MR. JUSTICE AJAY MOHAN GOEL

CRIMINAL MISC. PETITION (MAIN) No.2438 of 2025

Between:-

**GULSHAN KUMAR, AGED
ABOUT 36 YEARS S/O HUKM
CHAND, R/O VPO KHOLI, THE.
AND DISTT. KANGRA, H.P.
THROUGH HIS WIFE DEEPIKA
W/O GULSHAN KUMAR R/O
VPO KHOLI, THE. AND DISTT.
KANGRA, H.P. CURRENTLY
LODGED IN BANGHAD JAIL UNA
HIMACHAL PRADESH.**

...PETITIONER

**(BY MR. K.S. GILL, ADVOCATE
AND**

**STATE OF HIMACHAL
PRADESH**

...RESPONDENT

**(MR. PUSHPINDER JASWAL, ADDITIONAL ADVOCATE
GENERAL).**

WHETHER APPROVED FOR REPORTING?

*This petition coming on for admission this day, this Court
passed the following:*

ORDER

By way of this petition, the petitioner has prayed for
the grant of bail in FIR No.09/2022, dated 07.02.2022, under
Sections 376, 323 and 506 of the IPC, registered with Women

Police Station Baddi, District, Solan, H.P.

2. Status report stands filed, which is ordered to be taken on record. Learned counsel for the petitioner has submitted that in the light of the fact that the petitioner is in custody for the last more than 3 years, the present petition be allowed and the petitioner be released on bail.

3. On the other hand, learned Additional Advocate General has submitted that taking into consideration the fact that the allegations against the petitioner are of committal of a heinous offence and further taking into consideration his antecedents the present petition be dismissed.

4. I have heard learned counsel for the parties and have also gone through the status report.

5. It is pertinent to mention that earlier also this Court in Cr.MP(M) No.1767 of 2022 filed by the petitioner had rejected his bail application on 16.08.2022 by passing a speaking order.

6. This Court took note of the fact in its earlier order that there were other FIRs registered against the petitioner including under Section 376 of the Indian Penal code as well as the provisions of POCSO Act. A perusal of the status report filed by the State reiterates this fact and, therefore, in the light of this fact that the petitioner is not only a habitual offender but is facing prosecution for commission of grave and heinous offences

including offences punishable under Sections 354 of the Indian Penal Code as well as POCSO Act.

7. In the light of all these facts on record, this Court sees no reason to show any indulgence to the present petitioner and, accordingly, the bail petition is dismissed.

(Ajay Mohan Goel)
Judge

November 06, 2025
(Vinod)