



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

**Cr.MP(M) No.2447 of 2025 a/w
Cr.MP(M) No.2601 of 2025
Reserved on:- 22.11.2025
Date of Decision: 25.11.2025**

Cr.MP(M) No.2447 of 2025

Rohit Kumar

...Applicant

Versus

State of H.P.

....Respondent

Cr.MP(M) No.2601 of 2025

Vinay Kumar

...Applicant

Versus

State of H.P.

..Respondent

Coram:

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

Whether approved for reporting?¹

For the applicant(s) : Mr. K.S. Gill, Advocate, in
Cr.MP(M) No.2447 of 2025.

Mr. Rohit Chauhan, Advocate, in
Cr.MP(M) No.2601 of 2025.

For the respondent(s) : Mr. Mohinder Zharaick and Mr.
H.S. Rawat, Additional
Advocates General, with Ms.
Ranjna Patial, Deputy Advocate
General, assisted by ASI
Ashwani Kumar, Police Station
Chowari, District Chamba, H.P.

Virender Singh, Judge

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



The above-titled bail applications are being disposed of by this common order, as, both the bail applications have been filed, in the same FIR, i.e. FIR No.80 of 2024, dated 24.06.2024 (hereinafter referred to as the 'FIR in question'), registered under Sections 341, 147, 149, 323, 425 and 302 of IPC (hereinafter referred to as the 'Indian Penal Code'), with Police Station, Chowari, District Chamba, H.P.

2. The above-mentioned bail applications have been filed, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (hereinafter referred to as 'BNSS'), for releasing the above-named applicants, on bail, in the FIR in question, during the pendency of the trial.

3. According to the applicants, they are innocent persons and have falsely been implicated and arrested, by the police, in this case.

4. As per the applicants, they have no concern whatsoever, with the crime in question. Moreover, according to them, the police has already completed the investigation and submitted the charge sheet, before the competent Court of law, upon which, the cognizance has been taken and the



charges have been framed and now, the case is stated to be listed for PWs.

5. According to the applicants, nothing has been found, during the investigation, in the statements of the material witnesses and from the evidence, so collected, by the police, no connection whatsoever, with the crime in question could be established, against them.

6. It is the further case of the applicants that it is the story of the prosecution that the applicants themselves tried to save the deceased and in that process, applicant-Vinay Kumar had sustained injuries.

7. Highlighting the fact that there are total 31 prosecution witnesses and for recording the statements of the said prosecution witnesses, Court will take sufficient long time and no useful purpose would be served, by keeping the applicants, in judicial custody.

8. The applicant-Rohit Kumar has earlier tried his luck by moving the similar application, before the Court of learned Special Judge-II, Chamba, District Chamba, H.P., however, his application has been dismissed on 06.06.2025, whereas, applicant-Vinay Kumar has filed the similar application, before the Court of learned Additional Sessions



Judge, Chamba, District Chamba, H.P., however, the same has been dismissed on 29.08.2025.

9. Apart from this, the applicants have also pleaded that one of the accused, in the present case, is minor and he has already been released on bail, by this Court, as the CCL has filed the Criminal Revision No.262 of 2025, which was decided on 20.06.2025.

10. On the ground of parity, the applicants have prayed that during the pendency of the trial, they may kindly be released on bail.

11. Apart from this, the applicants through their counsel have also given certain undertakings, on behalf of the applicants, for which, they are ready to abide by, in case, ordered to be released on bail.

12. On the basis of the above facts, a prayer has been made to allow the applications.

13. When, put to notice, the police has filed the status report, disclosing therein, that on 24.06.2024, Inspector/SHO Raman Chaudhary was present in Police Station, Chowari, then, complainant Vivek son of Prithvi Singh, made a statement under Section 154 of Cr.PC, mentioning therein, that he has studied up to 10+2 and now,



he is learning computer at Chowari. On 23.06.2024, he, along with Nikhil, Rajeev and Bunty, had gone to Chowari in the vehicle of Bunty, bearing Registration No.HP63B-1776 make ETIOS, to see the wrestling competition. After seeing the said wrestling competition, at about 10:30 PM, when, they had gone to the maternal aunt of Nikhil, in Ward No.5, as, their vehicle was parked there, then, near Shukla Patrol Pump, six young men came there, on two bikes. They seems to be under the influence of liquor. They had done the stunts in front of their vehicles and except one, rest of the five young men, also abused them and raised noise, upon which, the complainant and his companion had stopped the vehicle.

13.1. Thereafter, the complainant and his companion came out from the vehicle and requested them not to abuse, then, all the above five persons become furious and started beating them, by slapping. Due to their act, complainant and his companion become frightened and tried to sit in the vehicle, then, Anku one of them lifted a stone and inflicted the injuries, in the head of Rajeev and Bunty, when, all the four complainant sat in the vehicle, Anku had thrown the stone towards their vehicles, due to which, rear mirror of



driver side, was damaged. However, the complainant party fled away from there. The vehicle was being driven by Bunty. Complainant has named the assailants, as Anku, Atul, Vishal and two boys namely Vinay and Ankit and according to him, sixth person has not done anything. When, the complainant and his companion reached at Lahdu then, Nikhil has apprised his cousin Bholu alias Vijay about the incident, on telephone, upon which, he said that those persons are local persons and assured them that he will call them to Lahdu, so the dispute could be settled with them.

13.2. At about 11:30 PM, Vijay alias Bholu, along with Kanu alias Kanav, Sunny, resident of Chowari, came to Lahdu. Thereafter, Bholu made telephonic calls to the said five persons, upon which, they asked them to come to Jatroon rain-shelter, so the dispute could be settled. Thereafter, complainant, Nikhil, Rajeev @ Bholu, Kanav and Sunny boarded the vehicle of Sunny bearing Registration No.HP38G-5669 and reached at Jatroon rain-shelter, where, they made efforts to settle the dispute with Anku, Atul, Vishal, Vinay and Ankit, but, they become furious and again slapped complainant, Rajeev and Nikhil. Rest of the persons



present there, tried to pacify them, but those five persons refused to do so.

13.3. On the spot, all of sudden, Anku Kaaman taken out a knife and stabbed on the left side of the chest of Nikhil. Consequently, blood starting oozing out from his wound, he screamed but Anku, after stabbing, had rotated the said knife in the wound. Bholu @ Vijay tried to save, then, companion of Anku namely Vinay and Ankit too had tried to stop him and both of them had sustained injuries. Bholu @ Vijay with great difficulty, snatched the knife from Anku and thrown towards the gorge. Complainant and Rajeev took Nikhil to Lahdu side, as, Bunty was there. He was called along with the vehicle and in the vehicle of Bunty, Nikhil was taken to Nurpur Hospital for treatment, from where, he was referred to Tanda. However, the complainant and his two companions took Nikhil to Amandeep Hospital, Pathankot, from where, Doctor referred Nikhil to Amritsar Hospital. Bunty took Nikhil to hospital, where, he was declared dead.

13.4. Lastly, he has got recorded that the five assailants, namely Anku, Atul, Vishal, Vinay and Ankit had beaten them and Anku has inflicted knife blow to Nikhil, due to which, he has expired. As such, he has prayed that action



be taken against them, upon which, police registered the case under Sections 341, 147, 149, 323 and 302 of IPC.

13.5. During investigation, on 24.06.2024, Inspector/SHO, along with the police officials, reached at spot, i.e. Chowari and Jatroon rain-shelter. RFSL team, also visited the spot at Chowari and Jatroon rain-shelter. At the instance of the complainant, spot was inspected and from the spot, broken pieces of the mirror of the Car were taken into possession. Blood samples from Jatroon rain-shelter were also lifted. The weapon of offence, from the bushes, below the Jatroon rain-shelter, was also taken into possession. On measurement, the length of the knife was found to be 27.5 cm. The handle of the same was found to be 12 cm. Edge of the same was found to be 15.5 cm. Statements of the witnesses, were got recorded, under Section 161 of Cr.PC. Accused-Anku, Vinay Kumar and Rohit Kumar, (applicants), were associated and were arrested.

13.6. On 25.06.2024, accused-Vishal Singh was also associated and was arrested. Postmortem examination of the dead body of Nikhil Thakur was conducted at Pandit Jawahar Lal Nehru Medical College and Hospital, Chamba



and the dead body was handed over to his family members, on 25.06.2024, for performing his last rites.

13.7. On 25.06.2024, the CCL was associated, in the investigation and after preparing the apprehension memo, he was produced, before the Court of Principal Magistrate, JJB, Tissa, on 26.06.2024, from where, he was sent to Observation Home, Una.

13.8. On 27.06.2024, the investigation was conducted from the remaining four accused. Vehicle No.HP38G-5669 and Motorcycle Nos.HP57-9360, HP57A-1330 and Car bearing No.HP63B-1776 were taken into possession. The four accused persons, were produced, before the Court of Judicial Magistrate First Class, Dalhousie, from where, they were remanded to policy custody.

13.9 After the completion of investigation, the charge sheet has been filed and case is now stated to be listed on 8.12.2025 and 09.12.2025 for recording the statements of PWs, at Serial Nos.1, 2, 22, 23, 3, 4, 17 and 18. Total 10 witnesses have already been examined.

13.10. Lastly, it has been apprehended that in case, the applicants are released on bail, it may cause resentment, in the society and the persons, if released, on bail, may



influence the witnesses and coerce them, as the eye witnesses have not yet been examined.

14. On the basis of the above facts, a prayer has been made to dismiss the applications.

15. The learned counsels appearing for the applicants have relied upon the decisions of the Hon'ble Supreme Court in **Criminal Appeal No.____of 2025, (SLP Criminal No.6191 of 2025)**, titled as **Rahul Singh versus State of Himachal Pradesh** and in **Cr.MP(M) No.1137 of 2025**, titled as **Nisha Devi versus State of Himachal Pradesh, decided on 27.08.2025** and prayed that the applicants, are in judicial custody, right from their date of arrest and according to them, the chances of conclusion of the trial, against the applicants, are not, so bright.

16. In this case, the plea of parity has also been taken by learned counsel appearing for the applicants, as the CCL has already been released on bail, by the Court. The said submissions of learned counsel appearing for the applicants, are devoid of merit, as the legal consideration for releasing the CCL, on bail, and accused in such type of cases, are entirely different. As such, on the ground of parity, the applicants are not entitled for any relief.



17. So far as, the arguments of learned counsel appearing for the applicants, qua the fact that the injury, in the present case, was inflicted by Anku and even, as per the averments, made by the complainant, in his statement under Section 154 of Cr.PC., Vinay and Ankit had tried to stop Anku from rotating the knife, in the wound of the Nikhil. Merely on the basis of the said assertions, the applicants are not entitled for the relief, as claimed, in the present applications. The entire facts and circumstances of the case are liable to be taken into consideration.

18. As per the version of complainant, when, they were returning back in their vehicles, then, six persons came their on two bikes and started doing stunts in front of the vehicle, in which, the complainant and his companion were traveling. Not only this, complainant has categorically stated that those persons, seem to be under the influence of liquor, out of six persons, five persons have allegedly abused them and when, objected by the complainant and his companion were slapped, when, they become frightened and tried to sit in the vehicle, then, Anku lifted a stone and inflicted injury in the head of Bunty and when, they left the spot Anku had thrown the stone, on the vehicle. Resultantly, the rear



mirror of the vehicle got damaged. The seriousness of the offence, at this stage, clearly demonstrated from the further case of the complainant that when, Vijay alias Bholu made efforts to settle the dispute, between them, then, the assailants, under the pretext of settling the matter, quarreled with them, near Jatnoon rain-shelter that too, in the odd hours of the night i.e. at 11:30 PM. Their alleged act of becoming furious throw light of their evil designs, as they had slapped complainant, Rajeev and Nikhil, when, other persons present there tried to save them, all the five had refused to spare them and Anku, thereafter, inflicted the fatal blow to Nikhil.

19. As per the applications, moved by the IO on 24.06.2024, age of Nikhil is recorded as 24 years. Although, the investigation, in the present case, is stated to be completed, but, considering the peculiar facts and circumstances of the present case, as to how, the accused persons under the pretext of resolving the dispute called the complainant and his companion, including the deceased to a secluded place at about 11:30 PM, and instead of settling the dispute, one of the accused, namely Anku stabbed and rotated the knife in the wound of Nikhil.



20. As per stand taken by the police, in the present case, the accused persons including CCL, were present at Jatroon rain-shelter, along with knife, that too, at the time when, the complainant party had gone there to resolve/settle the dispute, with them, with the intervention of Rajeev alias Bholu, who had contacted the accused persons, with a request to settle the dispute, whereas, on the spot, instead of settling the matter, one of the complainant was killed.

21. If the facts and circumstances of the present case are seen in the light of the decision of the Hon'ble Supreme Court in **Rahul Singh's** case supra, with due respect to the law laid down, the same is not applicable to the facts and circumstances of the present case and applicants are not entitled for the relief in this case, at this stage. Moreover, in Rahul Singh's case supra, the allegations against the appellant, before the Hon'ble Supreme Court was, qua sharing the common intention. Here from the stand, as taken by the police, as well as, the stand of the complainant, while, making the statement under Section 154 of Cr.PC., the complainant and his companion including deceased was called by the accused persons through Rajeev alias Bholu,



on the pretext of settling the matter and that too, at a secluded place, during odd hours of the night, and killed one person there.

22. The applicants have been involved in a serious offence, in which, a young man of 24 years allegedly lost his life and in case, the applicants are ordered to be released on bail, it would give a wrong signal to the society that after committing such a heinous offence, that too, on account of trivial dispute, accused persons are moving freely in the society. It will also encourage the other persons to take law in their hand which is antithesis to the rule of law.

23. In this case, material witnesses, in the list of witnesses, as complainant and spot witnesses, namely Vivek, Vijay Kumar alias Bholu, Rajeev, Bunt Singh and Pranav, are yet to be examined. In such situation, the apprehension of the police, qua the fact that in case, they are ordered to be released on bail, they may coerce the witnesses, cannot be said to be unfounded, at this stage.

24. In view of allegations, as levelled by the complainant, against them, in the statement, under Section 154 of Cr.PC., the applicants are not able to make out a case



for releasing them on bail. Consequently, the bail applications are dismissed.

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

26. Copy of this order be placed in the connected case file i.e. Cr.MP(M) No.2601 of 2025.

(Virender Singh)
Judge

November 25, 2025
(subhash)