

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**CrMP(M) No. : 2471 of 2025****Reserved on : 04.11.2025****Decided on : 11.11.2025**

Sachin Kumar

...Applicant

Versus

State of Himachal Pradesh

...Respondent

*Coram***The Hon'ble Mr. Justice Virender Singh, Judge.***Whether approved for reporting?¹*

For the applicant : Mr. N.S. Chandel, Senior Advocate,
with Mr. Nimish Gupta, Advocate.

For the respondent : Mr. H.S. Rawat, Additional Advocate
General, with Mr. Rohit Sharma and
Ms. Ranjna Patial, Deputy
Advocates General.

Virender Singh, Judge.

Applicant-Sachin Kumar has filed the present application, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (hereinafter referred to as 'BNSS'), seeking his release on bail, during the pendency of trial, arising out of **FIR No. 1 of 2025, dated 1st January,**

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

2025, registered under **Sections 105, 3 (5), 115 (2) and 117 of the Bharatiya Nyaya Sanhita** (hereinafter referred to as 'BNS'), with **Police Station Dalhousie**, District Chamba, H.P.

2. According to the applicant, the FIR, in the present case, has been lodged on false allegations, by the police.

3. As per the case of the applicant, the story of the prosecution is shrouded by suspicious circumstances and there is no link evidence to connect the applicant with the alleged incident.

4. It is the case of the applicant that there is nothing on record, much less evidence, to prove the allegations levelled against him..

5. According to the applicant, he is innocent and has falsely been implicated and arrested by the police, in the above noted case, as, he has no concern, whatsoever, with the alleged offence.

6. According to the applicant, he had earlier tried his luck by moving similar bail applications, before the Court of learned Additional Sessions Judge, and learned

Sessions Judge, Chamba, District Chamba, Himachal Pradesh, however, his applications were dismissed.

7. It is also the case of the applicant that no useful purpose would be served by keeping him in the judicial custody, that too, for the indefinite period.

8. It is the further case of the applicant that even, on the ground of parity, he is entitled to be released on bail, as his co-accused has already been released on bail, by this Court, vide order, dated 26.09.2025, passed in CrMP (M) No. 2090 of 2025.

9. The learned senior counsel appearing for the applicant, has given certain undertakings, on behalf of the applicant, for which, the applicant is ready to abide by, in case, he is ordered to be released on bail, during the pendency of the trial.

10. On the basis of the above facts, a prayer has been made to allow the bail application.

11. When, put to notice, the police has filed the status report, disclosing therein, that on 01.01.2025, Constable Vijay Kumar, who was posted as driver with the Dy.SP, telephonically informed Police Station Dalhousie,

about the fact, that near Hotel Nature Valley, Banikhet, two persons, were lying injured and number of persons had gathered there. The said persons allegedly sustained injuries in a scuffle.

11.1. As per the informant, the injured have been taken to Bekunth Bathri Hospital, upon which, ASI Vivek Sharma, along with other police officials, reached at Hotel Nature Valley near Banikhet, where, on the spot, the then, Dy.SP Shri Hemant Thakur, along with other police officials, Inspector SHO Jagveer Singh was also present. Thereafter, on inquiry, employee of the Hotel, Subhash Kumar S/o Prakash Chand, made a statement to the ASI Vivek Sharma, disclosing therein, that he is resident of village Kandi, P/o Dalhei, Tehsil Salooni. From the last three years, he is working as Senior Steward in Hotel Nature Valley, Banikhet.

11.2. On 31.12.2024, a dance and dine event was organized for the guests in Hotel Nature Valley, on the occasion of new year. The arrangement of the function was made in the Banquet Hall of ground floor of the Hotel. On 31.12.2024, the party had started at 9:30 PM. The guests

were dancing on the music at about 11:00 PM and the guests had returned back to their rooms, after having their dinner. On the same day i.e. 31.12.2024, General Manager of Hotel Nature Valley, Rajinder Malhotra also apprised the complainant, orally that few staff members will also join the party and requested the complainant to receive them.

11.3. It is the further case of the police that when, the guests have gone back to their rooms, then, the complainant and other staff members had started dancing on the music. At about 1:00 AM (midnight), on 01.01.2025, one police official, Amit Kumar, who was known to the complainant called him, on his mobile phone. At the instance of Amit Kumar, complainant had received him, on the reception of the Hotel. Two other police officials, were also accompanying Amit Kumar, however, they had worn civil jackets, upon which, complainant took them to the Banquet Hall. In the Banquet Hall, Amit Kumar and his companion Anoop Kumar had also started dancing and other police official remain seated on chairs. On the request of the complainant, the other police officials had also danced. During dance, according to him, no scuffle or

oral altercation took place between Hotel staff and police official, thereafter, complainant took Amit Kumar and his companion to reception.

11.4. During that period, Amit Kumar apprised him that Anoop had not come yet, upon which, complainant Amit, again came back to Banquet Hall and noticed that said Anoop is present in Banquet Hall and he was having a scuffle with Sachin Kumar (applicant) in front of lift, upon which, complainant, General Manager of the Hotel Rajinder Kumar and other police official, Amit had intervened them.

11.5. Thereafter, General Manager, Rajinder Malhotra and Amit Kumar took Anoop Kumar, through passage leading to parking and complainant stayed at the parking. When, Amit Kumar, General Manager Rajinder Malhotra and Anoop were on their way to go outside the Banquet Hall, meanwhile, Sachin (applicant) came from Banquet Hall side and proceeded towards the direction, where, General Manager Rajinder Malhotra and Anoop had gone. Thereafter, the complainant heard the noise of falling something and he noticed that Sachin (applicant), General Manager, Rajinder Malhotra and Anoop had fallen from

retaining wall. General Manager Rajinder Malhotra and Sachin (applicant) sustained injuries on their head and mouth and other Hotel employees also came there and took Rajinder Malhotra and Sachin (applicant) in different vehicles to Ashirvad Hospital, Bekunth Nagar and thereafter, were taken to Civil Hospital, Bathari, where, Medical Officer had declared General Manager Rajinder Malhotra, as dead and Sachin (applicant) was taken to Pathankot Hospital from Ashirvad Hospital for further treatment.

11.6. Lastly, he has stated that due to this incident, General Manager Rajinder Malhotra has died and Sachin (applicant) sustained injuries. According to him, Anoop and Amit Kumar had killed Rajinder Malohotra and caused injuries to Sachin (applicant).

11.7. On the basis of the above facts, he has prayed that action be taken against Amit Kumar and Anoop, upon which, the police has registered the FIR in question. Thereafter, the investigation was entrusted to Assistant Sub Inspector, Vivek Sharma. On 01.01.2025, a request was made to Medical Officer Civil Hospital, Dalhousie, to

conduct the postmortem examination of the dead body of Rajinder Kumar, however, due to the non-availability of forensic expert, the matter was referred to Chamba Medical College, for postmortem examination. The MLC of Sachin Thakur (applicant) from Raj Hospital Pathankot was obtained. Injured police official Anoop was also taken to Civil Hospital Dalhousie, where, he was medico legally examined and was sent for further treatment, to Medical College, Chamba.

11.8. On 01.01.2025, number of persons gathered at Nature Valley Hotel, as such, situation become tense. Thereafter the members of DFU Unit, Nurpur, District Kangra also visited the spot and on the demarcation of complainant Subhash Kumar, photography and videography of the spot was done. During inspection, blood was also noticed in the flower bed and a shoe, a mobile, one lighter and key of the vehicle along with the key ring, were taken into possession. Other physical evidence, was also collected from the spot. On 02.01.2025, the postmortem examination of dead body was conducted in Medical College and Hospital, Chamba.

11.9. On 02.01.2025, accused Amit appeared before the police, who has disclosed that on 30.12.2024, he came from Police Station, Tissa to new year duty at Police Station Dalhousie. On 01.01.2025, for the new year party, he along with three other police officials HC Virender Kumar, C. Anoop Kumar, HHC Jamshed Beg, were returning back in the vehicle of HC Virender Kumar, when reached near Nature Valley Hotel, Banikhet, then, he had gone to Nature Valley Hotel, as his known Subhash Kumar was working there, as a Waiter. After sometime, the hotel employee Subhash Kumar, took all the police officials, inside the Hotel. Thereafter, HC Virender Kumar, HHC Jamshed Beg came back to their vehicle, however, Anoop did not come back. Upon which, Amit Kumar along with Subhash Kumar again went inside to bring back Anoop, where, Anoop has disclosed him that the hotel employees had beaten him and also abused him and torn his jacket. Upon this, Amit also inquired from Hotel employees and Manager Rajinder Kumar and Sachin (applicant).

11.10. During that period, Anoop had an altercation and quarrel with Sachin (applicant), whereas, Rajinder

Malhotra, was trying to intervene. When, they were coming out from the hotel through ramp of the parking, then, again Anoop and Sachin (applicant) quarrelled with each other. Hotel Manager Rajinder Kumar, Sachin (applicant) and Anoop intervened in order to prevent them from quarreling. In the entire process, all the three had fallen from the retaining wall. Thereafter, Amit and Anoop left the spot.

11.11. On 02.01.2025, medico legal examination of Amit Kumar was got conducted from Civil Hospital, Dalhousie. His blood and urine samples were preserved. The CCTV footage of Hotel Nature Valley was perused. It has been found that whatsoever, disclosed by accused is different from the CCTV footage. The accused was found to be present at the spot. As per the statement of complainant Subhash Chand, recorded under Section 173 of BNSS, accused Anoop Kumar and Amit Kumar had a scuffle and altercation with General Manager Rajinder Malhotra and Sachin and as per Camera D2 of the Hotel, when, General Manager Rajinder Malhotra, Sachin (applicant) and Anoop had fallen, then, accused Anoop Kumar was found to be

coming out from the Hotel, through ramp and after sometime, accused Amit Kumar was also seen to be coming out. Hence, involvement of Amit Kumar was also found.

11.12. It is the further case of the police that accused-Anoop Kumar has been admitted in Pandit Jawahar Lal Nehru Hospital, Chamba, was referred from Civil Hospital Dalhousie, as per MLC No.1 of 2025 and he was declared not fit for recording statement. However, on 03.01.2025, he was associated in the investigation. Consequently, Anoop Kumar was arrested, after discharge from hospital. He was produced before the Court of learned Chief Judicial Magistrate, Chamba, from where, he was remanded to police custody on 07.01.2025.

11.13. On 03.01.2025, the investigation, in this case, was further entrusted to Police Station CID Bharari, District Shimla, H.P. As per further investigation, the CCTV footage of Hotel Nature Valley was checked on 11.01.2025. On 12.01.2025 statement of Satish son of Sunder and Sonu son of Balvinder Singh were recorded under Section 180 of BNSS. As per the statements of the witnesses and according to the CCTV footage, involvement of Subhash

Kumar son of Prakash Chand was found in the case. He was associated on 14.01.2025 and was arrested and produced before the Court of on 15.01.2025, from where, he was remanded to police custody for three days.

11.14. As per further case of the police, on 29.01.2025, the CCTV footage was again checked and on the day of incident, involvement of Varendar Kumar was also found from the start of incident till the end, in the CCTV footage. He was also seen scuffling with Subhash Kumar.

11.15. According to further case of the police, as per the CCTV footage, accused-Anoop Kumar, Amit Kumar, Subhash Kumar, Rajinder Malhotra and other persons, were also seen and in order to get the same identified, employees of the Hotel, namely Satish Kumar and Sonu Kumar ,were associated on 28.01.2025. Both of them, after seeing the CCTV footage, identified the said person, as Varendar Kumar. Their statements under Section 180 of BNSS were got recorded. Thereafter, on 29.01.2025 Varendar Kumar was arrested.

11.16. As per the status report, the team of SFSL Junga and RFSL Dharamahsla, visited the spot and scene

of crime was recreated. Since, the offence, under Section 103 of BNS was not found to be made out, as such, Section 103 of BNS was deleted and Section 105 along with Section 117 of BNS was added.

11.17. After completion of investigation, charge sheet, under Sections 105, 3(5), 115(2) and 117 of BNS, had been filed against the accused persons and was submitted to the Court of learned Judicial Magistrate First Class, Dalhousie, on 29.03.2025.

11.18. Reports from SFSL, Junga, were also received and the case has now been listed before the Court of learned Sessions Judge, Chamba. Out of total 43 witnesses, 39 witnesses have been examined and 4 are left to be examined, for which, the case has now been listed on 11.11.2025.

11.19. On the basis of the seriousness of the offence, it has been prayed that the bail application may kindly be dismissed, as in case of bail, the applicant may coerce the witnesses and allure them to depose in his favour.

12. On the basis of the above facts, a prayer has been made to dismiss the bail application.

13. As per the stand, as taken by the police, the applicant-Sachin Kumar was found actively involved in the alleged crime. As per the CCTV footage, applicant-Sachin Kumar was found to have an argument and scuffle with accused-Anoop and Subhash Kumar, in the banquet hall and was also seen running on the ramp, whereafter, deceased Rajinder Malhotra, accused-Anoop Kumar and Sachin Kumar were found to have fallen in the parking of the hotel.

14. Investigation, in the present case, is complete. The role attributed to the applicant will be proved after the full-fledged trial and the bail application cannot be rejected as a matter of punishment, as rejecting the bail application would amount to pre-trial punishment, which is prohibited under the law.

15. In the absence of any specific role attributed to the applicant, this Court is of the view that no useful purpose would be served, by keeping the applicant, in the judicial custody.

16. Even otherwise, at the time of deciding the question of bail, detailed discussion of the evidence of the prosecution should be avoided, as the same would cause prejudice to the case of the prosecution, as well as, the case of the applicant.

17. Considering the fact that no other case is found to have been registered against the applicant, he is presumed to be innocent, until proven guilty by the competent Court of law.

18. Moreover, the applicant is permanent resident of District Chamba, as such, it cannot be apprehended that in case, he is ordered to be released on bail, during the pendency of trial, he may not be available for trial.

18. So far as the apprehensions, which have been expressed by the police in the status report, are concerned, reasonable conditions can be imposed, in case, the applicant is ordered to be released on bail, during the pendency of the trial.

19. Even otherwise, the applicant is also entitled for relief of bail on the basis of parity, as, his co-accused Varender Kumar has already been released on bail, by this

Court, vide order, dated 26.09.2025, passed in CrMP (M) No. 2090 of 2025.

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

21. Consequently, the applicant is ordered to be released, on bail, during the pendency of trial, arising out of **FIR No. 1 of 2025, dated 01.01.2025**, registered under Sections **105(1), 3(5), 115(2) & 117 of BNS**, with **Police Station Dalhousie**, District Chamba, H.P., on his furnishing personal bond in the sum of ₹ 50,000/-, with two sureties of the like amount, to the satisfaction of the learned trial Court.

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

a) The 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 appropriate application;

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

c) The 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) The applicant shall not leave the territory of India without the prior permission of the Court.

23. Any of the observations, made hereinabove, 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.

24. 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 to be violated by the applicant.

25. The Registry is directed to forward a soft copy of the bail order to the Superintendent of Jail, District Jail Chamba, through e-mail, with a direction to enter the date of grant of bail in the e-prison software.

26. In case, the applicant is not released within a period of seven days from the date of grant of bail, the Superintendent of Jail, District Jail Chamba, is directed to inform this fact to the Secretary, DLSA, Chamba. The Superintendent of Jail, District Jail Chamba, 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.

(Virender Singh)
Judge

November 11, 2025
(*rajni*)

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