

IN THE HIGH COURT OF HIMACHAL PRADESH,
SHIMLA

Cr.M.P. (M) No. 2514 of 2025

Date of decision: 25.11.2025

**Vijay Kumar (Presently in Judicial lock-up in
MC Jail Kanda, District Shimla, H.P.).**

....Petitioner.

Versus

State of H.P.

....Respondent.

Coram

The Hon'ble Mr. Justice Vivek Singh Thakur, Judge.

Whether approved for reporting?¹

For the Petitioner : Mr.Ashok Kumar, Advocate.

For the Respondent : Mr.Raj Negi, Deputy Advocate General.

Vivek Singh Thakur, Judge

Petitioner has approached this Court under Section 483 Bhartiya Nagarik Suraksha Sanhita 2023 (in short 'BNSS') seeking bail in case FIR No. 239 of 2021, dated 26.8.2021, registered in Police Station Kullu, District Kullu, Himachal Pradesh, under Sections 302, 307, 323, 325, 326, 201, 147, 148, 149, 440, 354, 354-B, 109 and 34 of the Indian Penal Code (for short 'IPC'), Section 25 of Arms Act and Sections 3(1)(r), (s), (w) & 3 (2)(va) of Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989 (herein after referred to as SC&ST Act).

¹***Whether the reporters of the local papers may be allowed to see the Judgment? Yes***

2. Status report stands filed, wherein facts and circumstances have been narrated, in detail, indicating the role and manner in which offence was committed.

3. Present petition has been preferred on behalf of petitioner for enlarging him on interim bail for one month on the ground for assisting and helping her mother for treatment of her knees.

4. It has been submitted by learned counsel for the petitioner that though in relief clause prayer has been made to grant bail to the petitioner, but as clarified in later portion of prayer, that present petition has been filed for enlargement of the petitioner on interim bail for a period of one month to enable the petitioner to make arrangement of medical treatment/surgery of his mother, who is suffering ailment on account of knee problem.

5. Petition has been filed through Anjali, who is married sister of petitioner. To substantiate the plea regarding ailment and treatment of mother of the petitioner (Smt. Kanta aged 53 years), medical treatment slips, record of MRI study and Ultrasound Report of left knee joint and copy of family register, have been placed on record.

6. It has been contended that though petitioner is having a brother and sister, but mother of the petitioner has been residing with the petitioner and family of other son (brother of petitioner) is not in good

terms with mother of the petitioner, whereas sister Anjali is married and she has also to look after affairs of family of her in-laws and, therefore, it is only petitioner, who is available to make arrangement for treatment of his mother.

7. Alongwith status report, certificate issued by Up-Pradhan of Gram Panchyat, Grahan, statements of Mohinder Singh Ward Member of Gram Panchyat, Kanta Devi (mother of petitioner), Anjali (sister of petitioner), Raj Kumar (neighbor of petitioner), Khimi Ram (co-villager of petitioner), out patient card of Kanta of Regional Hospital Kullu, MRI Study of left knee joint of Kanta, Ultrasound of left knee of Kanta, copy of parivar register of Kanta, have been placed on record, which substantiates the plea taken in the petition.

8. Learned counsel for the petitioner has referred following observations of Ultrasound left knee of Kanta and MRI study of left knee of Kanga, which read as under:-

“Ultrasound Left Knee

There is evidence of mild knee joint effusion with fluid extending to suprapatellar recess. Fluid appears clear.

Similar joint effusion is also noted in left knee joint.

Mild irregularity is noted along the medial and lateral aspect of tibia and femur-possibly osteophytes.

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Impression:-

- Bilateral mild knee joint effusion

- Cortical irregularity along long bones-possibly osteophytes-Adv.Xray correlation.”

MRI Study of Left Knee Joint

OBSERVATION:

- Moderate fluid is seen in the suprapatellar recess extending into the joint space.
- There is heterogeneous signal intensity is seen in the ACL with discontinuity of the fibres with buckling of the PCL-suggestive of ACL tear grade-III.
- Grade II MR signal is seen in the posterior horn of the medical meniscus without extension upto the articular surface.
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Subchondral cystic changes with narrow edema is seen in the medical facet of the tibia and medical condyle of femur with focal area of articular thinning—sequelace of osteochondral injury.”

9. It has been submitted that mother of the petitioner has been diagnosed with an ACL tear (Grade-III), and that the medical slips issued by the attending doctor dated 22.10.2025, as well as the medical certificate placed on record, clearly reflect the said diagnosis and the advise for 30 days’ rest.

11. It has further been submitted that a Grade-III ACL tear occurs when the ligament is completely torn and ceases to provide stable to the knee joint, thereby causing severe difficulty in walking alongwith the persistent pain and discomfort, and that the attending doctor has also advised the mother of the petitioner to seek specialized treatment at PGI, Chandigarh, considering the seriousness of the injury.

12. To substantiate the aforesaid plea, copies of the medical certificate issued by the attending doctor of Regional Hospital, Kullu, alongwith the medical slips wherein the doctor has referred the mother of the petitioner to PGI, Chandigarh for further treatment have also been placed on record.

13. It has been submitted that mother of the petitioner requires urgent treatment of knee joint as during ensuing winter there shall be increase in suffering of mother of the petitioner and for this purpose, mother of the petitioner may have to be taken to PGI Chandigarh or any other place having facilities of better treatment.

14. Admittedly, mother of the petitioner is suffering from ailment, which has been verified in the status report and, though brother and sister of the petitioners are alive, but sister of the petitioner is married and has responsibility of her in-laws also and brother of petitioner is living separately and, therefore, petitioner has to make permanent arrangement for treatment of his mother either through his brother or sister or jointly by them or with the help of any other person to be engaged for look after mother of petitioner and, therefore, petitioner deserves to be enlarged on temporary bail, because being an under-trial prisoner, he is not entitled for parole or any other kind of temporary release under H.P. Good

Conduct Prisoners (Temporary Release) Act, 1968, particularly when he is behind the bars since about last more than 4 years.

15. It has been submitted by learned counsel for the petitioner that petitioner is ready to furnish requisite bail bonds with assurance not to jump over the bail or involve in any illegal activity and he shall surrender before the concerned Jail Superintendent well in time.

16. Learned Additional Advocate General has opposed release on the ground that treatment of mother of the petitioner is not going to be over within the period of temporary release of the petitioner and, therefore, petitioner has to make permanent arrangement for his family, but it does not entitle him for enlarging him on interim bail.

17. Taking into consideration the entire material on record and facts and circumstance with rider that for this purpose petitioner shall not be entitled for interim bail in future, petitioner is directed to be released on temporary bail till 6.1.2026, subject to his furnishing personal bond in the sum of Rs.2 lacs with one surety in the like amount to the satisfaction of the Trial Court/Magistrate, undertaking therein that petitioner shall surrender, on 6.1.2026 at or before 2 P.M. before the concerned Jail Superintendent/Incharge of the jail, wherefrom he shall be released failing which, appropriate action against him and his surety shall be initiated.

18. During interim bail, petitioner shall abide by further conditions as may be deemed fit and proper by the Trial Court/Magistrate, including the conditions enumerated hereinafter, so as to assure presence of the petitioner at the time of trial:-

(i) That the petitioner is enlarged on interim bail till 6.1.2026 on furnishing and acceptance of bail bonds with direction to him to surrender before concerned Jail Superintendent/ Incharge, wherefrom he is released, at or before 2:00 P.M. on 6.1.2026;

(ii) That petitioner shall not visit anywhere except the places where his presence is required for the purpose narrated supra;

(iii) that the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to Court or to any police officer or tamper with the evidence. He shall not, in any manner, try to overawe or influence or intimidate the prosecution witnesses;

(iv) that the petitioner shall not obstruct the smooth progress of the investigation/trial;

(v) that the petitioner shall not commit the offence similar to the offence to which he is accused or suspected;

(vi) that the petitioner shall not misuse his liberty in any manner;

(vii) that the petitioner shall not jump over the bail; and

(viii) he shall keep on informing change of address or place of stay, if any, to the concerned Police Station.

19. It will be open to the prosecution to apply for imposing and/or to the trial Court to impose any other condition on the petitioner, enlarged on interim bail, as deemed necessary in the facts and circumstances of the case and in the interest of justice and thereupon, it will also be open to the trial Court to impose any other or further condition on the petitioner as it may deem necessary in the interest of justice.

20. SHO Police Station Kullu, District Kullu H.P. is also directed to verify the fact of surrender by petitioner on 6.1.2026 and if petitioner fails to surrender, then, appropriate action against him and his surety shall be initiated in accordance with law.

21. In case the petitioner violates any conditions imposed upon him, his bail shall be liable to be canceled. In such eventuality, prosecution may approach the competent Court of law for cancellation of bail, in accordance with law.

22. Learned trial Court is directed to comply with the directions issued by the High Court, vide communication No.HHC.VIG./Misc. Instructions/93-IV.7139 dated 18.03.2013.

23. Observations made in this petition herein-before shall not affect the merits of the case in any manner and are strictly confined for the disposal of the bail application.

The petition stands disposed of in the aforesaid terms.

25th November, 2025
(Keshav)

(Vivek Singh Thakur),
Judge.

KESHAV
SHARMA

Digitally signed
by KESHAV
SHARMA
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2025.11.25
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