

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**CrMP (M) No. : 2920 of 2025****Reserved on : 05.01.2026****Decided on : 08.01.2026**

Dalip 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. Vikas Padura, Advocate (through video conferencing), with Ms. Sakshi Sharma, Advocate.

For the respondent : Mr. Tejasvi Sharma and Mr. H.S. Rawat, Additional Advocates General, with Ms. Ranjna Patial and Mr. Rohit Sharma, Deputy Advocates General, assisted by SI Inder Singh, Police Station Palampur, District Kangra, H.P., for the respondent-State.

Mr. Ajay Kochhar, Senior Advocate, with Ms. Swati Sharma, Advocate, for the complainant.

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

Virender Singh, Judge.

Applicant-Dalip Kumar has filed the present application, under Section 483 read with Section 487 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. 146 of 2025, dated 22nd September, 2025**, registered under **Sections 109 (1), 351 (1) and 3 (5) of the Bharatiya Nyaya Sanhita, 2023** (hereinafter referred to as 'BNS'), with **Police Station Palampur**, District Kangra, H.P.

2. According to the applicant, he is innocent and has falsely been implicated, in this case, at the instance of the complainant, as well as, the police of Police Station, Palampur.

3. The applicant, in this case, is stated to be arrested on 24th September, 2025 and is presently in judicial custody.

4. As per the case of the applicant, the investigation, in the present case, is completed, as the police has filed the challan, on 1st December, 2025, in the

Court of learned Additional Chief Judicial Magistrate, Palampur.

5. According to the applicant, his co-accused, Vinod, has already been granted bail, by the Court of learned Additional Sessions Judge, Palampur, District Kangra, on 12th November, 2025.

6. The relief of bail has also been sought on the ground that the alleged incident had taken place on 22nd September, 2025, at 03.30 pm, whereas, the matter was reported to the police on the same day, at about 07.14 pm and according to the learned counsel appearing for the applicant, the delay of about four hours, in reporting the matter, is nothing, but, deliberations made by the complainant, to falsely implicate the applicant, in this case.

7. The applicant has earlier tried his luck by moving similar bail application, before this Court, bearing CrMP (M) No. 2399 of 2025, which was dismissed as withdrawn, on 13th October, 2025. Thereafter, the applicant has filed application for bail, before the Court of

learned Additional Sessions Judge, Palampur, which was dismissed on 3rd December, 2025.

8. The applicant has also given the details of the criminal cases, which have already been registered against him, in para 21 of the application, which are being reproduced, as under:

- (i) *Case No. 239/15 dated 26.12.2015, u/s 447, 379, 341 IC, Police Station Palampur;*
- (ii) *Case No. 14/17, dated 17.01.2017, u/s 447, 427, 34 IPC, Police Station Palampur;*
- (iii) *Case No. 24/17, dated 12.05.2017, u/s 447, 427, 34 IPC, Police Station Palampur;*
- (iv) *Case No. 55/21, dated 14.09.2021, u/s 451, 448, 506, 34 IPC;*
- (v) *Case No. 74/21, dated 24.11.2021, u/s 452, 323, 504, 506, 34 IPC;*
- (vi) *Case No. 195/22, dated 13.05.2022, u/s 174A IPC, Police Station Sec.7, Panchkula, Haryana;*
- (vii) *Case No. 36/22, dated 03.03.2022, u/s 420, 465, 467, 468, 471 IPC, Police Station Palampur;*
- (viii) *Case No. 72/24, dated 12.08.2024, u/s 126 (2), 115 (2), 352, 351 (2), 324 (B) BNS; and*
- (ix) *Case No. 17/25, dated 03.03.2025, u/s 332 (c), 351 (2), 352, 324 (4), 355 BNS.*

9. Apart from this, the applicant, through his counsel, has also given certain undertakings, for which, he

is ready to abide by, in case, ordered to be released on bail, during the pendency of the trial.

10. On all these submissions, Mr. Vikas Padura and Ms. Sakshi Sharma, Advocates, appearing for the applicant, have prayed that the bail application may kindly be allowed.

11. When put to notice, the police has filed the status report, disclosing therein, that on 22nd September, 2025, Shavir Chand Katoch (complainant), alongwith his father, appeared before the police and submitted the complaint, mentioning therein that he is resident of the address, as mentioned in the complaint and an Advocate, by profession. According to him, presently, he is pursuing four cases, as Advocate, against Dalip Kumar (applicant), out of which, in one case, titled as Amit Hardware versus Dalip Kumar, which is a cheque bounce case, the learned Court has convicted him and due to this fact, said Dalip Kumar (applicant) nourished a grudge against him.

11.1. As per the complainant, on 22nd September, 2025, at about 3.30 p.m., after having his lunch, the complainant was going back to Court and when, reached

near Court premises, then, Dalip (applicant), who was perhaps waiting for him, in vehicle No. HP 53B 0006, on seeing him, with an intention to kill him, tried to crush him, under the vehicle. He drove his vehicle towards right side of the road, where the complainant was present. On seeing him, the complainant, who was on his scooty, drove the scooty on the kacha portion of the road, otherwise, he would have been crushed to death by the applicant.

11.2. As per the further version of the complainant, the vehicles coming from Nehru Chowk side have also been damaged by the applicant. When, the complainant inquired from the applicant as to why he wanted to crush him, then, another person, who was sitting in the vehicle (who could be identified by the complainant, on seeing him), uttered that *you escaped today, but, in case, you meet us on road again, we will finish you.* Applicant-Dalip Kumar caught hold the collar of the complainant and said that *how much amount you need, as, lawyers, like you, are being sold in ten-ten thousand rupees.*

11.3. Thereafter, the complainant made a call to the police, however, till the time, police reached there, the elder

brother of the applicant reached there, who caused injury on the cheek of his (complainant's) father and made applicant to flee from there. When, the applicant and his brother were going down from the stairs in Pragti Maidan, then, the applicant fell down. While fleeing away from the spot, the applicant has left his vehicle, at the spot.

11.4. According to the complainant, while leaving the spot, both the brothers had threatened the complainant to finish him.

11.5. On the basis of the above facts, an apprehension has been expressed by the complainant that in future, both these persons, by offering money to someone, may get him and his father killed. As such, he has prayed that action be taken against the accused persons.

11.6. Lastly, the complainant has got recorded that he does not want to get himself medically examined.

12. On the basis of the above facts, the police registered FIR, under Sections 109 (1), 351 (1) and 3 (5) of the BNS and criminal machinery swung into motion.

12.1. During the investigation, efforts were made to arrest the applicant and his co-accused, but, they were not found. On 23rd September, 2025, in the midnight, at about 01.00 am., a telephonic information was received from Fortis Hospital, Mohali, that the applicant, as per CR No. 14097673, has been admitted there, due to the injuries sustained by him, in a road side accident, upon which, Rapat No. 5 was registered and according to the police, it seems that the applicant, after committing the crime, in order to save himself, had got himself admitted in Fortis Hospital, Mohali, Chandigarh.

12.2. As per the police report, on 23rd September, 2025, the spot was visited, at the instance of the complainant and spot map was prepared. The complainant produced the shirt, which, he allegedly was wearing, at the time of incident, and the same was taken into possession. The statements of the witnesses were recorded, under Section 180 of the BNSS

12.3. On 24th September, 2025, the applicant was arrested, at about 11.30 am. He was got medico-legally examined. According to the police, from the interrogation

of the applicant, the name of his co-accused Vinod Kumar was surfaced. Thereafter, accused-Vinod Kumar was also arrested.

12.4. During investigation, it has been found that nine criminal cases, the details of which have been mentioned by the applicant, in the application and have been reproduced hereinabove, have been registered against the applicant, under the various provisions of IPC.

12.5. On the basis of the above facts, it is the case of the police that the applicant is a person of criminal nature and is in the habit of violating the law. According to the police, due to the act of the applicant, there is a lot of resentment, in the society.

12.6. It is the further case of the police that accused-Vinod Kumar moved application, under Section 306 CrPC (Section 343 of the BNSS), before the police, which was addressed to the learned CJM, Kangra at Dharamshala, according to which, he intended to be the witness, in this case, against the applicant.

13. On all these submissions, it has been argued by Mr. Tejasvi Sharma, learned Additional Advocate General,

that the applicant, after hatching a conspiracy, with his co-accused, tried to crush the person, who is appearing as an Advocate, against him.

14. On the basis of the above facts, a prayer has been made to dismiss the bail application, since, the applicant has committed a heinous offence, against a person, who is pursuing his noble profession of advocacy.

15. In addition to this, Mr. Ajay Kochhar, learned Senior Counsel appearing for the complainant, has vehemently argued that the crime, which the applicant has committed, is not against an individual, but, against the entire legal fraternity and in case, bail is granted to such a person, it would give a wrong message to the society and will also encourage the persons, who are having any grudge against the Advocates, to take law, in their own hands.

16. Not only this, according to the learned Senior Counsel, releasing the applicant on bail, will also create a sense of fear among the Advocate fraternity, who are representing the cases against or in favour of the dreaded criminals day in and day out.

17. Lastly, referring to the contents of FIR No. 72, dated 12th August, 2024, a copy of which has been produced by him, in the open Court, it has been argued that the applicant is in the habit of committing such crimes, as, in the said FIR, he has hit a vehicle No. HP 37A 9850, without any reason or rhyme.

18. As such, a prayer has been made to dismiss the bail application.

19. Record perused.

20. The investigation, in this case, is complete, as the charge sheet has been filed by the police, in the Competent Court of law. Meaning thereby, the custodial interrogation of the applicant, is no longer required by the police.

21. At the time of deciding the bail application, this Court should not dwell deep into the merits of the case to ascertain the guilt/innocence of the accused, as, it is the prerogative of the learned trial Court, to determine the same, on the basis of the evidence, so adduced before it, during the trial.

22. So far as the criminal history of the applicant, which has been reproduced above, is concerned, in none of the cases, the applicant has been convicted by the Competent Court of law nor any effort has been made by the police to get the bail cancelled, in those cases, by moving appropriate application(s). Merely, on account of pendency of the criminal cases against the applicant, adverse inference cannot be drawn against him.

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

24. So far as the other apprehensions are concerned, for those apprehensions, reasonable conditions can be imposed, in case, the relief of bail is granted to the applicant.

25. The role allegedly played by the applicant, in the commission of the alleged offences, will be proved during the course of the trial, and, the bail application cannot be rejected as a matter of punishment, as, rejection of the bail

application will amount to pre-trial punishment, which is prohibited under the law.

26. Even otherwise, the applicant is in judicial custody, which is suggestive of the fact that his custodial interrogation is not required by the police. As such, no useful purpose would be served by keeping him in judicial custody for indefinite period, as the chances of commencement and conclusion of the trial, against the applicant, in near future, are not so bright.

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

28. Consequently, the applicant is ordered to be released on bail, during the pendency of the trial, arising out of **FIR No. 146 of 2025, dated 22nd September, 2025**, registered under **Sections 109 (1), 351 (1) and 3 (5) of the BNS**, with **Police Station Palampur**, District Kangra, H.P., on his furnishing bail bonds, in the sum of ₹ 50,000/-, with two sureties of the like amount, to the satisfaction of the learned trial Court. This order, however, shall be subject to the following conditions:

- a) That 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) That the applicant shall not tamper with the prosecution evidence nor hamper the investigation of the case in any manner whatsoever;*
- c) That 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) That the applicant shall not leave the territory of India without the prior permission of the Court;*

29. 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 applications.

30. 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.

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

32. 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, Dharamshala, is directed to inform this fact to the Secretary, DLSA, Kangra. The Superintendent of Jail, District Jail, Dharamshala, 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.

33. Record be returned to the quarter concerned.

(**Virender Singh**)
Judge

January 08, 2026

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