IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

Cr. MP(M)s No.: 2983, 2999 and 3001 of 2025
Reserved on : 1.1.2026
Decided on : 5.1.2026

1. Cr. M.P. (M) No. 2983 of 2025

Rahul Chauhan

..Applicant

Versus

State of H.P.

..Respondent

2. Cr. M.P.(M) No. 2999 of 2025

Vikas Bharti ...Applicant

Versus

State of H.P. ...Respondent

3. Cr.M.P.(M) No. 3001 of 2025

Vikrant Chauhan ...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. N.S. Chandel and Mr. Ajay Kochhar, Senior Advocates, assisted by Mr. K.S. Gill and Ms.Pritika Thakur, Advocates.
For the respondent	:	Mr. Tejasvi Sharma, Mr. Mohinder Zharaick, Additional Advocates General, assisted by ASI Devender Kumar, Police Station, Sadar Chamba, H.P.

Virender Singh, Judge

The above titled bail applications are being disposed of by a common order, as the applicants have filed the present applications, under Section 483 of Bharatiya Nagarik Suraksha Sanhita (hereinafter referred to as 'the BNSS') for releasing them, on bail, during the pendency of the trial, **arising out of FIR No. 63 of 2025, dated 26.6.2025, registered under Sections 103(1) and 3(5) of Bharatiya Nyaya Sanhita (hereinafter referred to as 'the BNS'), registered with Police Station, Tissa, District Chamba, H.P.**

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

2. The applicants have pleaded the fact that they are innocent persons and have falsely been implicated, in the present case. In the present case, the applicants were arrested on 27.6.2025 and they remained in police custody and presently, they are in judicial custody.

3. According to the applicants, investigation, in the present case, is completed and Police could not collect any evidence, connecting them, with the crime in question.

4. As per the further case of the applicants, during investigation, scene of occurrence was visited by the Assistant Director of District Forensic Unit, Nurpur and submitted the report, according to which, possibility of fall from the crash barrier located near Hotel Shaan cannot be ruled out.

5. Apart from this, the applicants have further pleaded that ethyl alcohol found in the body of the deceased was 339.06 mg%. From the said fact, it has

been argued that the possibility of fall of deceased under the influence of liquor can also not be ruled out.

6. Applicants Vikrant Chauhan, Vikas Bharti and Rahul Chauhan have earlier tried their luck by moving applications before the learned Additional Sessions Judge, Chamba, District Chamba, H.P., which were dismissed on 28.7.2025, 25.9.2025 and 1.11.2025, respectively.

7. Thereafter, applicants Vikrant Chauhan and Vikas Bharti have approached this Court by moving Cr. MP(M)s No. 2419 of 2025 and 2440 of 2025, however, the same have been dismissed, as withdrawn, vide orders dated 11.11.2025.

8. The applicants, through their counsel, have given certain undertakings, for which, they are ready to abide by, in case, ordered to be released on bail, during the pendency of the trial.

9. On the basis of above facts, a prayer has been made by the applicants to release them on bail, during the pendency of the trial.

10. When, put to notice, the Police has filed the status report, disclosing therein, that on 26.6.2025, at about 8:32 a.m., HC Suresh Kumar , I.O., Police Post Nakrod has telephonically informed the police of Police Station, Tissa that a dead body is found lying at Sarela and requested the Police to reach there, upon which, ASI Pradeep Singh, alongwith other police officials, reached at the spot. When, they reached at the spot, H.C. Suresh Kumar, was already present there. Thereafter, the factual position on the spot was verified and the photographs were clicked and dead body was taken into possession.

10.1. On the spot, complainant Deep made a statement, disclosing therein, that he is working as Salesman in the liquor vend at Chilli. Naveen Kumar, S/o Sudesh Kumar is his brother-in-law, in relation and was posted as J.E. with the IPH Department.

10.2 On 25.6.2025, Naveen Kumar came to Chilli, on his motorcycle and told him that he has to go to pay condolences at Kalhel, as some death had

occurred there, and asked him to accompany him, upon which, the complainant requested him to go there on the next day, which request was aceeded to by Naveen Kumar. Thereafter, Naveen Kumar told the complainant that he has some work with Vikas, upon which, he and Naveen Kumar went to Shaan Guest House and parked the bike in front of the gate of Guest House. Naveen Kumar told the complainant to go back, as he wanted to stay with applicants Vikas Bharti, Rahul Chauhan, Vikrant Chauhan and one Ankit, for some time.

10.3 On the next morning, complainant came to know about the fact that dead body of his brother-in-law Naveen Kumar was found lying in Sarela Nala.

10.4 It is the further case of the complainant that his brother-in-law was posted as J.E. in IPH department at Kalhel and in connection with work, above four persons used to meet each other, in the said Guest House. On the next morning, the complainant came to know about the fact that on

account of some dispute, a verbal altercation and quarrel had taken place and the aforesaid four persons had killed his brother-in-law in Sarela. As such, a prayer has been made to take action against them, upon which, FIR has been registered.

10.5 Initially, the investigation was handed over to ASI Pradeep Singh, I.O., Police Station, Tissa, District Chamba, H.P. On the identification of the complainant, spot was inspected, spot map was prepared and photographs were clicked.

10.6 On 26.6.2025, the spot was got inspected from DFU team, Nurpur. From the spot, physical evidence, so found, was collected and taken into possession. The motorcycle, upon which, deceased Naveen Kumar went to Shaan Guest House, was also taken into possession. The DFU team also visited room No. 205 of Guest House Shaan, where the accused persons and deceased Naveen Kumar had met and quarrel had taken place.

10.7 According to the Police, Naveen Kumar sustained injuries on his nose. Statements of witnesses were recorded, under Section 180 of BNSS. Dead body was taken into possession and sent for post-mortem examination to Pt. Jawahar Lal Nehru Medical College and Hospital, Chamba. The post-mortem examination of the dead body was conducted on 27.6.2025 and the dead body was handed over to his family members for conducting last rites. Physical evidence was also collected from the spot by DFU team.

10.8 On 27.6.2025, further investigation was enrusted to Inspector Ashok Kumar, Incharge, Police Station, Tissa, District Chamba, H.P. Accused persons were arrested on 27.6.2025. All of them were medico-legally examined and samples of their blood and urine were got collected.

10.9 On 28.6.2025, accused persons were produced before the Court of learned Judicial Magistrate First Class, Dalhousie, District Chamba,

H.P. and were remanded to police custody, till 2.7.2025.

10.10. On 29.6.2025, from village Sarela and Lasui, the wearing apparels, allegedly worn by the accused persons, at the time of incident, were taken into possession. Footage of the CCTV cameras installed there was also taken into possession.

10.11 The team of Doctors conducted the post-mortem examination of the body of deceased and gave their final opinion, which is as under:

> *"In my opinion the deceased died due to asphyxia secondary to aspiration of gastric contents up to the level of terminal bronchioles seen in a case of multiple blunt trauma injuries to the body. However, chemical examiners report is still awaited."*

10.12 During investigation, it was found that on 25.6.2025, the work, which was awarded to Sai Solution Shakti Company was completed. Due to this fact, in room No. 205 of the Shaan Guest House, Vikrant Chauhan, Vikas Bharti, Ankit Behal and Rahul Chauhan were having party. In the meanwhile,

J.E. Naveen alongwith complainant Deepu reached there. In the verandah of the Guest House, a verbal altercation took place between complainant and applicant Rahul. The bone of contention of that quarrel was their old animosity. Thereafter, J.E. Naveen Kumar joined the aforesaid accused persons/applicants in the said party. Naveen Kumar, had shown his might, under the influence of liquor. He was requested to leave the room, but Naveen Kumar started abusing them and tried to beat them, upon which, a scuffle had taken place, between them and accused Ankit gave a fist blow on his nose. Thereafter, all the accused persons had beaten him by giving push and leg blows and ousted him from the room.

10.13 Later on, the applicants came to know that the Guest House staffer Suresh Kumar and Paan Chand cleaned the blood, from the body of Naveen Kumar. The DFU team has also preserved the samples from the room, where the Guest House employees washed the hands and mouth of Naveen Kumar.

10.14. According to the Police, due to the beatings given by the accused persons, Naveen Kumar has expired. His dead body was found at a distance of about 60-70 meters away from Shaan Guest House, in a rivulet. However, his motor cycle was found parked in front of the Shaan Guest House gate. Since, deceased Naveen Kumar, all of a sudden, abused the accused persons, as such, all of them had beaten him to death.

10.15 On 12.7.2025, information was obtained from the Executive Engineer, IPH Department as to whether the aforesaid accused persons have any concern with the IPH department or not, upon which, the Executive Engineer, IPH Department has replied by stating that they have no concern whatsoever with the IPH department, nor any evidence was found during investigation that dead body was thrown in Sarela Nala. The incident was not found to be an outcome of an old animosity.

10.16 During investigation, it was found that J.E. Naveen Kumar, on 25.6.2025, was talking to someone and was saying that a number of persons are after his life and after a few hours, he was beaten and on 26.6.2025, his dead body was found in Sarela Nala. Statements of brother of deceased, Gulshan and Ajay Kumar were recorded, under Section 180 of the BNSS, as alleged eye witnesses. On 26.6.2025, the DFU team has given its report, which is reproduced as under:

> *"On the basis of aforesaid observations, it could be inferred that:*
>
> *1. The findings at Hotel Shaan were consistent with a case of physical assault.*
>
> *2. The possibility of fall from the crash barrier located near Hotel Shaan could not be ruled out."*

10.17 As per the report of Regional Forensic Science Laborator, Dharamshala, qua urine and blood of the deceased, it has been opined that the ethyl alcohol was found to be 339.06 mg % in the blood of deceased Naveen Kumar.

10.18 After completion of investigation, charge sheet has been filed on 23.9.2025 and the case is now

listed before the learned Sessions Judge, Chamba, District Chamba, H.P. Out of 41 witnesses, four witnesses are stated to have been examined and two witnesses are stated to have been given up, and the case is now listed for recording evidence of PWs at serial Nos. 1 and 25, for 14.1.2026.

11. On the basis of above facts, it has been pleaded that accused persons have committed a heinous crime, and in case, they are released on bail, they may destroy the evidence and may coerce the witnesses. Hence, a prayer has been made to dismiss the application.

12. Investigation, in the present case, is complete and applicants are in judicial custody. There are total 41 witnesses, out of which, four have already been examined and two have been given up. Now, the case is stated to be fixed for 14.1.2026, for recording the evidence of PWs 1 and 25. Meaning thereby, 33 witnesses are yet to be examined. As such, chances of

conclusion of trial against the applicants, in near future, are not so bright.

13. Except the present case, no other case is found to have been registered against the applicants. Meaning thereby, presumption of innocence is still available to the applicants.

14. At the time of deciding the bail application, the Court should not dwell deep into merits of the case, to ascertain the guilt/innocence of the accused persons, as the same is prerogative of the learned trial Court to decide, on the basis of evidence, so adduced, before it. However, the admitted position of the facts, i.e. the evidence, so collected, by the Police, during investigation, can be looked into.

15. As per the report of the DFU team, Nurpur, the findings at Guest House Shaan were found consistent with a case of physical assault, but, at the same time, they have also given their opinion by stating that possibility of fall from the crash barrier near Hotel Shaan cannot be ruled out, as the dead

body of the deceased was found at a distance of about 60-70 meters away from the Guest House, Shaan.

16. It is also not the case of the Police that accused persons had allegedly dragged the dead body to other place, where it was found. The report of the FSL, qua the presence of ethyl alcohol, in the blood of deceased Naveen Kumar, can also be taken into consideration.

17. Arguments of learned Senior Counsel for the applicants, qua the fact, that the possibility of fall of deceased was found under the influence of liquor, cannot be ignored completely, at this stage. In this case, it has rightly been pointed out by learned senior counsel, appearing for the applicants that complainant Deep has nowhere stated in his statement, recorded under Section 173 of the BNSS, that he had a quarrel/scuffle with accused Rahul Chauhan, as deposed by Paan Chand and Suresh Kumar, in their statements, recorded under Section 180 of BNSS, on 29.6.2025.

18. When, the Police filled Form 25.31(1) (Inquest Report), the apparent reason of death has been mentioned as "death due to fall from height". As per the final opinion given by the Doctor, in the post-mortem report, it has been opined that the deceased died due to asphyxia secondary to aspiration of gastric contents up to the level of terminal bronchioles seen in a case of multiple blunt trauma injuries to the body.

19. Considering the opinion given by the Assistant Director of District Forensic Unit, Nurpur, on 8.7.2025, coupled with the report of post-mortem examination, as well as, delay in recording the statements of eye witnesses, this Court is of the view that no useful purpose would be served by keeping the applicants in judicial custody, as the case will take sufficient long time for its disposal.

20. Moreover, the applicants are permanent residents of District Chamba, as such, it cannot be apprehended that in case, they are ordered to be released on bail, they may not be available for trial.

21. So far as other apprehensions, expressed by the Police are concerned, for those apprehensions, reasonable conditions can be imposed, in case, the applicants are ordered to be released on bail.

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

17. Consequently, the applicants are ordered to be released on bail, during the pendency of trial, arising out of **FIR No. 63 of 2025, dated 26.6.2025 registered under Sections** 103(1) **and** 3(5) **of the BNS registered with Police Station, Tissa, District Chamba, H.P.,** on their furnishing personal bonds in the sum of Rs. 1,00,000/-, each, with one surety, each, in the like amount, to the satisfaction of the learned trial Court.

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

> *a) Applicants 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 the appropriate application;*

> *b) Applicants shall not tamper with the prosecution evidence nor hamper the investigation of the case, in any manner, whatsoever;*
>
> *c) Applicants 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) Applicants shall not leave the territory of India without the prior permission of the Court.*

19. Any of the observations, made herein above, 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.

20. 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 violated by the applicants.

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

22. In case, the applicants are not released within a period of seven days from the date of grant of bail, the Superintendent of District Jail, Chamba is directed to inform this fact to the Secretary, DLSA, Chamba. The Superintendent of District Jail, Chamba is further directed that if the applicants fail 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.

23. Record be sent back.

(Virender Singh)
Judge

January 5, 2026
Kalpana

KALPANA Digitally signed by KALPANA Date: 2026.01.05 17:51:00 +0000