

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

Cr. MP (M) Nos.: 2825, 2826 & 2827 of 2025

Reserved on : 2nd January, 2026

Decided on : 5th January, 2026

1. **Cr. MP (M) No.2825 of 2025**

Suman ...Applicant

Versus

State of Himachal Pradesh ...Respondent

2. **Cr. MP (M) No.2826 of 2025**

Dawa Gialchan ...Applicant

Versus

State of Himachal Pradesh ...Respondent

3. **Cr. MP (M) No.2827 of 2025**

Praveen 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(s) : Mr. Prem Chand Verma, Advocate.

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

Mr. Ajay Kochhar, Senior Advocate with Mr. Anubhav Chopra, Advocate for the complainant.

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

Virender Singh, Judge

The above titled three applications are being decided by the common order, as, the applicants have filed these applications, under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as the 'BNSS'), with a prayer to release them on bail, during the pendency of trial, arising out of **FIR No.13 of 2025, dated 15.06.2025**, registered, under **Sections 103(1), 109, 126(2), 191(2), 191(3), 190, 115(2) and 351(3) of the Bharatiya Nyaya Sanhita, 2023** (hereinafter referred to as the 'BNS'), with **Police Station, Moorang, District Kinnaur, H.P.**

2. According to the applicants, they are innocent persons and not involved in the commission of the alleged crime.

3. As per the applicants, there is no iota of evidence connecting them with the commission of the alleged crime. According to the applicants, they were not present at the spot.

4. On the basis of the above facts, learned counsel appearing for the applicants has given certain undertakings, to which, the applicants are ready to abide by, in case, the applicants are ordered to be released on bail, during the pendency of the trial.

5. Learned counsel appearing for the applicant has submitted that even, on the ground of parity, the applicants are entitled to be released on bail, as their co-accused, namely Reeta, Poonam and Samkali, have already been released on bail, by this Court, vide order dated 30.08.2025, passed in CrMP(M) Nos.1801, 1822 & 1823 of 2025.

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

7. When put to notice, the police has filed the status report, disclosing therein, on 15.06.2025, one Anjali, resident of Pooh, telephonically informed the police that in village Rarang, her family members were irrigating their fields, when some persons had attacked upon them, who were already hiding there, as such, she has requested the police to help.

7.1. Thereafter, HC Vishal No.19, along with other police officials, proceeded towards village Rarang to verify the fact. However, on the way, they came to know that after the quarrel, both parties were taken to Regional Hospital Reckong Peo, for treatment.

7.2. Thereafter, the police party reached at Regional Hospital, Reckong Peo, where, Krishan Lal, Kumanand, Dandup Gyanchho, Suman and Praveen were found to be admitted for treatment. A request was made to Medical Officer, Regional Hospital, Reckong Peo, for their medical examination.

7.3. Thereafter, Chunni Devi, got her statement recorded, under Section 173 of the BNSS, disclosing therein, that on 15.06.2025, in the morning hours, she along with her husband, had gone to irrigate the fields. After their turn, it was the turn of her brothers-in-law Kumand and Dandup Gyanchho, to irrigate their fields.

7.4. When, the complainant and her husband, were returning back, after irrigating their fields, then, at about 9.30 a.m., Dawa Gialchan, Samkali, Suman Singh, Praveen, Poonam and their daughter in law, came together,

having iron rods, sticks, stones and *Darat* (big sickle) in their hands. All of them had attacked upon them. Consequently, Kumanand, Dandup Gyanchho and Krishan Lal sustained injuries.

7.5. In the meanwhile, their co-villager Shiv Singh, who was sowing his fields, came there and saved them from the assailants. Krishan Lal sustained injuries and was soiled with blood and become unconscious. On seeing this, the above persons, along with their weapons, fled away from the spot, by threatening them to finish them off. As such, she had prayed that action be taken against them.

8. On the basis of the above facts, the police registered, FIR No.13/2025, under Sections 126(2), 191(2), 191(3), 190, 115(2) and 351(3) of the BNS. The MLCs of the injured-Krishan Lal, Dandup Gyanchho and Kumanand were obtained. All the three persons were referred to higher center and Krishan Lal was found not fit to make statement.

9. Thereafter, accused Gialchan, Suman and Praveen, were medico-legally examined and their MLCs

were obtained. Accused Suman was further referred for treatment to MGMHC, Khaneri Rampur. Accused Dawa Gialchan has also got recorded his statement under Section 173 BNSS, disclosing therein, that he is Carpenter by profession. On 15.06.2025, at about 10.30 a.m., when he was present at his house, then, he noticed that two persons were ploughing his applied nautor land, upon which, he had gone there. His two sons Praveen Kumar and Suman, have followed him. When, he reached there, he noticed that Kumanand and Dandup Gyanchho, were present there and two Nepali nationals were ploughing the land, upon which, he had objected to the said act and asked Kumanand and Dandup Gyanchho, as to why, they are ploughing their land. When, he requested them not to plough his land, then all the three uttered that if the land belongs to them, then show the papers of the land, upon which, he directed the Nepali national labourers to stop the work. When, said Dawa Gialchan proceeded towards the Nepali labourers to stop the work, then, Dandup Gyanchho, Krishan Lal and Kumanand restrained him to do so and gave a danda blow, which he had stopped with

his hand. Consequently, he sustained minor injuries on his hand. Meanwhile, his sons Praveen and Suman also reached there and tried to save him from the clutches of Kumanand, Krishan Lal and Dandup Gyanchho. Then Krishan Lal inflicted stone blow on the head of his younger son. Komanand inflicted stone blow on the right knee and threatened that it will not be good for them, if they again entered in the said land. Thereafter, complainant along with his son left the spot. As such, he has prayed that action be taken them, upon which, FIR No.14 of 2025, under Section 126(2), 115(2), 352, 3(5) of the BNS was registered against Kumanand, Krishan Lal and Dandup Gyanchho.

10. Investigation in FIR No.13 of 2025, was initially conducted by HC Vishal No.19, who has visited the spot on 16.6.2025 and on the identification of the independent witnesses Shiv Kumar and Ranjeet, the spot was inspected. Spot map was prepared and the blood stained stone was taken into possession. Statement of witnesses were recorded under Section 180 of the BNSS. Spot was video-graphed.

11. Since, injured-Krishan Lal, Kumanand and Dandup Gyanchho, were under treatment in IGMC, Shimla, as such, HC Mohit No.371 had come to Shimla on 16.06.2025, to record their statements. HC Mohit has also made correspondence with CMO (Casualty Medical Officer), IGMC, Shimla, upon which, the CMO has opined that Krishan Lal is in coma, as such, he is unfit to make statement, whereas, Kumanand has been discharged from the hospital and Dandup Gyanchho was still under treatment and he is fit to make the statement.

12. Thereafter, the I.O. has recorded the statements of Dandup Gyanchho and Kumanand, under Section 180 of the BNSS. On 17.06.2025, on the statement of Kumanand, Dundup Gyanchho, Ranjeet Dungdung and Shiv Singh, Section 109 BNS was added, in this case and thereafter, further investigation was conducted by SHO Police Station Moorang.

13. On 18.06.2025, information was received in Police Station from Police Assistance Room IGMC that the injured in FIR No.13 of 2025, Krishan Lal has expired, during his treatment in IGMC, upon which, Section 103(1)

was added, in this case. Thereafter, ASI Amar Singh, along with other police officials, reached at IGMC, Shimla.

14. The postmortem examination of the dead body of Krishan Lal was conducted by HOD, Forensic Department, IGMC Shimla. Thereafter, the dead body was handed over to his brother for performing his last rites. On 18.06.2025, accused Dawa Gialchan, Poonam Kumar Samkali, Suman, Praveen Kumar and Reeta, were arrested.

15. Although, in the status report, the alleged revelations made by the applicants have been reproduced, but the said fact has been allegedly disclosed by the accused during their custody, as such, the same is not required to be reproduced here.

16. It is the further case of the police that the applicants are very clever and not disclosing about the weapon of offence, which is yet to be recovered. According to police, the applicants are repeating the fact that they have been beaten by the complainant party.

17. As per the status report, against applicant Dawa Gialchan, FIR No. 40 of 2004, dated 27.08.2004, under Sections 147, 149, 303, 506 IPC with Police Station

Pooh, was found to have been registered, in which, he has been convicted by the Court of learned Chief Judicial Magistrate, Kinnaur and FIR No. 97/14, dated 20.10.2014, under Section 379 IPC and Section 33 of the Indian Forest Act, with Police Station State CID Bharari, has been registered, in which, he has been acquitted by the Court of learned Chief Judicial Magistrate, Kinnaur on 27.03.2023.

18. Similarly, against accused Semkali, FIR No. 40 of 2004, dated 27.08.2004, registered, under Sections 147, 149, 303, 506 IPC with Police Station Pooh, was found to have been registered, in which, she has been convicted by the Court of learned Chief Judicial Magistrate, Kinnaur.

19. On 19.06.2025, ASI Amar Singh, produced the accused persons before ACJM, Kinnaur, from where, they were remanded to police custody for three days. On 20.06.2025, the statements of Tilak Chandra and Parveer, under Section 180 BNSS were recorded.

20. During the police custody, applicant Dawa Gialchan, has made a disclosure statement that the weapon used in the crime has been concealed by him and he can identify the place and can also get recovered the

same. Thereafter, applicant Dawa Gialchan took the police to the spot and identified the cow shed (Dogri), and got recovered the danda, GI Pipe, spade, and two stones, which were kept concealed under two blue plastic drums, in the cow shed. He has also disclosed that with the help of those weapons, on 15.06.2025, all of them had beaten Kumanand, Dandup Gyanchho and Krishan Lal and after the incident, he had concealed the same there.

21. According to the police, on the both sides of the *danda* and on the spade blood like stains were found. All the above weapons were taken into possession. Thereafter, applicant Dawa Gialchan, has identified the spot, where all the accused had allegedly beaten deceased Krishan Lal, Kumanand and Dandup Gyalchho. Spot map was prepared.

22. On 21.06.2025, accused were produced before the Court of learned Chief Judicial Magistrate, Kinnaur at Reckong Peo, from where, they were remanded to the police custody. On 22.6.2025, at village Rarang, from the house of Krishan Dev, wearing apparels of Kumanand, Dandup

Gyanchho and deceased Krishan Lal, worn by them at the time of incident, were taken into possession.

23. On 24.06.2025, the statements of the alleged eye witnesses, namely Tilak Chandra and Parvir, were recorded under Section 183 BNSS, before the Court of learned Chief Judicial Magistrate, Kinnaur at Reckong Peo.

24. It is the further case of the police that the weapons of offence, which were recovered, in this case, were yet to be identified from the injured Kumanand, Dandup Gyalchho and Chuni Devi, as, at the time of recovery of these weapons/articles, there was tension in the area due to the crime committed by the accused persons.

25. It is the further case of the police that final opinion on the MLCs of Kumanand and Dandup Gyalchho, about the weapons of offence has now been obtained and positive opinion has been given by the Medical Officer.

26. In this case, the complainant has also filed objections, mainly, on the ground that the applicants are guilty of committing murder of Krishan Lal and attempt to commit murder of Dandup Gyalchho. In this regard, the

complainant has relied upon the report, under Section 193(2) of BNSS, filed before the learned trial Court, in which, it has been concluded that all the applicants, as well as, Reeta, Poonam and Samkali, with the intention and knowledge, had committed murder of Krishan Lal and assaulted Dandup Gyalchho and Kumanand.

27. Highlighting the role attributed to applicant Dawa Gialchan, it has been pleaded that he made a disclosure statement and got recovered *danda*, iron rods and stones. Those weapon of offences, were having the blood stains, which, on examination, in DNA Division of SFSL, Junga, were found to be matching with the blood samples of injured Kumanand, as well as, deceased Krishan Lal.

28. Highlighting the report of the doctor, which, he has given in the postmortem examination of deceased Krishan Lal about the cause of death, a prayer has been made that the applicants are not entitled to the relief, as claimed, in the applications.

29. It is the further case of the complainant that Krishan Lal expired due to 'ante-moretm blunt trauma

sustained to head region leading to intracranial hemorrhage'. It is the further case of the complainant that the applicants are not entitled to the relief, even, on the ground of parity, as, the relief of bail has been given to Reeta, Poonam and Samkali, on the basis of Section 480(ii) of the BNSS.

30. Lastly, the relief has been opposed on the ground that a specific role has been attributed to each accused, by the witnesses, and in case, the applicants are ordered to be released, on bail, they may coerce the witnesses, as the complainant is apprehending grave danger to her life. As such, a prayer has been made to dismiss the applications.

31. As per the statement of witness Shiv Singh, under Section 180 of the BNSS, on 16.06.2025, Gialchan, had inflicted *danda* blow to Krishan Lal (deceased). Similar statement has been made by injured Kumanand, Dandup Gyalchho, Tilak Chandra and Parvir.

32. Considering the said stand, coupled with the fact that applicant Dawa Gialchan, also made a disclosure statement, under Section 23(2) of the Bharatiya Sakshya

Adhiniyam and got recovered the weapons of offence i.e., *Danda*, piece of iron pipe, spade and two stones, then, in the considered opinion of this Court, the recovery of weapons of offence is stated to be made, in pursuance of the disclosure statement of applicant Dawa Gialchan, applicant Dawa Gialchan, is not entitled to the relief of bail, as claimed in the application, hence, the application, **Cr.MP (M) No.2826 of 2025, is dismissed.**

33. So far as the applications bearing Cr.MP(M) Nos.2825 and 2827 of 2025 are concerned, as per the stand taken by the Police, it is a case of free fight, as, both the parties have alleged against each other that they had attacked upon them. It would be proved during the trial as to which party was the aggressor. FIR has been registered against the complainant party also.

34. Moreover, applicants Suman and Praveen Kumar are also entitled to grant of bail on the basis of parity, as, their co-accused, namely Reeta, Poonam and Samkali, have already been released on bail, by this Court, vide order dated 30.08.2025, passed in CrMP(M) Nos.1801, 1822 & 1823 of 2025 and the role, allegedly attributed to

the applicants, is almost similar to the role, which has been alleged against the co-accused.

35. Another fact, which has been highlighted by the learned counsel for the applicants, is that the complainant, in the present case, has although named all the six accused as assailants, but, not attributed any specific role to the applicants, in the commission of the alleged crime.

36. Merely, because applicants Suman and Praveen Kumar have been named as accused, in a serious offence, does not mean that their bail applications are liable to be dismissed.

37. Applicants Suman and Praveen Kumar are permanent residents of District Kinnaur, as such, it cannot be apprehended that in case, they are released on bail, they may not be available for the trial.

38. Even otherwise, investigation, in the present case, is complete and nothing is to be recovered from applicants Suman and Praveen Kumar or at their instance. Although, the plea of alibi taken by the applicants would be proved/probabilized during the trial, however, in view of the discussion made above, the fact that the incident,

being free fight between the parties, stood probabilized, at this stage.

39. In the absence of any specific role attributed to applicants Suman and Praveen Kumar, this Court is of the view that no useful purpose would be served, by keeping them in judicial custody, that too, for indefinite period. Moreover pre-trial punishment is prohibited under the law.

40. Considering all these facts, this Court is of the view that bail applications, **Cr.MP(M) Nos.2825 & 2827 of 2025**, are liable to be allowed and **are accordingly allowed**. Consequently, applicants Suman and Praveen Kumar are ordered to be released on bail during the pendency of the trial, arising out of **FIR No.13 of 2025, dated 15.06.2025**, registered, under **Sections 103(1), 109, 126(2), 191(2), 191(3), 190, 115(2) and 351(3) of the BNS, with Police Station, Moorang, District Kinnaur, H.P.**, on their furnishing personal bonds, in the sum of Rs.50,000/- each, with two sureties each, in the like amount, to the satisfaction of learned Chief Judicial Magistrate, Kinnaur at Reckong Peo.

41. This order of release, 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 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.”*

42. 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.

43. 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 applicants.

44. The Registry is directed to forward a soft copy of the bail order to the Superintendent of Jail, Kalpa at

Reckong Peo, through e-mail, with a direction to enter the date of grant of bail in the e-prison software.

45. In case, the applicant is not released within a period of seven days from the date of grant of bail, the Superintendent of Jail, Kalpa at Reckong Peo, is directed to inform this fact to the Secretary, DLSA, Kinnaur at Rampur Bushehr. The Superintendent of Jail, Kalpa at Reckong Peo, 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.

Record be sent back to the quarter concerned.

(Virender Singh)
Judge

January 05, 2026_(ps)