

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA**

**Cr. MP(M) No. 140 of 2026**

**Reserved on: 29.05.2026**

**Date of Decision: 05.06.2026.**

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Karam Chand

.... Petitioner

Versus

State of HP

.... Respondent

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*Coram*

***Hon'ble Mr Justice Rakesh Kainthla, Judge.***

***Whether approved for reporting?<sup>1</sup> No***

For the Petitioner : Mr Ajay Kochhar, Senior Advocate, with Mr Ajeet Ram Poswal, Advocate.

For the Respondent/State : Mr Lokender Kutlehria, Additional Advocate General.

For the complainant : Dr Malkit Singh Jandiala, Advocate.

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***Rakesh Kainthla, Judge***

The petitioner has filed the present petition for seeking regular bail in FIR No. 128 of 2025, dated 21.04.2025, registered at Police Station Nalagarh, District Solan, H.P. for the commission of offences punishable under Sections 85, 115 (2),

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<sup>1</sup> Whether reporters of Local Papers may be allowed to see the judgment? Yes.

351(2), 80, 108, 61(2) read with Section 3(5) of Bhartiya Nayay Sanhita (BNS), 2023.

2. It has been asserted that the petitioner was falsely implicated in the present FIR. As per the prosecution, Neha (since deceased) was married to Sanjeev Kumar. Sanjeev Kumar and her parents-in-law treated her with cruelty. They harassed and beat her. She was forced to cook non-vegetarian food, even though she belonged to Sikhi Religion, where such food is prohibited. Sanjeev Kumar consumed liquor and harassed her. Neha committed suicide by consuming poison. The police registered the FIR and arrested Sanjeev Kumar, his father Karam Chand (petitioner), mother Tej Kaur, sister Anju, Manjeet and Uncle Ram Singh. Manjeet Kaur and Ram Singh have been enlarged on bail. The petitioner has been in judicial custody since 21.04.2025. The investigation is complete, and no fruitful purpose would be served by detaining the petitioner in custody. The petitioner has roots in society, and there is no chance of his absconding. The petitioner would abide by the terms and conditions that the Court may impose. Hence, it was prayed that the present petition be allowed and the petitioner be released on bail.

3. The petition is opposed by filing a status report asserting that Neha (since deceased) was married to Sanjeev Kumar on 06.11.2024. Sanjeev Kumar, his parents and sisters used to harass Neha for bringing insufficient dowry. They would beat and harass her. She belongs to the Sikh religion but was compelled to cook non-vegetarian food and wear a nose pin. Neha's neighbour called the informant's father on 19.04.2025 and told him that Neha's condition had deteriorated. Informant, his brother and father arrived on the spot and found Neha lying unconscious on the bed. The informant's brother and father tried to take Neha to the Hospital, but Sanjeev Kumar, Karam Chand (present petitioner) and Tej Kaur quarrelled with them and tried to stop them. Neha was taken to the Parmar Hospital, Ropar, where it was found that she had consumed poison. She was taken to PGI, Chandigarh. The Police registered the F.I.R. and investigated the matter. Neha died on 23.04.2025. The police arrested the petitioner and the co-accused. Sanjeev Kumar revealed that Neha had consumed poison on 18.04.2025, and she was taken to Rana Hospital, Panjera. She was discharged on 19.04.2025. He got recovered, Hindol — an insecticide. The police recovered dowry articles and seized the record. The result of the

analysis showed that Chlorpyrifos (Organophosphorus insecticide) was detected in the viscera. The Medical Board issued a final opinion that there was no negligence by the Doctor at Rana Hospital at Panjera. Manjeet Kaur, Anjana Kumari and Ram Singh were released on bail. No other case was registered against the petitioner. The charge sheet was filed before the Court on 19.07.2025, and a supplementary charge sheet was filed on 17.11.2025. The matter was listed before the learned Trial Court on 09.03.2026. Hence, the status report.

4. The informant also filed a reply/objection asserting that the present petition is not maintainable. The informant has filed CWP No. 8560 of 2025 for transferring the investigation to an independent agency. The contents of the F.I.R. were reproduced. It was asserted that the petitioner had a big role in the murder of the deceased. The middleman informed the petitioner and her family members that Neha was a baptised Sikh. The petitioner and her family members agreed that Neha could pursue her faith. Subsequently, Manjeet Kaur and Anjana Kumari asked her to wear a nose pin and cook non-vegetarian food, which is contrary to her religious tenets. Neha immediately complained about the harassment to the informant, but he

thought that these were teething troubles and would go away with time. Neha was tortured for not bringing the vehicle. Her choice of dress was adversely commented upon. She was not permitted to perform religious ceremonies. The matter was discussed, and the parents-in-law of Neha assured to treat her properly. Neha called the informant and told her about her harassment. Doctors at Parmar Hospital informed that Neha had consumed poison 1-2 days before she was brought to the Hospital. Neha was trying to disclose something by making signs in the Parmar Hospital. The petitioner and her relatives forcibly administered poison to Neha. Her initial reports were changed at the instance of Anjana Kumari, Neha's sister-in-law, who is working in a Dispensary. Dara Singh, a relative of the petitioner, threatened the informant and his relatives. The police have not fairly investigated the matter, and a Writ Petition has been filed before this Court. The petitioner (father-in-law) has committed a heinous crime. He is openly putting pressure and undue influence while in judicial custody. He will influence and put pressure on the prosecution witnesses. Hence, it was prayed that the present petition be dismissed.

5. I have heard Mr Ajay Kochhar, learned Senior Counsel, assisted by Mr Jeet Ram Poswal, learned counsel for the petitioner, Mr Lokender Kutlehria, learned Additional Advocate General for the respondent/State and Dr Malkit Singh Jandiala, learned counsel for the complainant.

6. Mr Ajay Kochhar, learned Senior Counsel for the petitioner, submitted that the petitioner is innocent and he was falsely implicated based upon the vague allegations made against him. No complaint was ever made by the informant or the deceased to any person during her lifetime. The police have filed the charge sheet before the Court, and no fruitful purpose would be served by detaining the petitioner in custody. The matter was listed for recording the statements of prosecution witnesses. The witnesses were summoned, but they did not appear before the Court, which is causing a delay in the progress of the trial. The petitioner would abide by the terms and conditions that the Court may impose. Hence, it was prayed that the present petition be allowed and the petitioner be released on bail.

7. Mr Lokender Kutlehria, learned Additional Advocate General for the respondent/State, submitted that the petitioner

and his family members had prevented the informant and his family members from taking Neha to the hospital, which shows their conduct. They would influence the witnesses in case of their release on bail. The prosecution's evidence is yet to commence, and the petitioner's release would compromise the fair trial. Hence, he prayed that the present petition be dismissed.

8. Dr Malkit Singh Jandiala, learned counsel for the informant, submitted that the petitioner is involved in a heinous crime. The life of the young girl was taken away by the conduct of the petitioner and his family members. The petitioner does not deserve to be released on bail. Hence, he prayed that the present petition be dismissed.

9. I have given a considerable thought to the submissions made at the bar and have gone through the records carefully.

10. The parameters for granting bail were considered by the Hon'ble Supreme Court in *Pinki v. State of U.P.*, (2025) 7 SCC 314: 2025 SCC OnLine SC 781, wherein it was observed at page 380: -

*(i) Broad principles for the grant of bail*

56. In *Gudikanti Narasimhulu v. High Court of A.P.*, (1978) 1 SCC 240: 1978 SCC (Cri) 115, Krishna Iyer, J., while elaborating on the content of Article 21 of the Constitution of India in the context of personal liberty of a person under trial, has laid down the key factors that should be considered while granting bail, which are extracted as under: (SCC p. 244, paras 7-9)

“7. It is thus obvious that the nature of the charge is the vital factor, and the nature of the evidence is also pertinent. The punishment to which the party may be liable, if convicted or a conviction is confirmed, also bears upon the issue.

8. *Another relevant factor is whether the course of justice would be thwarted by him who seeks the benignant jurisdiction of the Court to be freed for the time being. [Patrick Devlin, “The Criminal Prosecution in England” (Oxford University Press, London 1960) p. 75 — Modern Law Review, Vol. 81, Jan. 1968, p. 54.]*

9. *Thus, the legal principles and practice validate the Court considering the likelihood of the applicant interfering with witnesses for the prosecution or otherwise polluting the process of justice. It is not only traditional but rational, in this context, to enquire into the antecedents of a man who is applying for bail to find whether he has a bad record, particularly a record which suggests that he is likely to commit serious offences while on bail. In regard to habituals, it is part of criminological history that a thoughtless bail order has enabled the bailee to exploit the opportunity to inflict further crimes on the members of society. Bail discretion, on the basis of evidence about the criminal record of a defendant, is therefore not an exercise in irrelevance.”* (emphasis supplied)

57. In *Prahlad Singh Bhati v. State (NCT of Delhi)*, (2001) 4 SCC 280: 2001 SCC (Cri) 674, this Court highlighted various aspects that the courts should keep in mind while dealing with an application seeking bail. The same may be extracted as follows: (SCC pp. 284-85, para 8)

*“8. The jurisdiction to grant bail has to be exercised on the basis of well-settled principles, having regard to the circumstances of each case and not in an arbitrary manner. While granting the bail, the court has to keep in mind the nature of accusations, the nature of evidence in support thereof, the severity of the punishment which conviction will entail, the character, behaviour, means and standing of the accused, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interests of the public or State and similar other considerations. It has also to be kept in mind that for the purposes of granting the bail the legislature has used the words “reasonable grounds for believing” instead of “the evidence” which means the court dealing with the grant of bail can only satisfy it (sic itself) as to whether there is a genuine case against the accused and that the prosecution will be able to produce prima facie evidence in support of the charge.” (emphasis supplied)*

58. This Court in *Ram Govind Upadhyay v. Sudarshan Singh*, (2002) 3 SCC 598: 2002 SCC (Cri) 688, speaking through Banerjee, J., emphasised that a court exercising discretion in matters of bail has to undertake the same judiciously. In highlighting that bail should not be granted as a matter of course, bereft of cogent reasoning, this Court observed as follows: (SCC p. 602, para 3)

*“3. Grant of bail, though being a discretionary order, but, however, calls for the exercise of such a discretion in a judicious manner and not as a matter of course. An order for bail bereft of any cogent reason cannot be sustained. Needless to record, however, that the grant of bail is dependent upon the contextual facts of the matter being dealt with by the court and facts do always vary from case to case. While the placement of the accused in society, though it may be considered by itself, cannot be a guiding factor in the matter of grant of bail, the same should always be coupled with other circumstances warranting*

*the grant of bail. The nature of the offence is one of the basic considerations for the grant of bail — the more heinous is the crime, the greater is the chance of rejection of the bail, though, however, dependent on the factual matrix of the matter.” (emphasis supplied)*

59. In *Kalyan Chandra Sarkar v. Rajesh Ranjan*, (2004) 7 SCC 528: 2004 SCC (Cri) 1977, this Court held that although it is established that a court considering a bail application cannot undertake a detailed examination of evidence and an elaborate discussion on the merits of the case, yet the court is required to indicate the prima facie reasons justifying the grant of bail.

60. In *Prasanta Kumar Sarkar v. Ashis Chatterjee*, (2010) 14 SCC 496: (2011) 3 SCC (Cri) 765, this Court observed that where a High Court has granted bail mechanically, the said order would suffer from the vice of non-application of mind, rendering it illegal. This Court held as under with regard to the circumstances under which an order granting bail may be set aside. In doing so, the factors which ought to have guided the Court's decision to grant bail have also been detailed as under: (SCC p. 499, para 9)

*“9. ... It is trite that this Court does not, normally, interfere with an order passed by the High Court granting or rejecting bail to the accused. However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering a bail application are:*

- (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;*
- (ii) nature and gravity of the accusation;*
- (iii) severity of the punishment in the event of conviction;*

- (iv) *danger of the accused absconding or fleeing, if released on bail;*
- (v) *character, behaviour, means, position and standing of the accused;*
- (vi) *likelihood of the offence being repeated;*
- (vii) *reasonable apprehension of the witnesses being influenced; and*
- (viii) *danger, of course, of justice being thwarted by grant of bail.” (emphasis supplied)*

**XXXXXXX**

62. One of the judgments of this Court on the aspect of application of mind and requirement of judicious exercise of discretion in arriving at an order granting bail to the accused is *Brijmani Devi v. Pappu Kumar*, (2022) 4 SCC 497 : (2022) 2 SCC (Cri) 170, wherein a three-Judge Bench of this Court, while setting aside an unreasoned and casual order (*Pappu Kumar v. State of Bihar*, 2021 SCC OnLine Pat 2856 and *Pappu Singh v. State of Bihar*, 2021 SCC OnLine Pat 2857) of the High Court granting bail to the accused, observed as follows: (*Brijmani Devi v. Pappu Kumar*, (2022) 4 SCC 497 : (2022) 2 SCC (Cri) 170], SCC p. 511, para 35)

“35. While we are conscious of the fact that liberty of an individual is an invaluable right, at the same time while considering an application for bail courts cannot lose sight of the serious nature of the accusations against an accused and the facts that have a bearing in the case, particularly, when the accusations may not be false, frivolous or vexatious in nature but are supported by adequate material brought on record so as to enable a court to arrive at a *prima facie* conclusion. While considering an application for the grant of bail, a *prima facie* conclusion must be supported by reasons and must be arrived at after having regard to the vital facts of the case brought on record. Due consideration must be given to facts suggestive of the nature of crime, the criminal antecedents of the accused, if any, and the nature of punishment that would follow a

*conviction vis-à-vis the offence(s) alleged against an accused.” (emphasis supplied)*

11. The present petition has to be decided as per the parameters laid down by the Hon’ble Supreme Court.

12. It is undisputed that a marriage between Neha and Sanjeev Kumar had taken place on 06.11.2024, and Neha died on 23.04.2025. Specific allegations have been made in the F.I.R. that Neha was being harassed for bringing insufficient dowry. She was beaten for not bringing the car. She was forced to cook non-vegetarian food and wear a nose pin contrary to her religious tenets. Therefore, *prima facie*, a presumption under Section 117 of Bharatiya Sakshya Adhinyam (BSA) will apply, and the burden would shift upon the petitioner to rebut it.

13. The petitioner is the father-in-law of the deceased. It was specifically mentioned in the FIR that Sanjeev Kumar, his parents and his sisters used to harass Neha for bringing insufficient dowry. They were compelling her to prepare non-vegetarian food contrary to her faith. When the informant and his father reached Neha’s matrimonial home, she was found unconscious on the bed. They tried to take Neha to the hospital, but her husband Sanjeev Kumar, petitioner Karam Chand and Tej

Kaur prevented the informant and his family members from taking Neha to the hospital. All these allegations *prima facie* show the petitioner's involvement in the commission of a crime.

14. The allegations in the FIR, *prima facie*, connect the petitioner to the commission of a crime. It was laid down by the Hon'ble Supreme Court in *Shabeen Ahmad vs. State of Uttar Pradesh & anr. 2025 INSC 307* that the Court should be mindful of the broader social impact in dowry death cases and should not permit the parents-in-law to remain at large when the evidence reflects a probable nexus between dowry demand, physical cruelty and the death. It was observed: -

“13. In dowry death cases, courts must be mindful of the broader societal impact, given that the offence strikes at the very root of social justice and equality. Allowing alleged prime perpetrators of such heinous acts to remain on bail, where the evidence indicates they actively inflicted physical, as well as mental, torment, could undermine not only the fairness of the trial but also public confidence in the criminal justice system.

15. Where the facts clearly indicate direct involvement in the fatal events, courts must act with an abundance of caution. Thus, permitting the father-in-law and mother-in-law to remain at large would run counter to the ends of justice, especially when the evidence reflects a probable nexus between their persistent dowry demands, physical cruelty, and the deceased's death. Consequently, their bail warrants were cancelled so that a fair and unimpeded trial

may take place, in keeping with the legislative intent behind anti-dowry laws.

17. We also find it necessary to express our concern over the seemingly mechanical approach adopted by the High Court in granting bail to the respondent-accused. While the Court did note the absence of prior criminal records, it failed to fully consider the stark realities of the allegations. It is unfortunate that in today's society, dowry deaths remain a grave social concern, and in our opinion, the courts are duty-bound to undertake deeper scrutiny of the circumstances under which bail is granted in these cases. The social message emanating from judicial orders in such cases cannot be overstated: when a young bride dies under suspicious circumstances within barely two years of marriage, the judiciary must reflect heightened vigilance and seriousness.”

15. It was submitted that the matter was listed before the learned Trial Court, but no witness appeared deliberately, and the petitioner's right to a speedy trial is being violated. The copies of the order sheet show that no PW was present on 09.03.2026. Summons to PW at Sl. No.2 was not received back, and PW at Sl. No.1 was not properly served. The endorsement of the office for 11.03.2026 shows that the witnesses were served through family members (wife). The endorsement for 12.03.2026 shows that the witness at Sl. No.12 was served. The endorsement for 16.03.2026 shows that the witness at Sl. No. 18 was served. Now, the matter is listed for recording the statements of prosecution witnesses in August. Thus, *prima facie*, the

submission that the informant party had not deliberately appeared before the Court simply to prolong the trial and pre-trial detention of the petitioner does not appear to be correct. The witnesses were not properly served. The matter was listed for a hearing only once, and it cannot be said that the petitioner's right to a speedy trial has been violated because not all the witnesses have been examined on the date fixed. It would be a different matter altogether if the witnesses do not appear on the date fixed by the learned Trial Court in August, because the informant would be aware of the date of the hearing, since he had appeared before this Court.

16. Therefore, in view of the above, the petitioner is not entitled to the concession of bail at this stage. However, he is at liberty to approach the Court if no substantial progress is made in the progress of the trial.

17. The observations made hereinabove are regarding the disposal of this petition and will have no bearing whatsoever on the case's merits.

**(Rakesh Kainthla)**  
**Judge**

5<sup>th</sup> June, 2026  
(Nikita)