
(2025) 11 SHI CK 0004

Himachal Pradesh HC

Case No: Criminal Miscellaneous Petition (M) No. 2437 Of 2025

Gaurav Nadda

APPELLANT

Vs

State Of H.P

RESPONDENT

Date of Decision: Nov. 17, 2025

Acts Referred:

- Bharatiya Nagarik Suraksha Sanhita, 2023-Section 483
- Bharatiya Nyaya Sanhita, 2023-Section 64, 87, 115(2), 137(2), 180, 183, 324(4), 351(2)

Hon'ble Judges: Virender Singh, J

Bench: Single Bench

Advocate: Naresh K. Sharma, H.S. Rawat, Ranjna Patial, Avni Kochhar Mehta, Kamal Sharma

Judgement

Virender Singh, J

1. Applicant-Gaurav Nadda, has filed the present application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as 'BNSS'), for releasing him, on bail, during the pendency of the trial, arising out of FIR No.118 of 2025, dated 28.05.2025, registered under Sections 87, 64, 115(2), 324(4), 351(2) of Bharatiya Nyaya Sanhita (hereinafter referred to as the 'BNS'), with Police Station, Sundernagar, District Mandi, H.P.

2. According to the applicant, he is innocent person and has falsely been implicated, in this case and has wrongly been arrested on 29.05.2025.

3. According to the applicant, he is in judicial custody. The investigation of the case is also stated to be faulty and according to him, no evidence could be collected, by the police against him.

4. The applicant had earlier tried his luck by moving similar bail application, before the Court of learned Additional Sessions Judge, Sundernagar, District Mandi, H.P., however, the said application was dismissed, vide order dated 22.09.2025.

5. It is the further case of the applicant that his custodial interrogation is no longer required by the police.

6. On the basis of the above facts, Mr. Naresh K. Sharma, Advocate, appearing for the applicant, has given certain undertakings, on behalf of the applicant, for which, the applicant is ready to abide by, in case, ordered to be released on bail, during the pendency of the trial.

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

8. When, put to notice, the police has filed the status report, disclosing therein, that on 28.05.2025, prosecutrix (respondent No.2), along with her parents appeared, before the police of Police Station, Sundernagar, District Mandi, H.P., and moved a complaint, mentioning therein, that she is resident of address, as mentioned, in the application and her age is 19 years.

8.1. According to her, on 28.05.2025, she, along with her friend, had left her home to visit Dental College, Sundernagar, for the treatment of her tooth. When, she along with her friend reached just behind the Dental College, Sundernagar, then, Gaurav Nadda (applicant) resident of village Kot, Post Office Dehar, Tehsil Sundernagar, District Mandi, H.P., forcibly dragged the complainant/prosecutrix in the car in the presence of her friend. The complainant screamed, however, the applicant had also damaged her phone. Thereafter, he took her to his house, where, she was beaten and raped.

8.2. On the basis of the above facts, she has prayed that action be taken against him, as, he has threatened to kill her in case, she would disclose this fact to her family members.

8.3. On the basis of the above facts, the police registered the case under Sections 87, 64, 115(2), 324(4), 351(2) of BNS, and criminal machinery swung into motion. The prosecutrix (respondent No.2) was taken to Civil Hospital, Sundernagar, District Mandi, H.P., where, she was medico legally examined and physical evidence, was preserved. Thereafter, the investigation was conducted by ASI Kapil Dev, who has recorded the statement of prosecutrix, under Section 180 of BNS. Thereafter, the spot was visited.

8.4. On identification of the prosecutrix, where, she was allegedly raped by Gaurav Nadda (applicant) on 28.05.2025, spot map was prepared. At the instance of complainant, physical evidence was taken into possession. Accused was associated and was arrested. He was also medico legally examined. The physical evidence, so collected, by the doctor was taken into possession. The vehicle allegedly used in the crime in question was also taken into possession. The statement of the prosecutrix was got recorded under Section 183 of BNS by producing her before the Court. The report from SFSL Junga has been received.

8.5. On the basis of the investigation, Section 137(2) of BNS Act, was deleted and Section 87 of BNS was added, in this case. Charge sheet has been prepared, which has been filed in the Court of learned Additional Sessions Judge, Sundernagar, on 23.07.2025.

8.6. The case is now stated to be listed on 11.11.2025 for Consideration on Charge, before the Court of learned Additional Sessions Judge, Sundernagar, District Mandi, H.P.

8.7. Except the present case, no other case is found to have been registered against the applicant.

9. On the basis of the above facts, a prayer has been made to dismiss the application.

10. In this case, prosecutrix was also impleaded, as respondent No.2, who put appearance on 07.11.2025 and stated that she does not want to file any objection, in the present case. The investigation, in the present case, is complete and custodial interrogation of the applicant is no longer required by the police.

11. From the above facts, this Court is of the view that no useful purpose would be served, by keeping the applicant, in judicial custody, that too, for the indefinite period, as the chances of commencement and conclusion of the trial against the applicant, in near future, are not so bright.

12. Although, serious allegations have been levelled against the applicant, in the FIR in question, however, those allegations would be proved, during the trial.

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

14. The applicant is a young man of 26 years and in case, he is ordered to be kept in judicial custody, that too, at the young age, it would adversely affect on his future.

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

16. Consequently, the applicant is ordered to be released on bail in case FIR No.118 of 2025, dated 28.05.2025, registered under Sections 87, 64, 115(2), 324(4), 351(2) of BNS, with Police Station, Sundernagar, District Mandi, H.P., on his furnishing personal bond in the sum of Rs. 50,000/-, with one surety in the like amount, to the satisfaction of the learned trial Court.

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

a) 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) Applicant shall not tamper with the prosecution evidence nor hamper the investigation of the case in any manner whatsoever;

c) 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) Applicant shall not leave the territory of India without the prior permission of the Court.

18. 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 application.

19. It is made clear that respondent-State is at liberty to move an appropriate application, in case, any of the bail conditions is found violated by the applicant.

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

21. 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, Mandi, District Mandi, Himachal Pradesh, is directed to inform this fact to the Secretary, DLSA, Mandi, District Mandi, H.P. The Superintendent of Jail, District Jail, Mandi, District Mandi, Himachal Pradesh, 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.