

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA****CrMP (M) No. : 631 of 2025****Reserved on : 24.03.2025****Decided on : 26.03.2025**

Desh Raj

...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. N.S. Chandel, Senior Advocate, with Mr. Raju Ram Rahi and Mr. Parveen Kumar, Advocates.

For the respondent : Mr. Mohinder Zharaick, Additional Advocate General, with Ms. Ranjna Patial, Deputy Advocate General, assisted by Shri Vikram Chauhan, Deputy Superintendent of Police (City), Shimla and Inspector Manoj Thakur, SHO, Police Station New Shimla, for the respondent.

Mr. Rajiv Rai, Mr. Vivekanand and Mr. Chaman Negi, Advocates, for the complainant.

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

Virender Singh, Judge.

Applicant-Desh Raj is apprehending his arrest in case FIR No. 9 of 2025, dated 19th March, 2025, registered with Police Station New Shimla, District Shimla, H.P., under Sections 108 and 3 (5) of the Bharatiya Nyaya Sanhita (hereinafter referred to as 'BNS').

2. By way of the present application, filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (hereinafter referred to as 'BNSS'), indulgence of this Court has been sought, by the applicant, to direct the Investigating Officer/Police of Police Station New Shimla, District Shimla, to release him, on bail, in the event of his arrest, in the above-noted case/FIR.

3. According to the applicant, the said FIR has been lodged, at the instance of the wife of Shri Vimal Negi, whose dead body was found in Bhakra Dam.

4. It has been averred in the bail application that as per the allegations, the husband of the complainant was being tortured mentally by the superior officers of the Power Corporation, especially, Director (Electrical) and Managing Director. The allegations of misbehave with

deceased Vimal Negi are also stated to have been alleged by the wife of the deceased.

5. According to the applicant, he is innocent and has falsely been implicated, in this case, as, there is no direct or indirect evidence, connecting him, with the alleged crime.

6. Asserting the fact that he is the permanent resident of Shimla and working as Director (Electrical) in HP Power Corporation Limited, it has been demonstrated by the applicant that he is from a respectable family, having deep roots in the society.

7. The applicant has further pleaded that he is the sole bread earner of his family and is apprehending his arrest, in the said case.

8. The learned senior counsel, appearing for the applicant, has also relied upon the decisions of the Hon'ble Supreme Court, in the cases, titled as **Nipun Aneja and others versus State of Uttar Pradesh**, reported in **2024 SCC OnLine SC 4091**; and **Laxmi Das versus The State of West Bengal & Ors., Neutral Citation No. 2025 INSC 86**, to contend that the provisions of Section 306 IPC

(Section 108 of the BNS) are not attracted, in this case, as, the essential ingredients of the said Section are missing.

9. He has also given certain undertakings on behalf of the applicant and has prayed that the bail application may kindly be allowed, by directing the Investigating Officer/Police of Police Station New Shimla, District Shimla, to release the applicant on bail, in the event of his arrest.

10. When put to notice, the police has filed the status report, on 22nd March, 2025, disclosing therein, that the FIR in issue has been registered at the instance of Smt. Kiran Negi, wife of Late Shri Vimal Negi, resident of Village and Post Office Katgaon, Tehsil Nichar, District Kinnaur, in which, the complainant has alleged that she had moved the complaint before the Chief Minister; Additional Chief Secretary (Home) to the Government of Himachal Pradesh; Director General of Police and Director General of CID, regarding missing of her husband, Shri Vimal Negi.

10.1. According to the complainant, on 18th March, 2025, the dead body of her husband was found in Bhakra Dam, Bilaspur. As per the contents of the complaint, made

by the complainant, she had already intimated that her husband was being mentally tortured and misbehaved by the superior officers of the Power Corporation, for the last six months. She has specifically named applicant-Desh Raj and Managing Director of the Power Corporation, as the persons, who had tortured and misbehaved with her husband.

10.2. As per the version of the complainant, the above officers intentionally forced her husband to work late night and even, in case of illness, the leave was not sanctioned, for treatment. Not only this, the said officers are stated to have again and again threatened her husband to take action, on the administrative side. Consequently, her husband had taken the extreme step to end his life. As such, the complainant had prayed that action be taken against the above-named persons.

10.3. On the basis of the above facts, the police registered the FIR in issue.

11. As per the status report, filed on 22nd March, 2025, after the recovery of the dead body of Shri Vimal Negi from Satluj River, near Gah Dhanipakkhar, the same was

taken to AIIMS Bilaspur, for the post mortem examination, however, the report is still awaited.

11.1. According to the police, the investigation is at the initial stage and a number of material witnesses are yet to be examined. It has been apprehended that the applicant is Director of HPPCL and being the influential person, he can hamper the investigation.

11.2. As per the further case of the police, the statements of the material witnesses, recorded so far, have unequivocally pointed out towards the involvement of the applicant, in the commission of the alleged offences.

11.3. It is the further case of the police that in case, the relief is granted to the applicant, it will give an erroneous message to the material witnesses and other accomplices of the alleged crime, who may feel discouraged or intimidated.

11.4. An apprehension has also been expressed that the applicant, being the influential person, may tamper with the material witnesses, coerce them or otherwise influence their testimonies.

12. In the status report, which has been filed on 24th March, 2025, it has been pleaded that in order to ensure a speedy and thorough investigation, in the present case, SIT has been constituted, which has been supervised by Shri Navdeep Singh, Additional Superintendent of Police (HQ) Shimla, with Shri Vikram Chauhan, Deputy Superintendent of Police (City), designated as Investigating Officer of the case and the team comprises three Inspectors, two Assistant Sub Inspectors, two Head Constables, a cyber Expert and SHO, Police Station New Shimla.

12.1. As per the stand taken in the said status report, the SIT searched the office of the deceased at HPPCL premises. Voluminous records, pertaining to various projects, handled by the deceased, are stated to have been seized and taken into possession and the said record require detailed analysis, due to their extensive nature.

12.2. It has been mentioned in the status report that the statements of the witnesses have been recorded, under Section 180 of the BNSS, which, *prima facie*, corroborate

the allegations of mental harassment and overwork imposed on the deceased.

12.3. It is the further case of the police that on 23rd March, 2025, SFSL Team visited the HPPCL premises and taken into possession, the digital evidence, which includes the Network Video Recorder (NVR) containing CCTV footage from cameras installed in the HPPCL building and a hard drive and pen drive containing back-up of the CCTV footage.

12.4. As per the stand of the police, the analysis of the 14-day CCTV footage reveals that the deceased exhibited signs of stress and timid body language, supporting the complainant's allegations. Due to the duration of the footage, further time is sought for, for a comprehensive review of the same.

12.5. The biometric attendance records of the deceased and other HPPCL officials are also stated to have been seized and analyzed. It is the specific stand of the police that these records confirm that the deceased was compelled to remain in the office until midnight and work over ten hours daily. Statements of the deceased's

subordinates, recorded under Section 180 BNSS, are also stated to have corroborated this fact, indicating coercion by superior officers.

12.6. It is their further case that SIT has also seized and analyzed the hierarchical structure of HPPCL and related records, relating to the deceased, and, as per the documents, so collected, the deceased was under the direct control of the applicant, who was also his leave sanctioning authority.

12.7. The further perusal of the status report reveals that one Rajiv Thakur, Personal Assistant to the applicant, was also interrogated on 23rd March, 2025, who has disclosed that the deceased was under significant stress due to the extension of time for Pekhuwala Project, however, as per the status report, said Thakur has not fully disclosed all the material facts.

12.8. Apprehending that the applicant may evade the investigation, in case, relief is granted to him, it has been pleaded that the applicant has not reported to his office and is presently absconding.

12.9. Re-iterating the fact that the applicant is holding an influential position, it has also been apprehended that in case, the applicant is released on bail, he may tamper with the evidence and witnesses may feel intimidated. According to the police, the applicant may also got the incriminating evidence destructed.

12.10. Lastly, it has been apprehended that in case, any direction is passed, under Section 482 of the BNSS, it may hamper the investigation.

13. Hence, a prayer has been made to dismiss the bail application.

14. Similar arguments have been advanced by Mr. Rajiv Rai, learned counsel appearing for the complainant.

15. First of all, coming to the case law, relied upon by the learned senior counsel, appearing for the applicant, in the cases, titled as **Nipun Aneja's and Laxmi Das'** cases (supra), the applicant is before this Court, seeking the relief of anticipatory bail. With due respect to the law laid down by the Hon'ble Supreme Court in the aforesaid cases, the Hon'ble Supreme Court has rendered the said decisions in appeals, where the entire report of

investigation, under Section 173 (2) of the CrPC, was before it, as, the appeals were filed against the judgments, by virtue of which, the High Courts had rejected the prayer of the appellants therein, seeking quashing the criminal proceedings.

16. So far as the arguments of the learned senior counsel appearing for the applicant, qua the fact that in the FIR, only vague allegations have been levelled, are concerned, the FIR is not an encyclopedia of the events. It is only the process to put the criminal machinery into motion. Moreover, it cannot be expected from the complainant, whose husband had taken the extreme step to end his life, to mention each and every minute details, in her complaint.

17. On the basis of the complaint, filed by the complainant, the police has registered the case, under Sections 108 and 3 (5) of the BNS, at this stage and the investigation is at the crucial stage.

18. While deciding the question of granting or non-granting of relief, as claimed, in this case, this Court has to see certain relevant facts, i.e. seriousness of the offence

and the status/position of the applicant to influence the witnesses or to hamper the investigation.

19. Admittedly, the applicant is a senior officer of the HPPCL, who was the immediate superior of the deceased husband of the complainant. As per the status report, which has been filed on 24th March, 2025, the Personal Assistant of the applicant is being interrogated, who, as stated, has disclosed about the alleged pressure of the applicant, upon the deceased, for extension of time for Pekhuwala Project. Since, the police has taken into possession voluminous documentary, as well as, digital evidence, it will take significant time to scrutinize the same minutely.

20. In the status reports, which have been filed, in this case, specific apprehensions have been expressed by the Investigating Agency, against the applicant, such as, tampering with the witnesses, destruction or disappearance of incriminating evidence and obstruction in the on-going investigation, which cannot be brushed aside, at this stage.

21. As discussed hereinabove, the applicant is a senior officer of the HPPCL, and, the deceased was working in the same Department, under the direct control of the applicant. Therefore, certainly, the Investigating Agency would inquire the subordinate staff of the applicant, to verify the allegations, which, according to the complainant, had compelled the deceased to take the extreme step to end his life.

22. In case, the relief, as claimed in the application, is granted to the applicant, it will certainly cause an adverse impact upon his subordinates not to speak against their superior officer. Mere transfer of the applicant, from the said place, is not sufficient to create a sense of security amongst the persons, who will be inquired by the Investigating Agency.

23. Even otherwise, the custodial interrogation is more result-oriented than the investigation from a person, who is having the protection, under Section 482 of the BNS, in his favour.

24. Moreover, at this stage, it would not be justifiable for this Court to discuss the evidence, so

collected, by the Investigating Agency, till date, as the same may cause prejudice to the case of the prosecution, as well as, to the case of the accused.

25. Another fact, which has rightly been highlighted by the learned Additional Advocate General, in this case, is that the applicant is trying to evade the investigation and the chances of his availability, for the trial, are also very bleak, as, in para 7 of the status report, filed on 24th March, 2025, it has been mentioned that the applicant has not reported to his office and is currently absconding.

26. In view of the above discussion, the apprehensions, so expressed by the Investigating Agency, cannot be said to be unfounded, at this stage. It is not the case of the applicant that he is the target of some mala fide.

27. Keeping in view the seriousness of the allegations, levelled against the applicant and the evidence, so collected, by the Investigating Agency, till date, this Court is of the view that the applicant is not able to make out a case that he has falsely been named as accused, in this case, especially, when, his name has specifically been

mentioned in the complaint and specific allegations have been levelled by the complainant, which have been found corroborated by the statement of the Personal Assistant of the applicant.

28. The cumulative effect of the above discussion is that no case for grant of relief, in favour of the applicant, under Section 482 of the BNSS, is made out, at this stage. Hence, the bail application is dismissed.

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 application.

30. Record be returned to the quarter concerned forthwith.

(Virender Singh)
Judge

March 26, 2025
(rajni)