



**IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO. _____ OF 2026
[ARISING OUT OF SLP (CRL) NO. 17621 OF 2026]**

MAHESH KAUSHAL

...APPELLANT

VERSUS

STATE OF HIMACHAL PRADESH

...RESPONDENT

ORDER

1. Leave granted.
2. Appellant, though not arrayed as an accused in the subject FIR¹, was arrested on 6th December, 2025 and figures as an accused in a chargesheet² filed under Section 193(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 for offences under Sections 103(1), 352, 49, 61(2) and 126(2) of the Bharatiya Nyay Sanhita, 2023, *inter alia*, on the allegation that he aided and facilitated the offence of murder by wrongfully restraining the deceased from leaving the spot.

1 FIR No. 358 of 2025 dated 20th November, 2025, registered with P.S. Una Sadar
2 Chargesheet no. ... dated 13th February, 2026

- 3.** The prosecution alleges that on 29th September, 2025, the deceased-Ashu Puri along with the complainant, the appellant and several other persons were present outside Hotel Raizada, upon celebrating the deceased's birthday. Gurjeet Mann, Purjinder and Parminder and others approached the group and an assault ensued. When the group had almost dispersed, the deceased and the appellant were talking with each other. Parminder then approached the deceased and the appellant and shot the deceased from close range with a pistol. The complainant and his companions apprehended the shooter. The deceased was taken to the regional hospital where he was pronounced dead. FIR came to be registered against Parminder, Purjinder and Gurjeet Mann.
- 4.** Appellant avers that he had no role whatsoever in the entire crime. In fact, he attempted to save the deceased by shielding him from the assailant. To prove this averment, the appellant has placed on record CCTV footage of the incident.
- 5.** We have perused the CCTV footage and heard learned counsel for the parties.
- 6.** Presence of the appellant at the scene of crime and his conversation with the deceased immediately before he was shot is not disputed. However, *prima facie*, the evidence regarding his plea of shielding the deceased is as inconclusive

as his involvement in aiding or abetting the offence of murder. The prosecution has to prove at the trial that the appellant was a conspirator in the murder of the deceased.

- 7.** Appellant has been in custody for more than 10 (ten) months. Chargesheet has already been filed against him. The prosecution proposes to examine about 49 witnesses. We are also told that further investigation *qua* the other accused is under way.
- 8.** Taking an overall view of the matter, including the circumstance that trial will take its own time to conclude, we are of the considered opinion that the principle of 'bail being the rule and jail the exception' is attracted in the present case and also that further detention of the appellant pending trial may not be necessary.
- 9.** Accordingly, we accept the appeal and set aside the impugned judgment and order.
- 10.** Appellant shall be released on bail, subject to furnishing of bail bonds to the satisfaction of the trial court and subject to such other terms and conditions as may be imposed by it.
- 11.** Needless to observe, the appellant shall not, directly or indirectly, by making inducement, threat or promise, dissuade any person acquainted with the facts of the case from disclosing such facts to the court.

- 12.** In the event there is any breach of the terms and conditions for grant of bail, the trial court shall be at liberty to cancel the bail of the appellant.
- 13.** It is also ordered that the appellant shall diligently attend proceedings of the trial, unless exempted. If he abstains from attending the proceedings without justifiable cause, that could also be seen as breach of the conditions for grant of bail and the trial court will be free to pass appropriate orders.
- 14.** If the appellant's interrogation is considered necessary for the purpose of further investigation, the investigating officer shall be free to issue notice to him for his appearance at the police station. Should the appellant not appear, such conduct shall be treated as a ground for cancelling the bail granted by this order.
- 15.** We clarify that the observations made in this order and grant of bail will not be treated as findings on the merits of the case.

- 16.** The appeal is, accordingly, allowed on the aforesaid terms.
Pending application(s), if any, shall stand disposed of.

.....J.
DIPANKAR DATTA

.....J.
SHEEL NAGU

**New Delhi;
October 14, 2026.**

ITEM NO.16

COURT NO.6

SECTION II-C

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Special Leave to Appeal (Crl.) No(s). 17621/2026

[Arising out of impugned final judgment and order dated 02-07-2026 in CRMPM No. 740/2026 passed by the High Court of Himachal Pradesh at Shimla]

MAHESH KAUSHAL**Petitioner(s)****VERSUS****STATE OF HIMACHAL PRADESH****Respondent(s)****[FOR ORDERS]**

**IA No. 255608/2026 - EXEMPTION FROM FILING C/C OF THE
IMPUGNED JUDGMENT**

IA No. 255609/2026 - EXEMPTION FROM FILING O.T.

Date : 14-10-2026 This matter was called on for hearing today.

**CORAM : HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE SHEEL NAGU**

**For Petitioner(s) :Mr. Ajay Marwah, AOR
Mr. Mrigank Bhardwaj, Adv.
Ms. Dhriti Sharma, Adv.
Mr. Rahul Kumar, Adv.
Mr. Shivani Singh, Adv.
Mr. Ravideep Badyal, Adv.
Mr. Sainyam Bhardwaj, Adv.
Mr. Ravi Shandil, Adv.**

For Respondent(s) :Ms. Sugandha Anand- 3167, AOR

**UPON hearing the counsel the Court made the following
O R D E R**

1. Leave granted.
2. The appeal is allowed in terms of the signed order placed on the file.

**(JATINDER KAUR)
P.S. to REGISTRAR**

**(SUDHIR KUMAR SHARMA)
COURT MASTER (NSH)**