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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM-M No.56690 of 2024
Date of Decision: 05.02.2025
Reserved on: 29.01.2025**

Satyawan

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sushil Sheoran, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
450	07.10.2022	Agroha, District Hisar	302 and 120-B of IPC (120-B of IPC deleted later on) and 25 of Arms Act, 1959

2. As per the prosecution case, as on 07.10.2022, the complainant Bharat Singh along with his brother Krishan i.e. the victim, Rekha wife of victim and 3-4 women folks were working in their field.

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At about 12:30 PM they sat together to have tea when someone fired a shot in the back of the victim Krishan due to which he started bleeding profusely. He was immediately rushed to hospital by the complainant but succumbed to the firearm injury. The complainant alleged that he had come to know that the petitioner had fired a shot upon his brother and suspected that the Bhal Singh and his family members who were nursing a grudge with the victim, had a hand in causing his death. After registration of FIR, investigation proceedings were initiated. During investigation, the petitioner was arrested on 11.10.2022. He was interrogated and suffered disclosure statement to the effect that he was having an illicit firearm which was used by him for the purpose of scaring stray animals in the fields as he used to take care of crops in the fields of land owners. On the day of occurrence, he was taking care of fields of one Khasa Mahajan when he saw some 3-4 nilgai (blue bull) in his fields. To make them leave the field, he had fired a shot with his weapon which had hit the victim who had been cultivating 6 Kanals land belonging to Khasa Mahajan. He also got the gun recovered. Investigation has since been completed.

3. It was argued by learned counsel for the petitioner that he has been falsely implicated in this case since he did not cause intentional death of the victim. He himself has surrendered before the police. He had fired shot from his gun in order to scare the nilgai (blue bull) and did not intend to kill the victim at all infact. No bullet had been recovered from the dead body. As per the postmortem report, the death had occurred due to sustaining injuries with projectile and not due to sustaining a bullet injury.

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He is in custody since 11.10.2022. He has ailing mother and five minor children. The ingredients for commission of offence punishable under Section 302 of IPC are not established against him at all. The trial is likely to take time. The complainant has been examined and there are no chances of petitioner's intimidating the witnesses. His further detention would not serve any useful purpose. Therefore, it was urged that he deserves to be released on bail.

4. Status report has already been filed by the respondent-State. It was argued by learned Assistant Advocate General, Haryana that there are specific and serious allegations against the petitioner. He was named in the FIR. In his sworn deposition, the complainant has supported the prosecution version. The trial may be expedited. There are chances of petitioner's absconding if extended benefit of bail. Therefore, it was urged that the petition does not deserve to be allowed.

5. Learned counsel for both the parties were heard at considerable length.

6. The petitioner is alleged to have fired a shot with gun which was illegally kept by him on the fateful day. The shot so fired injured the victim leading to his death on the same day. The allegations against the petitioner are serious in nature. The plea that he had no motive or intention to cause his death, has to be considered by the learned trial Court on thorough assessment of the evidence to be produced before it. Keeping in view the grave nature of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the attendant facts

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and circumstances but without meaning to make any comment on the merits of the case, I am of the opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

05.02.2025
manju/Parveen Sharma

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No