



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

**CRM-M-13205-2025
DECIDED ON: 22.04.2025**

**SATYA PRAKASH ALIAS SAT PRAKASH ALIAS SATTU
.....PETITIONER**

VERSUS

**STATE OF HARYANA
.....RESPONDENT**

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Jagjot Singh, Advocate and
Mr. Kunal Dawar, Advocate
for the petitioner.

Mr. B.S. Virk, Sr. DAG, Haryana.

Mr. Rakesh Sobti, Advocate
for the complainant.

SANDEEP MOUDGIL, J (ORAL)

1. Relief sought

The jurisdiction of this Court has been invoked for the second time under section 483 BNSS (erstwhile section 439 Cr.P.C.) for grant of Regular Bail to the petitioner in FIR No. 514 dated 14.12.2023 U/S 148, 149, 323, 452, 302, 506, 427 IPC 1860 and 25 Arms Act 1959, Police Station Chandhut District Palwal, Haryana. (Charges Framed u/s 148, 452, 427, 323, 325, 307, 302, 506 r/w 149 IPC, 1860 and section 27 and 25 of Arms Act, 1959).

2. Brief facts of the present case unfolds as under:-

“That on 13.12.2023 a telephonic intimation was received that a lady has died in a fight which took place in village

Chhajju Nagar. On this information police officials along with police officers reached at the place of occurrence where Jitender met them and informed the police that one Simran has been shot dead and several other family members have sustained injuries who have been shifted to hospital. Jitender told the police officers that he will move formal complaint once he has conversation with his family members. Later Jitender moved a complaint. He alleged that on 13.12.2023 at about 8:30 p.m. they were dancing outside their bouse. That his family members had moved a complaint against Kesharpal to the Superintendent of Police and DC Palwal and that Kesharpal and bis family members were having a grudge against the complainant and his family members on this ground. On 13.12.2023 at about 8:30 p.m. when the complainant and his family members were dancing outside their house, at that time Chanderpal son of Udai Pal came towards them and started hurling abuses. That the complainant and his family members tried to pacify him. In the meantime all the family members of the accused including Kesharpal, Mukesh, Prithvi, Monu, Netrapal, Montu, Deepak, Naresh, Jaldev, Sat Prakash @ Sattu, Manish, Atul, Jeetu, Jagat, Rajbir son of Budhi, Rajbir wife of Udaipal, Dharamwati, Rojo, wife of Monu, wife of Sonu, wife of Chandrapal and 2-3 other ladies armed with lathi, danda and pistols as specified in the complaint came at the spot and started inflicting injuries. That Kesharpal inflicted gun shot injury upon Simran wife of Vikram. Thereafter Prithvi son of Kesharpal inflicted gun shot towards complainant family but they narrowly escaped. Mukesh fired a shot in the air and Monu fired a shot towards the house of the complainant family. In the meantime Kesharpal fired some shots in the air. The complainant further alleged that he saw rifle in the hands of Chanderpal who also fired a shot towards the house of the complainant. After firing a shot upon the sister of the complainant, accused persons fired gun shots towards the son and daughter-in-law of the complainant. That the accused persons inflicted several injuries upon the family members of

the complainant party. That the accused persons inflicted injuries with the intention to kill and they also criminally threatened them of dire consequences. That the accused persons also damaged the motorcycle, scooty and car belonging to the complainant family. That the accused persons also caused damage to the glass of the house. That Simaran died in Metro hospital Faridabad due to gun shot injury. A prayer was made for taking appropriate action against the accused persons.

3. **Contentions**

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner was arrested on 16.12.2023 and that the change in circumstance pursuant to withdrawing of the first bail petition is that the complainant, namely, Jitender Chauhan and eye witness Pawan are not coming forward for examination despite non-bailable warrants having been issued against them twice, first on 09.01.2025 and then on 27.02.2025.

It is argued that from the perusal of FIR, it can be seen that there are no specific injury which has been attributed to the petitioner inasmuch as out of total 21 persons accused in the FIR, 20 of them belong to the same family who had previous animosity with the complainant party, while the petitioner is the only one not belonging to the said family, though he was friend with Kesarpal.

He further asserted that it is a case of versioni and cross-version as three persons from the complainant side, namely, Prithviraj s/o Kesarpal, Kesarpal s/o Udaypal and Chanderpal @ Pappu s/o Udaypal who belong to the accused party had also received grievous and life threatening injuries including on head.

On behalf of the State

On the other hand, learned State counsel has produced the custody certificate of the petitioner today in Court, which is taken on record in terms whereof, challan in this case was presented on 11.03.2024 and charges were framed on 18.07.2024 and in pursuance thereto, out of a total of 34 witnesses, none have been examined. He seeks dismissal of the instant petition on the ground that the allegations against the petitioner are grievous and serious as he was found involved in unlawful assembly and as such he was acting towards a common object and that if the petitioner is released on bail, there are chances that he may coerce or threaten the prosecution witness to depose in his favour.

Heard learned counsel for the parties.

4. Analysis

The prosecution's case is that the occurrence took place on December 13, 2023, at about 8:30 p.m. It is the case of the petitioner that there was no unlawful assembly, and the accused family members arrived at the spot individually without premeditation. It is also argued that only one non-fatal injury is attributed to the petitioner, which warrants consideration for bail.

After perusing the case diary and the final report submitted under Section 173 CrPC, this Court observes that the investigation has revealed a prima facie case against the petitioner and other accused persons. The final report has been submitted including under Sections 302, 307, and 149 IPC and as such, at this stage, it is challenging to determine the specific roles of each accused and the presence of premeditation.

It has come on record that more than 10 persons from the complainant party suffered injuries, and firearm was used in the commission of the offense as a result of which one person even lost his life which stands corroborated from the medico-legal report. Vehicles belonging to the complainant party were also damaged. Given the nature of the allegations and the evidence collected during the investigation, this Court finds no ground to disbelieve the investigation report submitted by the prosecution. It cannot be ascertained at this stage that only the person who fired the gunshot resulting in the death of one of the members of the complainant family is liable for the offense punishable under Section 302 IPC.

Given the gravity of the offense, the manner in which it was committed, and the evidence collected during the investigation, this Court finds no merit in the bail application and the same is accordingly dismissed.

Nothing stated herein shall be construed as a final expression of opinion on the merits of the case.

Ordered accordingly.

22.04.2025

vvishal

**(SANDEEP MOUDGIL)
JUDGE**

1. Whether speaking/reasoned?

Yes/No

2. Whether reportable?

Yes/No