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

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Sagar

...Petitioner

V/s

State of Haryana

...Respondent

Date of decision: 24.03.2026**Date of Uploading : 24.03.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Dr. Pankaj Nanhera, Senior Advocate with
Mr. Sachin Jangra, Advocate for the petitioner.

Ms. Mahima Yashpal Singla, Senior DAG Haryana.

Mr. Rajesh Lamba, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 483 of BNSS seeking grant of regular bail to the petitioner in case bearing FIR No.15 dated 17.01.2022, registered for the offences punishable under Sections 302, 34, 201 of IPC and Section 25/54/59 of Arms Act at Police Station Tigaon, District Faridabad.

2. As per the prosecution version, the FIR in question came to be registered on the statement of the complainant namely Satnam, who alleged that on 06.12.2021, the present petitioner along with co-accused Akash had visited the shop of his nephew namely Sonu and upon refusal to give clothes on credit, they assaulted him and snatched a sum of ₹3,500/-. In that regard, a prior FIR No. 249 dated 06.12.2021 registered under Sections 323, 379-B, 427, 506 and 34 IPC had already been registered against the petitioner and

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his co-accused. It has been further alleged that thereafter the accused persons persistently threatened the complainant party to withdraw the said case. It has been further alleged that on 16.01.2022, when the complainant along with his brother Kapil (since deceased), nephew Sonu and other relatives had gone to attend a marriage ceremony, the petitioner and co-accused Akash reached the venue and extended threats to withdraw the earlier case. Upon refusal by the deceased Kapil, an altercation ensued, during which the co-accused allegedly caught hold of Sonu, while petitioner Sagar, at the instigation of the co-accused, fired a shot from a country-made pistol at the chest of Kapil. He was immediately taken to the hospital but succumbed to his injuries on the way. On these set of allegations, the FIR in question came to be registered. During the course of investigation, the accused were arrested and, as per the prosecution, made disclosure statements. The weapon of offence, i.e. a country-made pistol was recovered at the instance of petitioner Sagar and the motorcycle used in the commission of offence was recovered from the co-accused Akash.

3. Learned senior counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question and is innocent. Learned senior counsel has further iterated that the prosecution version is highly doubtful and there are contradictions in the statements of witnesses which renders the case doubtful. Furthermore, no independent witness has supported the case of the prosecution. It has been further contended that the alleged recovery of the weapon has been falsely planted upon the petitioner. It has been further contended that there exists no motive whatsoever for the petitioner to commit the alleged offence. Furthermore,

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the FIR has been lodged after considerable delay and there are material inconsistencies and no 'Test Identification Parade' (TIP) has been conducted during investigation which rendered the prosecution story highly doubtful. Learned senior counsel has further submitted that the investigation has been completed and challan has already been presented before the competent Court of jurisdiction. According to learned counsel, the petitioner is stated to be in custody since 19.01.2022 and has undergone incarceration for a substantial period of time. Out of the 23 prosecution witnesses cited by the prosecution, only 07 witnesses have been examined till date which reflects that the trial is progressing at a snail's pace. Furthermore, in view of the large number of remaining witnesses, the conclusion of trial is likely to take a considerable amount of time and, therefore, no useful purpose would be served for continued incarceration of the petitioner. Moreover, there is no likelihood of absconding of the petitioner or tampering with the prosecution evidence. Learned counsel has further submitted that the earlier bail petition was dismissed as withdrawn with no adjudication on merits thereof and there has been a material change in circumstances on account of prolonged custody and delay in the trial. On the strength of these submissions, the grant of petition in hand is entreated for.

4. *Per contra*, learned State counsel has vehemently opposed the grant of bail to the petitioner by arguing that the petitioner has been specifically named in the FIR and his active participation in the commission of the crime has been clearly established from the material collected during investigation. Learned State counsel has iterated that the petitioner has been specifically named in the FIR and has been attributed a direct and active role

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in the commission of the offence inasmuch as he is the person who fired the fatal shot at the chest of the deceased which resulted in his death. Furthermore, during the course of investigation, the petitioner was arrested and the weapon of offence i.e. a country-made pistol has been recovered at his instance. Furthermore, the Forensic Science Laboratory report has established that the bullet recovered from the body of the deceased was fired from the very same weapon which lends credence to the prosecution case. It has been further contended that the allegations are supported by the statement of the complainant and other material collected during the course of investigation. In view of the seriousness of the offence, there is a strong likelihood that if released on bail, the petitioner may influence or intimidate the prosecution witnesses and thereby hamper the trial. Considering the gravity of the offence and the stage of trial, learned State counsel has prayed for the dismissal of the instant petition.

5. Learned counsel appearing for the complainant has raised submissions in tandem with the learned State counsel and has contended that the petitioner is an active participant in the commission of a heinous offence resulting in the death of an innocent person. Learned counsel has iterated that the petitioner, along with the co-accused, has a prior dispute with the complainant party arising out of an earlier incident and has been continuously extending threats to withdraw the said case. According to learned counsel, in view of the seriousness of the allegations, the manner in which the offence has been committed and the role attributed to the petitioner, the petitioner does not deserve the concession of regular bail.



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6. I have heard learned counsel for the rival parties and have perused the available record.

7. The grant of bail falls within the discretionary domain of the Court; however, such discretion must be exercised in a judicious and principled manner, ensuring it aligns with established legal precedents and the interests of justice. While considering a bail application, the Court must evaluate factors such as the existence of *prima facie* evidence implicating the accused, the nature and gravity of the alleged offence and the severity of the likely sentence upon conviction. The Court must also assess the likelihood of the accused absconding or evading the due process of law, the probability of the offence being repeated and any reasonable apprehension of the accused tampering with evidence or influencing witnesses. Additionally, the character, antecedents, financial means, societal standing and overall conduct of the accused play a crucial role. Furthermore, the Court must weigh the potential danger of bail undermining the administration of justice or thwarting its due course. A profitable reference in this regard is made to the judgment passed by the Hon'ble Supreme Court titled as ***State through C.B.I. vs. Amaramani Tripathi, 2005 AIR Supreme Court 3490***, relevant whereof reads as under:

14. *It is well settled that the matters to be considered in an application for bail are (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the charge; (iii) severity of the punishment in the event of conviction; (iv) danger of accused absconding or fleeing if released on bail; (v) character, behaviour, means, position and standing of the accused; (vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being tampered with; and (viii) danger, of course, of justice being thwarted by grant of bail (see ***Prahlad Singh Bhati v. NCT, Delhi, 2001(2) RCR****



*(Criminal) 377 (SC) :2001(4) SCC 280 and Gurcharan Singh v. State (Delhi Administration), AIR 1978 Supreme Court 179). While a vague allegation that accused may tamper with the evidence or witnesses may not be a ground to refuse bail, if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. We may also refer to the following principles relating to grant or refusal of bail stated in **Kalyan Chandra Sarkar v. Rajesh Ranjan, 2004(2) RCR (Criminal) 254 (SC) :2004(7) SCC 528** : "The law in regard to grant or refusal of bail is very well settled. The court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the court granting bail to consider among other circumstances, the following factors also before granting bail; they are:*

- a. The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.*
- b. Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.*
- c. Prima facie satisfaction of the **court** in support of the charge. (see **Ram Govind Upadhyay v. Sudarshan Singh, 2002(2) RCR (Criminal) 250 (SC) : 2002(3) SCC 598 and Puran v. Ram Bilas, 2001(2) RCR (Criminal) 801 (SC) : 2001(6) SCC 338.**"*

This Court also in specific terms held that :

*"the condition laid down under section 437(1)(i) is sine qua non for granting bail even under section 439 of the Code. In the impugned order it is noticed that the High **Court** has given the period of incarceration already undergone by the accused and the unlikelihood of trial concluding in the near future as grounds sufficient to enlarge the accused on bail, in spite of the fact that the accused stands charged of offences punishable with life imprisonment or even death penalty. In such cases, in our opinion, the mere fact that the accused has undergone certain period of incarceration (three years in this case) by itself would not entitle the accused to being enlarged on bail, nor the fact that the trial is not likely to be concluded in the near future either by itself or coupled with the period of incarceration would be sufficient for*



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enlarging the appellant on bail when the gravity of the offence alleged is severe and there are allegations of tampering with the witnesses by the accused during the period he was on bail.”

8. The factual matrix of the case, as emerging from the FIR, reflects that the incident in question has occurred on 16.01.2022 during a marriage function where the complainant party was present. As per the prosecution version, the petitioner along with co-accused reached the venue, extended the threats and upon refusal by the deceased - Kapil to withdraw the earlier case, an altercation ensued. In the course of the said occurrence, the present petitioner is alleged to have fired a gunshot from a country-made pistol at the chest of the deceased, which proved fatal. At this stage, the role attributed to the petitioner is direct, specific and of a very serious nature. He is alleged to be the main assailant who caused the fatal injury to the deceased. The medical evidence, in the form of postmortem report, supports the prosecution version by opining that the death occurred due to shock and hemorrhage as a result of gunshot injury to vital organs, which was sufficient to cause death in the ordinary course of nature. The investigation has also led to the recovery of the weapon of offence at the instance of the petitioner. The forensic report *prima facie* establishes that the bullet recovered from the body of the deceased has been fired from the same weapon. In the considered opinion of this Court, such scientific evidence lends substantial corroboration to the prosecution case at this stage.

9. The allegations leveled against the petitioner are grave and specific which clearly indicate his active participation in the commission of the crime. In the considered opinion of this Court the very magnitude and



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of bail. Moreover, the offence alleged is serious in nature, punishable with death or life imprisonment. The gravity of the offence and the manner in which it has been committed are relevant considerations while exercising discretion under Section 439 of Cr.P.C./483 of BNSS. In the considered opinion of this Court, at this stage, no accentuating circumstances have been made which may *prima facie* constitute a compelling ground for the grant of regular bail to the petitioner, especially in light of the gravity of the allegations and the evidence on record. It is also to be borne in mind that offences of this nature strike at the very root of public order and societal conscience. Granting bail in such cases would not only undermine the gravity of the offence but may also embolden the accused. Furthermore, the apprehension expressed by the State that the petitioner may influence the witnesses also cannot be said to be unfounded particularly when several material witnesses are yet to be examined. The mere fact of prolonged custody cannot, in itself, constitute a ground for bail in cases of such grave and heinous crime.

10. In view of the seriousness of the allegations coupled with the nature of evidence, this Court is of the considered opinion that the petitioner is not entitled to the concession of regular bail.

11. In view of the prevenient ratiocination, it is ordained thus:

(i) The present petition is devoid of merits and is hereby dismissed.

(ii) Any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case and the investigating agency



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as also the trial Court shall proceed further, in accordance with law, without being influenced with this order.

(iii) Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

March 24, 2026
Ajay

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No