



2026:DHC:7791



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of Decision: 14.09.2026# **CNR No. DLHC010432062026**+ **BAIL APPLN. 3810/2026 & CRL.M.A. 28271/2026****KARAN SINGH**

.....Petitioner

Through: Mr. Nitin Vats, Advocate.

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Amit Ahlawat, APP for State
with SI Kunal Kumar, PS J. P. Kalan.**CORAM: JUSTICE GIRISH KATHPALIA****JUDGMENT (ORAL)**

1. The accused/applicant seeks regular bail in case FIR No. 77/2025 of PS Jaffarpur Kalan for offence under Section 105 of BNS.
2. Broadly speaking, the allegation of prosecution is that the accused/applicant illegally erected electric fencing around his land and a 12 year old child came in contact with the same and got electrocuted to death.
3. Learned counsel for accused/applicant submits that no offence under

*BAIL APPLN. 3810/2026**Page 1 of 4 pages*

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Section 105 BNS has been made out since the accused/applicant had no intention to cause death of the deceased. It is further submitted by learned counsel that the accused/applicant is neither owner of the land which was fenced nor the electricity meter is in his name. It is also submitted that even according to prosecution case, the fencing was done only on two sides of the land in L-shape. It is explained by learned counsel that the said fencing was done to protect his land from wild animals, because after the fencing, forest begins. Learned counsel for accused/applicant also submits that in this regard he has placed on record the satellite image of the relevant area. Learned counsel for accused/applicant also places reliance on certain judicial precedents, but the same deal with the issue of conviction, so not relevant here.

4. Learned APP for State, assisted by IO/SI Kunal, accepts notice and strongly opposes the bail application. It is submitted that according to the investigation, the fencing was carried out with 10mm thick wire, carrying electricity of 220-225 volts, that too without any regulator, insulator or any circuit breaker or any other electrical safety device. Further, it is submitted by learned APP for State that after detailed hearing, the learned trial court has framed charge for offence under Section 105 BNS against the accused/applicant, which order has not been challenged till date.

5. As regards charge, learned counsel for accused/applicant submits that

BAIL APPLN. 3810/2026

Page 2 of 4 pages

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revision petition against the said order has been filed, though the same is lying with the Registry under objections.

6. I have examined the record, especially the satellite image of the area, keeping in mind the submission of learned counsel for accused/applicant that the electric fencing was done to protect his property from wild animals and that the fencing was done between his land and the forest. But the satellite image of the area filed on behalf of the accused/applicant completely negates this submission of learned counsel. The electric fencing, as depicted in the satellite image, is not between land of the accused/applicant and any forest area; the electric fencing separates out two different plots of land from the property of the accused/applicant.

7. Admittedly, what to say of any circuit breakers or other safety device installed to protect the general public from getting electrocuted with electric fencing of 220-225 volts, even any sign board warning the general public was not installed. Admittedly, the fencing in question was electrified by the accused/applicant without obtaining any sanction from electricity authorities. This act was *per se* so imminently dangerous that the accused/applicant cannot claim lack of knowledge that it was likely to cause death of anyone coming in contact with the fence. As submitted by learned APP, according to the investigation, the local children play in the area adjacent to the land of the accused/applicant.

BAIL APPLN. 3810/2026

Page 3 of 4 pages

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2026:DHC:7791



8. As regards the argument pertaining to ownership over the concerned land and the electricity connection, it is explained by learned APP for State that the land was only on papers owned by father of the accused/applicant, but it is the accused/applicant who was cultivating and managing the said land according to their investigation.

9. Considering the above circumstances, I do not find it a fit case to release the accused/applicant on bail at this stage. The bail application and the accompanying application are dismissed.

10. A copy of this order be immediately transmitted to the concerned Jail Superintendent for informing the accused/applicant.

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**GIRISH KATHPALIA
(JUDGE)**

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BAIL APPLN. 3810/2026

Page 4 of 4 pages

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