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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

212

CRA-S No.839 of 2025

Date of decision: 30.10.2025

Jeetu

... Appellant

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Sandeep Gahlawat, Advocate,
for the appellant.

Ms. Himani Arora, DAG, Haryana,
for the respondent-State.

Mr. Aman Pratap Singh, Advocate,
for respondent No.2.

MANISHA BATRA, J. (Oral)

1. The instant appeal has been filed under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (*for short 'the SC/ST Act'*) challenging the order dated 24.01.2025 passed by the Court of learned Additional Sessions Judge, Rohtak (*hereinafter referred to as 'the trial Court'*) in case arising out of FIR No.311 dated 09.05.2024 registered under Sections 147, 323, 307, 302, 450, 506, 120-B and 149 of IPC and Section 3 (2) (v) of SC/ST Act at Police Station Rohtak City, District Rohtak, whereby an application for grant of regular bail filed by the appellant-accused had been dismissed.

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2. Brief facts relevant for the purpose of disposal of this appeal are that the aforementioned FIR was registered on the basis of a complaint submitted by the respondent No.2-complainant Anil alleging therein that his family had inimical relations with the family of accused Tilak Raj from the last many years and they were not on speaking terms. Accused Tilak Raj along with the present appellant and co-accused was living in his neighbourhood and they were engaged in business of contrabands. On the night of 09.05.2024, they hatched a conspiracy and after forming an unlawful assembly, they forcibly entered inside his house, pulled him outside his house and extended beatings to him by giving kicks and fist blows. His family members including his father uncle and cousin were also assaulted by them and while extending threats to kill them, they fled away. He alleged that his father succumbed to the injuries sustained by them whereas they were being treated in Civil Hospital. After registration of FIR, investigation proceedings were initiated. Postmortem examination of dead body of the victim was conducted. The CCTV footage of the camera installed in the vicinity capturing the incident have been obtained. The appellant was arrested on 16.05.2024. He suffered disclosure statement admitting his involvement in the crime and demarcated the place of occurrence. The co-accused were subsequently arrested. After conclusion of investigation proceedings, challan was presented in the jurisdictional Court and the

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appellant along with the co-accused is facing trial for commission of aforementioned offences. He moved an application for grant of regular bail which was dismissed by the Court of learned Additional Sessions Judge, Rohtak vide the impugned order dated 24.01.2025.

3. It is argued by learned counsel for the appellant that he has been falsely implicated in this case. The incident had allegedly taken place at 1:30 AM on the intervening night of 08/09.05.2024 but FIR was registered only on 3:30 PM i.e. after a gap of more than 12 hours and this delay has not been satisfactorily explained. The disclosure statement allegedly suffered by him and the co-accused has no evidentiary value. No new or distinct fact has been discovered in pursuance thereof. The trial will take considerable time to conclude as only 5 out of 21 prosecution witnesses have been examined so far. No specific act has been attributed to him. His continued detention is not going to serve any useful purpose. Five persons named in the FIR had been declared innocent. While passing the impugned order, the learned trial Court did not take all these points into consideration. With these broad submissions, it is urged that the impugned order is liable to be set aside, the appeal deserves to be accepted and he deserves to be extended benefit of regular bail.

4. Vakalatnama on behalf of respondent No.2 has been filed today and the same is taken on record.

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5. Learned Deputy Advocate General, Haryana assisted by learned counsel for respondent No.2 has argued that there are specific and serious allegations against the appellant who formed membership of an unlawful assembly with the co-accused and after criminally trespassing into the house of the complainant on the fateful night, had assaulted the family members of the complainant thereby causing serious injuries to them. The father of the complainant had died as an impact of the injuries sustained by him at the hands of the appellant and the co-accused. The trial is going at a proper pace and there is nothing on record to suggest that there would be any undue delay in conclusion of the same. The appellant was seen in the CCTV footage while attacking the victim. It is also argued that there is no illegality or infirmity in the impugned order and thus it is urged that the appeal is devoid of any merit and is liable to be dismissed.

6. This Court has considered the rival submissions.

7. The appellant by forming membership of an unlawful assembly with the co-accused and in prosecution of common object thereof is alleged to have caused injuries to the victims. The victim Bijender had succumbed to the injuries. The complainant and his other family members had also sustained several injuries. Five prosecution witnesses out of twenty one have been examined. As per the prosecution case, the appellant was seen in the CCTV footage while assaulting the victims.

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The allegations against the appellant are quite serious in nature. The well settled proposition of law is that mere prolonged period of custody is not sufficient ground for enlarging an accused on bail, when the offence alleged is serious. Reference in this context can be had to the observations made in *Parmod Kumar Saxena Vs. UOI, 2008(63) ACC (SC), Chenna Boyanna Krishna Yadav Vs. State of Maharashtra, (2007) 1 SCC, 242* and *State through CBI Vs. Amaramani Tripathi, 2005(4) RCR (Criminal) 280(SC)*. Keeping in view the above discussed facts but without meaning to make any comment on the merits of the case lest they prejudice the trial, this Court is of the considered opinion that there is no illegality or infirmity in the impugned order and as such, no case is made out for allowing the appeal. Accordingly, the same is dismissed.

30.10.2025

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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No