



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

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**CRA-S No.1862 of 2025
Date of decision : 10.7.2025**

Ajay Pandit**.....Appellant****Versus****State of Haryana and another****.....Respondents****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Sanchit Punia, Advocate, for the appellant

Mr. Vikram Singh, AAG, Haryana

Ms. Jasleen Kaur, Advocate, for the complainant/
Respondent no.2

SUMEET GOEL, J. (ORAL)

1. Present appeal has been filed under Section 14-A of the Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989 for grant of regular bail to the appellant in case bearing FIR No.717 dated 22.7.2023, registered for the offences punishable under Sections 147, 149, 323, 302 and 120-B of IPC and Section 3 of SC & ST Act, 1989 and Section 25 of Arms Act, 1959, at Police Station HTM, District Hisar.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Statement of Satish Kumar son of Devender Kumar Scheduled Caste resident of Street No. 9, Dhani Shyam Lal, Hisar, aged 38 years, mobile number 9817556747 stated that I am a resident of the above said address and I am working in ice factory at Multani Chowk. I had two sons. The



elder son is Sahil aged 22 years, and the younger son was Sahid aged 19 years. My son Sahid and Abhishek, Aman, sons of Vijay Kumar, Vansh son of Ajay residents of Dhani Shyam Lal, Hisar, Krishan son of Sandeep, resident of Shyam Lala Bagh, Hisar, Ashish son of Narender resident of 12 Quarter Yoga School, Hisar, all were good friends. Today, on 21.07.2023, I was at my home. All the friends, including my son, were sitting at Abhishek's house. Then Abhishek received a call on his phone number 9518056318 from Swayam son of Harish Punjabi resident of Dhani Shyam Lal, from his number 9729571851. He said that he needed to meet Sahid as he had some work with him. After Abhishek's call, all the friends continued to sit at Abhishek's house. Around 4 PM, all the boys, including my son Sahid, went with Abhishek for a haircut to The Great Salon Community Center, near Jindal. Abhishek learns haircutting at The Great Salon. Abhishek got his haircut and all the boys remained seated at the shop. During that time, Shubham Khanna son of Mangal Singh resident of Bharat Nagar, Hisar, came to the shop and took Sahid out of the shop by putting his arm around his neck, saying he had some work. Vansh also followed Sahid out of the shop. Outside the shop, Paras son of Khairati Lal resident of Vinod Nagar, Hisar, Mohit son of Mukesh resident of Tarsem Nagar, Hisar, Azad alias Bacchi son of Mohammad Azam, resident of Tarsem Nagar, Ajay Pandit son of Sube Singh resident of Tilak Nagar, Hisar, were already present on two motorcycles and a scooter, all these accused attacked Sahid and Vansh. Then, hearing the noise of the fight, Sahid's friends immediately came out of the shop and started trying to rescue Sahid. Then Shubham Khanna and his friends also attacked my son Sahid's friends. Taking advantage of this fight, Shubham Khanna, son of Mangal Singh, resident of Bharat Nagar, Hisar, attacked my son Sahid near his buttock with a sharp knife he was holding in his hand, stabbing it inside and leaving it there. Then, seeing the fight, nearby people and Sahid's friends started throwing stones and bricks, so Shubham Khanna and his above-mentioned friends fled on motorcycles. In their haste, they left the scooter there. Seeing Sahid (my son) limping and in pain, Krishan pulled out the knife that was stabbed inside him and threw it there. Then, upon receiving information from my neighbor, I came to the spot with my family. Sahid and his friends told me the entire incident of the crime. Then we arranged for transportation and took Sahid to the Government Hospital, Hisar. Seeing my son Sahid's serious condition, the doctors



immediately took him to Sapra Hospital. The doctor at Sapra Hospital declared my son dead. Sahid's (my son's) friend Abhishek told me that three days ago, there was a fight near our vegetable market between Paras and his friends, Shubham Khanna and others. Due to this enmity, today Shubham Khanna and his friends Mohit, Azad alias Bacchi, Ajay Pandit, Swayam Paras, and one or two other unknown persons, together stabbed and murdered my son Sahid. The entire incident of the crime is captured in the CCTV cameras installed at the crime scene. Legal action should be taken against the accused Shubham Khanna, son of Mangal Singh, and all the above-mentioned accused friends. The above-mentioned accused should be given the strictest punishment. Sd./- Satish.'

3. Learned counsel for the appellant has argued that the appellant is in custody since 27.2.2023. Learned counsel has further argued that, assuming *arguendo*, the prosecution version is taken to be correct, no injury to the deceased is attributed to the appellant. Learned counsel for the appellant has further argued that the prime prosecution witnesses namely, PWs Abhishek, Aman, Vansh, Krishan and PW Satish (FIR-complainant) have turned hostile and thus case is not likely to be resulted into conviction. Learned counsel for the appellant has further argued that the appellant is a young man aged 23 years with no criminal antecedents. Learned counsel has further argued that the appellant has been falsely implicated into the FIR in question. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present appeal by arguing that the allegations raised are serious in nature and thus the appellant does not deserve the concession of the regular bail. Learned State counsel has further iterated that there is specific clear evidence available against the appellant in shape of CCTV footage and thus, some private witnesses turning hostile will not come to the aid of the appellant.



Learned State counsel seeks to place on record custody certificate dated 8.7.2025 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The appellant was arrested on 23.7.2023 whereinafter investigation was carried out and challan was presented on 17.10.2023. Total 27 prosecution witnesses have been cited, out of which only 7 stands examined. The rival contentions raised at the Bar give rise to debatable issues which shall be ratiocinated upon during the course of trial. Also, the weightage required to be attached to the testimonies of the hostile witnesses shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the appellant absconding from the process of justice or interfering with the prosecution evidence.

As per custody certificate dated 8.7.2025 filed by learned State counsel, the appellant has already suffered incarceration for a period of one year, eleven months and sixteen days & and is not shown to be involved in any other case.

Suffice to say, further detention of the appellant as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present appeal is allowed. Appellant is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However,



in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the appellant shall remain bound by the following conditions:-

- (i) The appellant shall not mis-use the liberty granted.
- (ii) The appellant shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The appellant shall not absent himself on any date before the trial.
- (iv) The appellant shall not commit any offence while on bail.
- (v) The appellant shall deposit his passport, if any, with the trial Court.
- (vi) The appellant shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The appellant shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the appellant.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

10.7.2025
Ashwani

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