



CRA-S-3206-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRA-S-3206-2024

Reserved on: 22nd May, 2025Pronounced on: 29th May, 2025

Hitesh Kumar

...Appellant

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Neeraj Yadav, Advocate for the appellant.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

Ms. Shreya, Advocate for respondent No.2.

MANISHA BATRA, J :-

The Instant Appeal has been filed under Section 14-A(2) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'SC/ST Act') by the appellant seeking quashing of order dated 06.11.2023 passed by the Court of Learned Additional Sessions Judge, Rewari, in case arising out of FIR No. 118 dated 09.03.2023 registered under Sections 323, 302, 34 of IPC and Section 3(2)(v) of SC/ST Act at Police Station Model Town, Rewari, Haryana, whereby an application filed by the appellant for grant of bail was dismissed.

2. Brief facts relevant for the purpose of disposal of this appeal are that a complaint was lodged by the complainant- Maina Devi, who belongs to Schedule Caste community, alleging therein that, on 08.03.2023, her son Sandeep had gone outside his house to celebrate Holi festival. On the same



day, at about 3:00 pm, she received information about he being admitted in Civil Hospital. She rushed there and found the dead body of her son to be lying there. Maman @ Bijender Saini, Mohit and Hemant who were friends of the victim, were present there and informed her that the accused, Krishan @ Bona and Sonu i.e. the present appellant had assaulted the victim by giving kicks and fist blows and had also struck injuries with a *danda*, due to which the victim had become unconscious and had been brought by them in the hospital. She prayed for taking action against the culprits. On her complaint, the aforementioned FIR was registered. Investigation proceedings were initiated. Post-mortem examination of the dead body and inquest proceedings were also conducted.

3. As per the further allegations, the accused Krishan Kumar and the appellant were joined into investigation. They were arrested. They suffered disclosure statements admitting their involvement in the crime and demarcated the place of occurrence. Accused Krishan Kumar got recovered the *danda* used in the occurrence. Investigation now stands completed. The appellant, along with the co-accused, is facing trial for commission of aforementioned offences.

4. It is argued by learned counsel for the appellant that he has been falsely implicated in this case on vague and general allegations. The complainant was not eyewitness to the occurrence. The appellant had no role to play in the entire incident. No specific injury has been attributed to him. The material eyewitnesses, namely Bijender, Hemant, and Mohit, who were material eyewitnesses, and some other eyewitnesses, have since been examined before the Learned Trial Court and have not identified the



appellant as the assailant of the victim. While passing the impugned order, learned trial Court did not appreciate this fact that the trial would take considerable time to conclude. His further incarceration would not serve any useful purpose as no incriminating evidence has come on record against him. It is, therefore, urged that the impugned order is liable to be set aside, the appeal deserves to be accepted and he deserves to be released on bail.

5. Status report has been filed. It is argued by Learned Deputy Advocate General, Haryana, that keeping in view the gravity of the allegations as levelled against the appellant, he does not deserve to be given benefit of bail. The learned trial Court has rightly dismissed his application for grant of bail and therefore, it is urged that the appeal does not deserve to be allowed.

6. Learned counsel for the complainant has admitted the fact that the complainant was not an eyewitness of the incident and also the fact that the eyewitnesses so examined, have not supported the prosecution version. It is, however, submitted by him that there are grave allegations against the appellant, the eyewitnesses have colluded with the appellant, and there are other circumstances pointing towards the guilt of the appellant. It is, thus, urged that the appeal does not deserve to be allowed.

7. Rival contentions raised by learned counsel for the parties have been considered.

8. The appellant, along with the co-accused, is alleged to have assaulted the victim as on 08.03.2023 and the injury sustained by the victim resulted in his unnatural death. The appellant has placed on record copies of sworn depositions recorded by PW-8 Dinesh, PW-9 Vikas, PW-11 Hemant,



PW-12 Mohit, PW-13 Maman Saini, and PW-14 Jeetram, who were all eyewitnesses to the incident and a perusal of the same reveals that neither of them implicated the appellant in the commission of offence of murder of the victim. None of them deposed about his presence at the spot of occurrence or about his participation in the crime. Learned trial Court had dismissed the application filed by the appellant by observing that they might put pressure on the witnesses, if released on bail. Since material witnesses have already been examined, there is no question of the appellant's intimidating them, especially in the circumstance when they have not supported prosecution version. The appellant is in custody since 09.03.2023. The complainant has not been examined so far. However, she was not eyewitness to the incident. Keeping in view the nature of the evidence which has come on record in the form of statements of witnesses as PW-8 Dinesh, PW-9 Vikas, PW-11 Hemant, PW-12 Mohit, PW-13 Maman Saini, and PW-14 Jeetram, the period spent by the appellant in custody, and the above discussed facts and circumstances, I am of the considered opinion that the appellant deserves to be extended benefit of bail. Accordingly, the impugned order is set aside, the appeal is accepted and the appellant is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the trial court/CJM concerned. He shall also give copy of his Aadhar Card, PAN Card if any and details of his mobile phone number(s) to the learned trial Court and in case, any change in his address or mobile phone number takes place, then he shall inform about the same to the learned trial Court in advance.

9. It is, however, clarified that the observations made hereinabove



shall not be construed as an expression of opinion on the merits of the case.

10. This order shall come into force from the time it is uploaded on this Court’s official webpage.

11. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

29th May, 2025
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |