

In the High Court of Punjab and Haryana, at Chandigarh**Criminal Appeal No. S-940 of 2026 (O&M)****Date of Decision: 12.05.2026**

Dilshad

... Appellant(s)

Versus

State of Haryana and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.Present: Ms. Savita Rana, Advocate
for the appellant(s).Mr. Vikram Singh, Assistant Advocate General,
Haryana, for the respondent No.1.Mr. Parveen Kumar, Advocate
for the respondent No.2.**Surya Partap Singh, J.****CRM-17700-2026**

1. This is an application seeking for placing on record the amended grounds of appeal. For the reasons stated in the application, the same is hereby allowed and the amended grounds of appeal, annexed with the application, are taken on record.

CRA-S-940-2026

2. This is an appeal under Section 14-A(2) of 'the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989', hereinafter being referred to as "the SC & ST Act" only. Aggrieved of the order dated 11.03.2026, passed by the learned Additional Sessions Judge, Karnal, the present appeal has been filed.

4. It has been contended on behalf of appellant that for the offence punishable under Section(s) 302, 201, 341 and 34 of 'the Indian Penal Code, 1860', Section 25 of the Arms Act, 1959 and Section 3(2)(v) of the SC & ST Act, the FIR, i.e. FIR No. 7 dated 18.01.2023 was lodged in Police Station Ram Nagar, District Karnal, Haryana, and with regard to above-mentioned offence, the appellant has been taken into custody.

5. According to learned counsel for the appellant, the appellant is already in custody for a period of more than two years, three months & 17 days, and that the trial is taking place at a snail's pace as out of 27 only two prosecution witnesses have been examined so far. It has also been contended by learned counsel for the appellant that co-accused of the appellant has already been accorded the benefit of bail.

6. The learned State counsel, being assisted by learned counsel for the complainant, has controverted the above-mentioned arguments. According to learned counsel for the complainant, the appellant is the main accused in the present case, who played pivotal role in the commission of crime and therefore, in view of prominent role played by the appellant, he is not entitled to the benefit of bail.

7. It has also been contended by learned counsel for the complainant that in the present case, one of the eye-witness of the case, namely 'Sonu' is yet to be examined and till the recording of his statement, the appellant should not be released on bail.

8. In response to above-mentioned arguments, it has been contended by learned counsel for the appellant that the above-named witness has already left the country and as a delaying tactics he is not being

examined by the prosecution.

9. The record has been perused carefully.

10. A perusal of the record shows that the FIR of this case came into being at the instance of 'Madan Mehto', hereinafter being referred to as "complainant" only. The above-named complainant stated that on 17.01.2023 at about 07:00 P.M., on the occasion of birthday of his daughter 'Karishma', his son 'Jitender', along with his friend 'Sonu', had gone to Karnal to purchase some sweets, and that in the street he heard commotion and was told that his son was attacked and injured with a knife in his stomach. According to complainant, he, along with his other son, namely 'Pankaj' rushed to the spot and found his son 'Jitender' lying in the street who was bleeding and 'Sonu' was standing besides him. As per complainant, his son 'Jitender' was shifted to hospital where he was declared dead.

11. In addition to above, the complainant also stated that one month ago, a boy, namely 'Pradeep alias Julie' had eloped with a girl, namely 'Jyoti', and that family of girl was suspecting that 'Jitender' had enticed the daughter and therefore, they were having a grudge against 'Jitender'. In view of above-mentioned facts, a finger of suspicion was raised by the complainant towards the above-mentioned family. It is the case of prosecution that pursuant to above-mentioned statement, formal FIR of this case was lodged and the investigation taken up.

12. In view of above, following are the relevant factors which are required to be taken into consideration for a decision:-

- i) that the appellant has already suffered incarceration for a period of more than two years, three months & 17 days;

- ii) that the trial is taking place at a slow pace as out of 27 only two prosecution witnesses have been examined so far;
- iii) that although the appellant has a criminal history, but both the cases, in which he was earlier prosecuted, pertain to petty offence only, i.e. one case under the Gambling Act and another one a hurt case;
- iv) that since the investigation is already complete, nothing has been left to be recovered from the possession of appellant;
- v) that the trial is not likely to be concluded in near future;
- vi) that the benefit of bail has already been afforded to the co-accused;
- vii) that the detention of petitioner in judicial lock-up is not likely to serve any purpose;
- viii) that there is nothing on record to show that while on bail, the petitioner is likely to tamper with the evidence or influence the witnesses; and
- ix) that there is nothing on record to show that while on bail, the petitioner will not participate/cooperate in the investigation.

13. In view of above mentioned observations, it is hereby held that the appellant is entitled to bail and the present appeal deserves to be allowed.

Hence, the same is hereby **allowed** and the impugned order dated

11.03.2026 passed by the court of learned Additional Sessions Judge,

Karnal, whereby the appellant's application for bail has been dismissed, is hereby set aside.

14. Accordingly, it is hereby directed that the appellant shall be released on bail on furnishing bonds to the satisfaction of learned Special Judge (designated under the SC & ST Act). However, the above-mentioned liberty shall be subject to following conditions:-

- (i) that the appellant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (ii) that he shall not leave India without the prior permission of the Court;
- (iii) such other condition as may be imposed under sub-section (3) of Section 480 of BNSS, as if the bail were granted under that section.

15. It is, however, clarified that any observations made in the above-mentioned order shall not be construed as an expression of opinion on the merits of the case.

(Surya Partap Singh)
Judge

May 12, 2026
"DK"

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No