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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Sajjan
Versus
State of Haryana and others
...Appellant
...Respondents

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	20.05.2026
2	The date when the judgment is pronounced	22.05.2026
3	The date when the judgment is uploaded on the website	22.05.2026
4	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Aditya Sanghi, Advocate and
Mr. Pranav Arora, Advocate for the appellant.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

Mr. Ashwani Bhardwaj, Advocate for respondent No.2.

Mr. Rahul, Advocate for respondent No.3.

MANISHA BATRA, J :-

The present appeal has been filed under Section 14-A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short ‘the SC/ST Act’) by the appellant challenging the order dated 19.11.2025 passed by the learned Additional Sessions Judge, Hisar

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(hereinafter referred to as 'the trial Court'), whereby an application filed by him under Section 483 of BNSS for grant of regular bail in case arising out of FIR No.690 dated 10.12.2023, registered under Sections 302, 323, 325, 147, 148, 149, 506 and 201 of IPC and Section 3(2)(v) of the SC/ST Act Police Station Adampur, Hisar, had been dismissed.

2. As per the allegations, on 09.12.2023, an information was received by the police regarding admission of respondent No.3/complainant Kanu @ Rahul and one Balbir in Govt. Hospital, Admapur and then having being referred to MAMC, Agroha. A police party immediately reached at the said hospital. Subsequently, Balbir succumbed to his injuries. Later, when the complainant was declared fit, his statement was recorded on 10.09.2023, wherein he alleged that he was a friend of deceased Balbir and Surender Nagar. Three-four days prior to the incident, Anil Thalond @ Ghorta had threatened Surender Nagar. On 09.12.2023 at about 6:30 PM, the complainant along with victim Balbir, Surender Nagar and others went to Shubham Hotel on Agroha Road to question the said threat, where an altercation took place, after which they returned. At about 8:30-9:00 PM, the complainant and Balbir went on a motorcycle to purchase liquor from a vend near BDO Block, Mandi Adampur, where they saw about 12-13 persons, armed with iron rods, *dandas* and an iron rod fitted with a motorcycle chain wheel, present along with three motorcycles and a white Scorpio vehicle. On seeing them, the complainant and Balbir attempted to flee, but the assailants attacked them. The complainant was beaten with rods and *dandas*, while Balbir took shelter in a

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nearby house. However, the assailants broke open the gate and assaulted him. The assailants fled upon arrival of nearby persons, while issuing threats. Both injured were taken by ambulance to Government Hospital, Adampur. During treatment, Balbir disclosed in the presence of Kamal (his brother) that Anil Thalong @ Ghorta, Rakesh @ Chunia and Sonu Bishnoi were amongst the assailants. He died during the course of treatment. Medical records (MLR) and other reports of the deceased were collected and inquest proceedings were conducted. Since the victim belonged to scheduled caste community, offences under Section 3(2)(v) of the SC/ST Act was added. Offence under Section 325 IPC was also added.

3. As per the further allegations, on 26.02.2024, supplementary statement of respondent No. 3 Kamal was recorded, wherein he disclosed that his brother victim Balbir had told him in the presence of respondent No. 2 Kanu @ Rahul that Sher Singh @ Shera Godara, Pawan, Gautam, Anil Thalong @ Ghorta, Sonu Bishnoi and Khadak Singh were amongst the assailants, who caused injuries to him on the fateful day. On the basis of the same, the above named persons were nominated in this case as accused.

4. During the course of investigation, a Special Investigation Team (SIT) was constituted to carry out further investigation. The persons named as accused namely Rakesh and Khadak Singh, Anil Tholand and Sonu Bishnoi were found to be innocent. Accused Jitender @ Jeetu @ Chunia was arrested on 30.09.2024. He suffered a disclosure statement admitting his involvement in the crime. On the basis of his disclosure statement, the present appellant

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was also nominated as an accused. He was arrested on 21.09.2024. On interrogation, he suffered disclosure statement to the effect that on the evening of 09.12.2023, he was present in his shop when the victim Balbir along with his companions reached at the adjoining hotel run by accused Jitender. They had caused damage to the hotel and then had gone back. Thereafter, he along with Jitender and others had hatched a conspiracy to teach a lesson to the victim Balbir and his companions and in pursuance thereof, they had gone while searching for Balbir, who along with Rahul had met them near a liquor vend and then, all of them assaulted Rahul and Balbir with iron rods and *dandas* etc. He got recovered the motorcycle used at the time of crime. Investigation now stands completed and the appellant, along with the co-accused, is facing trial for commission of the aforementioned offences. He had filed an application seeking grant of regular bail, which was dismissed by the Court of the learned Additional Sessions Judge, Hisar, vide order dated 17.04.2026.

5. It is argued by learned counsel for the appellant that the impugned order dated 17.04.2026 is not sustainable in the eyes of law, as while passing the same, the learned Sessions Court ignored the fact that the appellant was not named in the FIR and he was nominated in this case only on the basis of the disclosure statement suffered by co-accused Jatinder @ Jeetu, who was arrested on 30.09.2024. Even co-accused Jatinder @ Jeetu was named by respondent No.2 in his supplementary statement after 78 days of the alleged occurrence. It goes to show that the implication of the present

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appellant as well as the co-accused was an outcome of afterthoughts. It is further argued that even as per the prosecution version, victim Balbir, before his death had not disclosed the name of the appellant. Most of the persons have been found to be innocent. The implication of the appellant rests upon the disclosure statement of the co-accused, which cannot be considered to be legally admissible in evidence. No specific role has been attributed to him. The essential ingredients for proving the commission of offence punishable under the provisions of the SC/ST Act are not made out against him. The appellant has been in custody since long. He has a permanent place of abode and there are no chances of his absconding or tampering with the evidence. The trial is likely to take considerable time to conclude, as only 4 out of 35 prosecution witnesses have been examined so far. It is further contended that he had no motive to assault or kill the victim. No recovery has been effected from him. Co-accused Jatinder @ Jeetu, on whose disclosure the appellant has been nominated in this case, has already been granted concession of regular bail by this court. It is, thus, argued that the petition deserves to be allowed.

6. *Per contra*, learned counsel for respondent Nos. 2 and 3 have vehemently argued that the allegations against the appellant are serious in nature, as he was an active participant in the occurrence wherein fatal injuries were inflicted upon the person of victim Balbir, thereby resulting into his death. Mere nomination of the appellant at a later stage alone cannot be considered to be a ground for extending the benefit of bail to him or absolving him of criminal liability, particularly when his name has surfaced during the

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course of investigation through the statements of material witnesses. The trial may be expedited There are chances of appellant's absconding or committing similar offences, if extended benefit of bail. It is, therefore, stressed that the appeal does not deserve to be allowed.

7. This Court has heard the submissions made by learned counsel for the parties.

8. The appellant is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object of that unlawful assembly, is further alleged to have participated in the assault which ultimately resulted in the death of victim Balbir. However, a careful examination of the record reveals that the appellant was neither named in the FIR nor in the initial version of the prosecution. In fact, his implication is based only upon the disclosure statement of the co-accused Jatinder @ Jeetu, who himself was nominated by respondent No. 2, in his supplementary statement. It is further significant to note that the deceased, before his death, had named certain persons as assailants but the appellant was not amongst them. Respondent No. 2 was present with the victim when he made dying declaration naming abovenamed three persons as their assailants but the appellant was never named either by respondent No. 2 or respondent No. 3 as one of the assailants. Even more significantly, all those persons who were named by the deceased in his last disclosure have been found innocent during investigation. The foundation of the prosecution case, therefore, appears to have undergone a material shift and the subsequent implication of the

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appellant, based primarily on an improved version, requires cautious consideration at the stage of bail. It is also an admitted position that even some of the accused persons, named by respondent No. 2 in his supplementary statement on 26.02.2024, have been exonerated by the police during investigation. The investigation stands concluded and the challan has already been presented. The appellant has been in custody since 21.09.2024. The trial is likely to take time to conclude. In such circumstances, continued incarceration of the appellant would not serve any useful purpose, particularly when the evidence against him is yet to be tested during trial. Keeping in view the aforesaid facts and circumstances, this Court is of the considered opinion that the appellant deserves to be given benefit of regular bail.

9. Accordingly, the present appeal is allowed. The impugned order is set aside. The appellant is ordered to be released on regular bail, subject to his furnishing personal bonds and surety bonds by two sureties to the satisfaction of the trial Court/Duty Magistrate concerned and on the following conditions:-

- (i) The appellant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case in any manner whatsoever.
- (ii) He shall not leave the country under any circumstance without permission of the learned trial Court and shall surrender his passport, if any, with the trial Court.
- (iii) He shall appear before the learned trial Court as

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and when directed.

(iv) He shall provide his permanent as well as the address where he would be residing after release and shall not change the same without informing the concerned IO/SHO.

(v) The appellant shall upon his release give details of his mobile phone number to concerned IO/SHO and shall keep his mobile phone switched on all times.

10. In the event of there being any FIR/complaint lodged against the appellant, it shall be open to the respondent to seek redressal by filing an application seeking cancellation of bail.
11. It is made clear that any observation made herein above is only for the purpose of deciding the present appeal and the same shall have no bearing on the merits of the case.

[MANISHA BATRA]
JUDGE

22nd May, 2026
Parveen Sharma

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