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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRA-S-3743-2025 (O&M)

Jitender @ Jeetu

...Appellant

Versus

State of Haryana and others

...Respondents

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	18.03.2026
2	The date when the judgment is pronounced	24.03.2026
3	The date when the judgment is uploaded on the website	24.03.2026
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. Karan Duggal, Advocate
for the appellant.

Mr. Neeraj Poswal, AAG, Haryana.

None for respondent No. 2.

Mr. Ashwani Bhardwaj, Advocate
for respondent No. 3.

MANISHA BATRA, J.

1. The present appeal has been filed under Section 14-A (2) of the
Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989

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(for short '*the SC/ST Act*') by the appellant challenging the order dated 19.11.2025 passed by the learned Additional Sessions Judge, Hisar (*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

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dandas, while Balbir took shelter in a 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 Thalond @ 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. 2 Kamal was recorded, wherein he disclosed that his brother victim Balbir had told him in the presence of respondent No. 3 Kanu @ Rahul that the **appellant**, Sher Singh @ Shera Godara, Pawan, Gautam, Anil Thalond @ 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 appellant and other persons, who were previously not nominated, were nominated in this case as an accused.

4. During the course of investigation, co-accused Rakesh and Khadak Singh were found to be innocent. An SIT was constituted on 10.07.2024 to carry out the further investigation. In the further investigation conducted by the SIT, co-accused Gautam, Anil Thalond @ Ghorta and Sonu Bishnoi were also found innocent. However, the appellant was arrested on 20.09.2024. Co-accused Sajjan, Lalit @ Lakshay and Sonu son of Sher Singh were also arrested. They

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suffered disclosure statements admitting their involvement in the crime. Investigation now stands completed and challan has been filed. The appellant along with abovenamed three co-accused is facing trial for commission of aforementioned offences. The appellant had moved an application before the trial Court seeking grant of regular bail but the same had been dismissed, vide impugned order dated 19.11.2025.

5. It is argued by learned counsel for the appellant that the impugned order dated 19.11.2025 is not sustainable in the eyes of law as while passing the same, the trial Court ignored the fact that the appellant has been falsely implicated in this case at a highly belated stage. He was neither named in the FIR nor in the initial statement of the complainant recorded immediately after the occurrence. His name has surfaced for the first time in the supplementary statement dated 26.02.2024, after an inordinate and unexplained delay of 78 days, which renders the prosecution version inherently doubtful and is indicative of an afterthought. It is further submitted that even as per the prosecution case, the deceased/victim Balbir, before his death, had disclosed the names of certain assailants, namely Anil Thalond @ Ghorta, Rakesh @ Chunia and Sonu Bishnoi but did not name the appellant. Most surprisingly, all the three persons named by the deceased in his last statement, namely Anil Thalond @ Ghorta, Rakesh @ Chunia and Sonu Bishnoi, have been found innocent and exonerated during the course of investigation. Even some of the co-accused named by respondent No. 2 Kamal in his supplementary statement on 26.02.2024 have been exonerated by the police. The trial is being conducted only against four accused including the present appellant. The entire implication of the appellant rests

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upon a belated supplementary statement of the brother of the deceased (respondent No. 2 herein), which is nothing but an improved version and carries weak evidentiary value.

6. Learned counsel for the appellant has further argued that even in the supplementary statement of respondent No. 2, no specific role or overt act has been attributed to the appellant and the allegations against him are general and omnibus in nature. The prosecution has relied upon disclosure statements of co-accused, which are inadmissible in evidence. No recovery has been effected from the appellant so as to connect him with the alleged crime. It is also contended that the essential ingredients for attracting the provisions of the SC/ST Act are not made out, as there is no material to suggest that the offence was committed on account of the caste of the deceased. Investigation stands completed and the challan has already been presented. The appellant is in custody since long. Conclusion of trial is likely to take considerable time. No useful purpose would be served by continued incarceration of the appellant. The appellant is a permanent resident and there is no likelihood of his absconding or tampering with the evidence. In these circumstances, it is urged that the appellant be granted the concession of regular bail.

7. Initially, respondent No. 2 was represented through his counsel before this Court. However, on the date of hearing arguments and reserving the judgment as well as on previous date i.e. 26.02.2026, there was no representation on his behalf.

8. Learned counsel for respondent No. 3/complainant has submitted that he has no objection, if the present appeal is allowed and the appellant is

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released on bail.

9. *Per contra*, learned State counsel has argued that there are serious allegations against the appellant, who along with co-accused had inflicted fatal injuries to victim Balbir, which resulted into his death. The victim, who belonged to a schedule caste, had died a homicidal death. The mere fact that the appellant came to be nominated at a later stage does not absolve him of criminal liability, particularly when his name has surfaced during the course of investigation through the statements of material witnesses. The role attributed to the appellant indicates his active participation in the occurrence. The trial is going on at a proper pace. There are chances of the appellant's intimidating the witnesses, if extended benefit of bail. Hence, it is urged that the present appeal is liable to be dismissed.

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

11. 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 a supplementary statement recorded by respondent No. 2, who is brother of the victim, after a delay of 78 days. 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

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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. His name surfaced in this case only after 78 days of the occurrence when supplementary statement of respondent No. 2 was recorded. This delay, coupled with the fact that no specific role or overt act has been attributed to the appellant, creates a prima facie doubt regarding the exact nature of his involvement at this stage. 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 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 20.09.2024. 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.

12. 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

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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 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.

13. 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.

14. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

24.03.2026

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No