

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:023745



317

CRA-S-3770-2025 (O&M)
Date of decision:16.02.2026

Mohit @ Julla

... Appellant

Vs.

State of Haryana & another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Mayur Karkra, Advocate for the appellant.

Ms. Himani Arora, DAG, Haryana.

Mr. Arjun Sheoran, Advocate for respondent No.2.

...

Manisha Batra, J. (Oral).

The Instant Appeal has been filed under Section 14-A of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'SC/ST Act') by the appellant, thereby challenging order dated 18.11.2025 passed by the Court of learned Additional Sessions Judge, Kaithal, in case arising out of FIR No.306, dated 25.09.2025, registered under Sections 115(2), 126(2), 140(3), 190, 191(3), 351(3), 117(2) of the BNS and Sections 3(2) (va), 3(1) (r), 3(1)(s) of the SC/ST Act at Police Station City Kaithal, whereby an application filed by the appellant for grant of regular bail was dismissed.

2. Brief facts relevant for the purpose of disposal of this appeal are that the aforementioned FIR was registered on the basis of written

complaint submitted by complainant – Mohit Kumar, alleging that on the night of 25.09.2025, he was going towards his house when 4-5 youths, who came riding on 02 motorbikes, intercepted him and started asking him about his whereabouts. On their asking, he disclosed that he belonged to SC community and after hearing so, all of them at once opened an attack upon him with their respective weapons, which they were carrying with them. They abducted him along with his bike and took him to a school near Chandana Gate, where one youth was found present. They asked that youth to identify the complainant but when he responded by saying that the complainant was not the person, who had assaulted him, they again opened an attack upon him and threatened him to flee from that place. While the complainant was crossing the street those youths again came on their motorbikes towards him and by calling him with the name of “*Chamar dedh ke beej, tu dubara se mil gya*” and thereafter again assaulted him with rods, lathis and dandas etc. the complainant rushed for his rescue but identified one of them as Krishan. He was admitted in hospital and had sustained several injuries. After registration of the FIR, investigation proceedings were initiated. During investigation, accused Krishan was arrested. He suffered disclosure statement admitting his involvement in the crime. Respondent No.2/complainant recorded his supplementary statement on 08.10.2025 on the basis of which, the present appellant along with co-accused Sagar @ Gabbar and Rahul were nominated. Other accused were also arrested subsequently. Investigation now stands concluded.

3. It is argued by learned counsel for the appellant that he has

been falsely implicated in this case. He was not named in the FIR. No specific role has been attributed to him. The ingredients for commission of the offences under the provisions of the SC/ST Act are not applicable qua him. He was named by the complainant only after disclosure statement of the co-accused Krishan which cannot be considered to be admissible in evidence. The complainant himself never identified the appellant. He is in custody since long. He is not required for further investigation. The trial will take considerable time to conclude. No useful purpose would be served by detaining him in custody anymore. He has clean antecedents. While passing the impugned order, the trial Court did not take all these points into consideration. 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. Memo of appearance on behalf of respondent No.2 has been filed.

6. Learned State counsel assisted by learned counsel for respondent No.2 has vehemently argued that there are serious and specific allegations against the appellant, who being a member of an unlawful assembly, had opened attacks upon respondent No.2 several times on the day of occurrence itself. He had been abducted, criminally intimidated and was assaulted. He had sustained several injuries, two of which have been opined to be grievous in nature. There is no illegality or infirmity in the impugned order and it is, thus, stressed that there is no merit in the appeal and the same is liable to be dismissed.

7. Rival contentions raised by learned counsel for the parties

have been considered.

8. The appellant is alleged to have formed membership of an unlawful assembly with the co-accused and in pursuance of common object thereof, he is further alleged to have caught hold respondent No.2 by his collar. There are specific allegations that caste related remarks were passed by the members of the unlawful assembly upon respondent No.2. However, there is no allegation that those remarks were passed by the present appellant. Appellant is in custody for over a period of 04 months. The trial has just commenced and therefore, obviously take considerable time to conclude. No useful purpose would be served by keeping him in custody any more. The appellant has clean antecedents. Keeping in view the above discussed facts, this Court is of the considered opinion that the appellant deserves to be released on 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 extent of two sureties** to the satisfaction of the trial court/CJM concerned. He shall also give copy of his Aadhar Card, Passport and 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. He shall not leave the country without prior permission of the Court.

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

16.02.2026
harjeet

(MANISHA BATRA)
JUDGE

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