



2026:PHHC:075603

2026:PHHC:075603



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

213

CRA-S-1609-2026

Date of decision: 12.05.2026

JITENDER @ TUNA

.....Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Rohit, Advocate for
Mr. Sandeep Kumar Yadav, Advocate
for the appellant.

Mr. Paras Talwar, Senior DAG, Haryana.

VINOD S. BHARDWAJ, J. (Oral)

1. The instant appeal has been filed against the order dated 03.04.2026 passed by Additional Sessions Judge, Narnaul in Bail Application bearing No. 259 of 2026 seeking concession of regular bail in case bearing FIR No.90 dated 20.05.2024, registered under Section(s) 302 of the Indian Penal Code, 1860 and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes Act at Police Station Sadar Kanina, District Narnaul.

2. The aforesaid FIR was registered on the complaint by Mahender Singh stating therein that on 19.05.2024, at about 9:30/10:00 pm, his younger brother had gone to the plot to spend the night there. That on 20.05.2024, at about 7:00 am, Jitender @ Tuna came to complaint's house and stated that his younger brother Kirori is lying injured at his well. Thereafter, the complainant and his son Ashok rushed to the spot and found



Kirori in the injured state, wherein his hands and leg were found broken and he was profusely bleeding. He apprised the complainant that last night he went to the well of Jitender @ Tuna to fetch water and when he touched the earthen pot, Jitender @ Tuna started abusing him and hurled caste based remark upon him and assaulted him with the iron rod. Thereafter, the Sarpanch of the village was informed and ambulance was called and injured was admitted in Govt. Hospital Sehlang from where he was referred to Govt. Hospital, Mohindergarh. However, he succumbed to his injuries on the way. Thereafter, FIR under sections 302 IPC and 3 (2)(v) SC/ST Act was lodged.

3. Learned Counsel appearing on behalf of the appellant contends that the appellant is in custody since 14.06.2024. The material witnesses have already been examined and they have not supported the case of the prosecution. The doctor who conducted the postmortem examination, stated that the injuries in question were not on the vital part of the body and were not dangerous to life and that the said injuries may have been caused by any other circumstances as well. He further contends that the petitioner has already undergone an actual custody of nearly 01 year and 11 months and his further custodial detention is not likely to advance any interest of justice.

4. Learned State Counsel on the other hand contends that the petitioner is the sole accused in the present case who caused iron rod blows on the deceased for having taken water from his Well. On account of the injuries so sustained, he eventually passed away. The blood stained iron rod was also recovered from the spot. He contends that because some of the witnesses have not supported the case of the prosecution, it cannot be said that there is false implication and the case has no merits. The said evidence i.e. the recovery of the weapon used in the incident from the fields of the



petitioner clearly indicate towards the commission of offence by the petitioner herein alone. Under Section 109 of BSA, 2023 burden lies upon the petitioner to discharge as to under what special circumstances the dead body as well as the weapon of offence were lying in his fields. He further submits that 13 witnesses out of 20 witnesses have already been examined, hence, there is no inordinate delay in recording of the prosecution evidence as well. It is submitted that the case is next fixed on 21.05.2026 for recording of prosecution evidence and that in any case, the remaining prosecution evidence shall be concluded within a period of four months from the date next fixed for recording of the prosecution evidence.

5. Having heard learned Counsel appearing on behalf of the respective parties and taking into consideration the respectful arguments as well as the advanced stage of the trial including the fact that 13 witnesses of 20 witnesses have already been examined and the State Counsel undertakes to complete the prosecution evidence within a period of four months of the date next fixed before the trial Court, I do not find that it is fit case for grant of regular bail. The present petition is accordingly **dismissed at this stage.**

MAY 12, 2026

Vishal Sharma

(VINOD S. BHARDWAJ)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No