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(223)

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

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Date of Decision: 04.09.2025

JATIN BHATIA ALIAS KALU

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Dinesh Sharma, Advocate and
Mr. Nikhil Mittal, Advocate
for the petitioner.

Mr. Vishal Kashyap, Sr. D.A.G., Haryana.

JASJIT SINGH BEDI, J.

The prayer in this 3rd petition under Section 483 BNSS, 2023 is for the grant of regular bail in case bearing FIR No.112 dated 15.05.2022 registered under Sections 148, 149, 302, 307, 323, 427, 379, 201, 506, 120-B IPC at Police Station Buria, District Yamuna Nagar, Haryana.

2. The brief facts of the case are that Deepak son of Vikram got recorded his statement to the effect that he along with Aman, Aludeen, Suleman, Sahil Verma, Ravi Saini, Ishu Arora, Nikhil Gupta, Sunny Saini, Shaukin and Sahil alias Dhed had gone to Grain Market Jagadhri in a Tata Safari of Aman bearing No.HR02T-9577 to attend the rally of a political party. After attending the same, they all had gone towards Buria Canal for taking a bath. They had parked their Tata Safari on the Kacha path and some of them had started taking a bath while the others were standing around. Ishu



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had started drinking beer whereas Alaudin, Nihal, Sunny, Suleman, Sahil Dhed, Sahil Verma and Shaukin had entered the river for taking a bath. The others were standing on the river bank. At about 01.30 PM, Bhartu, Gaurav alias Goru, Mani Rana @ Dhanna, Gaurav @ Mahadev, Pavva, Arju, Lukka Balmiki, Gaurav Bakrewala, Sammi @ Harbhajan, Aman Rana and Sandeep Pandit, Aftab Alam and Laddu along with other boys came on motorcycles carrying rods in their hands. Seeing the accused, the other persons also entered the canal. However, the accused started throwing bricks and stones on them (complainant party). One stone hit on the right leg of Aman and he came out and ran towards the fields. However, Sandeep caught him and gave a rod blow which hit him on his left leg. The rest of his companions were still inside the canal. Out of them Alaudeen, Suleman, Nikhil, Sunny and Sahil Dhed could not come out of the water and drowned in the canal while the others came out from the canal and after running some distance hid themselves. Then Ishu made a call to the police help line and by the time the Police party came to the spot, the accused had broken the window panes of their (complainant party) car with rods and had also taken away the mobile phone of Aman. Thereafter, the accused fled away from the spot.

Based on the aforementioned statement, the instant FIR No.112 dated 15.05.2022 under Sections 148, 149, 302, 307, 323, 427, 379, 201, 506, 120-B IPC Police Station Buria, District Yamuna Nagar, Haryana came to be registered. During the course of investigation, the Tata Safari bearing Registration No.HR02T-9677 was taken into possession and the search of the



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same revealed a sword, three iron pipes and clothes of the drowned persons. A search of the drowned persons was made and on 16.05.2022, the dead bodies of Nikhil and Sahil alias Dedh were found. Thereafter, the dead body of Suleman alias Nura was found along with Alaudin's body on 17.05.2022 and Sunny's body on 18.05.2022. The cause of death in each case was '*the cause of death in this case in my opinion is asphxia due to drowning which is sufficient to cause death in due course of events*'. It was also found that some of the deceased had received simple injuries and Aman, Deepak, Sahil Verma, Ishu and Shaukin had also received injuries.

During the course of investigation, accused Sahil alias Pavva, Sandeep alias Pandit, Ajrudeen alias Dawood were arrested on 19.05.2022. The accused Sahil alias Pavva got recovered a motorcycle bearing No.HR02AS-4727 whereas the accused Sandeep alias Pandit got recovered an iron rod pipe and Ajrudeen alias Dawood got recovered a Danda. These accused also disclosed that they along with Bhartu alias Bharat, Gaurav alias Mahadev, Lavdeep, Jatin alias Kalu (petitioner), Rahul Yadav (granted bail vide order dated 04.08.2023 passed in CRM-M-21790-2023 Annexure P-13), Shammi alias Harbhajan, Sandeep alias Laddu, Lucky, Saurabh Pandit (granted bail vide order dated 04.08.2023 CRM-M-33479-2023) and Preet Rana had committed the offence in question whereas Gaurav alias Goru, Lukka Balmiki, Gaurav Bakrewala, Aman Rana and Aftab Alam who had been named in the FIR were not involved in the said occurrence.

Rahul Yadav and Kanwaljeet alias Preet Rana were arrested on 22.05.2022. Rahul Yadav got recovered an iron pipe purportedly used by him



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in the occurrence. Kanwaljeet Singh alias Preet Rana disclosed that he had pelted stones on Aludeen and his friends.

The accused Sandeep alias Laddu and Dimple alias Gora Mahadev were arrested on 24.05.2022 and got recovered a car bearing No.HR02AA-1494 along with iron pipes used by them in the occurrence. Accused Lovedeep alias Laddi and Jatin alias Kalu were arrested on 25.05.2022. Lovedeep alias Laddi disclosed that he had stolen a mobile phone from the place of occurrence which had been thrown away by him. On this, Sections 379, 201 IPC were added. Lovedeep alias Laddi got recovered a wooden Binda used by him in the occurrence. Jatin alias Kalu got recovered an iron pipe used by him in the occurrence.

During the course of investigation information regarding the ownership of motorcycle bearing No.HR02AS-4727 and car No.HR02AA-1494 which were used in the occurrence were collected and it was found that the ownership of the motorcycle bearing No.HR02AA-1494 was in the name of Ram Dayal, the father of Rahul Yadav and the ownership of the car bearing No.HR02AA-1494 was in the name of Sandeep Masih who had already been arrested.

Shankar Sharma alias Saurabh Pandit was arrested on 16.07.2022 and got recovered a motorcycle No.HR02AG-7311 make Bullet which was found to be registered in the name of this accused himself.

Lucky was arrested on 01.08.2022.

After completing the investigation, the report under Section 173(2) Cr.P.C. was submitted under Sections 148, 149, 323, 307, 302, 506,



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120-B, 427, 379, 201 IPC against accused Sahil alias Pavva, Sandeep alias Pandit, Ajrudeen alias Dawood, Rahul Yadav, Kanwaljeet alias Preet Rana, Sandeep alias Ladoo, Dimple alias Gora Mahadev, Lavdeep alias Laddi, Jatin alias Kalu, Shankar Sharma alias Saurabh Pandit and Lucky on 18.08.2022.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated. The case of the petitioner is similar to that of his co-accused Rahul Yadav and Shankar Sharma who have been granted the concession of bail by this Court vide order dated 04.08.2023 (Annexure P-13). As the petitioner is in custody since 30.05.2025 but only 30 of the 42 prosecution witnesses have been examined so far, the trial of the present case is not likely to be concluded anytime soon and therefore, he is entitled to the concession of bail.

4. On the other hand, the learned State counsel contends that the present petition is the third on behalf of the petitioner seeking grant of bail. His earlier bail petitions were withdrawn after detailed arguments firstly, on 23.05.2024 and thereafter, on 13.05.2025. No significant change in circumstances have been pointed out entitling the petitioner to the grant of bail. In fact, after the 02 co-accused namely, Rahul Yadav and Sharma of the petitioner had been granted the concession of bail, Amina Khatun the relative of one of the deceased moved an application against the co-accused of the present petitioner dated 08.08.2023 in the office of the S.P., Yamuna Nagar to state that one Deepak who was one of the main witnesses was being pressurized and threatened not to give evidence in the case. Therefore, it is apparent that after the co-accused were granted the concession of bail by this

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Court on 04.08.2023 an attempt was made to pressurize Deepak to not depose in the present case. If the petitioner is granted the concession of bail, a similar outcome of threatening of witnesses is likely to occur particularly in the context when some of the witnesses have already not supported the prosecution case and have turned hostile.

5. I have heard the learned counsel for the parties.

6. A perusal of the record would reveal that this is the third bail application of the petitioner which has been filed without any significant change in circumstances. Two co-accused of the petitioner were granted the concession of bail on 04.08.2023 (Annexure P-13). On 08.08.2023 Amina Khatun filed a complaint against the co-accused of the petitioner stating that they were threatening one Deepak, a prosecution witness in the present case not to give evidence. In this view of the matter, there is every possibility that if the petitioner is granted the concession as sought, he too would threaten the remaining witnesses. Further, as many as 30 of the 42 prosecution witnesses already stand examined and therefore, the trial is at its fag-end.

7. In view of the above, I find no merit in the present petition. Therefore, the same stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

04.09.2025

JITESH

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