

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

Smriti  
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**CRM-M-18074 of 2018**

**Date of Decision: 07.05.2018**

**Sundari Nath and others**

**...Petitioners**

**V/S**

**State of Haryana**

**..Respondent**

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present: Mr. Arjun Sheoran, Advocate  
for the petitioners.

Mr. Himmant Singh, DAG, Haryana.

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**ARVIND SINGH SANGWAN,J. (Oral):**

Counsel for the petitioners, at the very outset, submits that he wants to withdraw the petition qua petitioners No. 14-Swai Nath Baba Pehalai Nath and 16-Rasai Nath Guru Roshnai Nath.

Ordered accordingly.

Counsel for the petitioners further submits that the remaining petitioners are in the age group of 40 to 70 years and as per the allegations, they are the persons who have renounced the world and had gathered at the place of occurrence for performing the certain rites. He further submits that some of the co-accused of the petitioners have already been granted the concession of regular bail, vide order dated 17.04.2018, passed in CRM-M-13925-2018. The operative part of the order is reproduced as under:-

*“Learned counsel for the petitioners submits that as per the allegations in the FIR, the dispute is with regard to property of Dada Kala Peer Math situated in the village, between two sects regarding succession of the Math, which fell vacant on account of death of Yogi Nandoi Nath. It is further alleged in the FIR that number of persons in the shape of a mob started pelting stones on the police party and DSP Narender Kadiyan was injured and injury No.1, which is a*

*lacerated wound of 2cm x 0.3 cm on right side of forehead, was later on declared dangerous to life by the doctor.*

*Learned counsel for the petitioners further submits that there are no specific allegations against petitioners No.3 to 10 that they have caused any injury to injured DSP Narender Kadiyan. It is further submitted that the petitioners are not involved in any other case and they have been roped in the case only on account of the fact that they have been supporting one sect of the persons. Counsel for the petitioners has further submitted that the petitioners are in judicial custody since 14.03.2018, investigation is complete and they are no more required for any further investigation.*

*Learned State counsel, on instructions from ASI Lalit Kumar, has relied upon the opinion given by the doctor regarding injury No.1 sustained by DSP Narender Kadiyan, wherein it has been reported as “injury on head can be fatal if treatment not taken on time, the possibility of the injury dangerous to life cannot be ruled out.”*

Learned State counsel, on instructions from ASI Lalit Kumar, has not disputed the factual position.

Without commenting anything upon the merits of the case, considering the fact that the petitioners except petitioners No. 14 and 16 are not involved in any other case; they had come to the place of occurrence for performing certain rites; as per the version given in the FIR, the stones were pelted by the mob; and also in view of the fact that the investigation is complete and the said petitioners are no more required for any further investigation, this petition is allowed. Petitioners No. 1 to 13, 15 and 17 to 26 are directed to be released on bail subject to their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate.

**(ARVIND SINGH SANGWAN)**  
**JUDGE**

07.05.2018  
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