

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

Decided on: 06.07.2018

1. CRM-M No.23022 of 2018

Randhir Singh

....Petitioner

Versus

State of Haryana

....Respondent

2. CRM-M No.23057 of 2018

Sarjeet

....Petitioner

Versus

State of Haryana

....Respondent

3. CRM-M No.20777 of 2018

Swai Nath Guru Damrai Nath

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Arjun Sheoran, Advocate
for the petitioner (in all the petitions)

Mr. Naveen Sheoran, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

CRM-M Nos.23022 and 23057 of 2018 are the second petitions for grant of regular bail to the petitioners namely Randhir Singh and Sarjeet in FIR No.55 dated 15.03.2018 registered under Sections 147, 149, 332, 353, 186, 307, 427, 506 and 120-B of the Indian Penal Code (in short 'IPC') at Police Station Narnaund, District Hansi (earlier petitions were dismissed as withdrawn on 17.04.2018),

whereas CRM-M No.20777 of 2018 is the first petition seeking regular bail to the petitioner namely Swai Nath Guru Damrai Nath in the aforesaid FIR.

Counsel for the petitioner(s) has submitted that in CRM-M No.25130 of 2018, the following order was passed by this Court on 02.07.2018:-

“This is 2nd petition for grant of regular bail to the petitioners. Earlier petition was dismissed as withdrawn on 07.05.2018.

Counsel for the petitioners submits that fresh ground for filing the present petition is that as per the allegations in the FIR, dispute was with regard to the property of Dala Kala Peer Math situated in the village, between two sects regarding succession of the Math, which fell vacant on account of death of one Yogi Nandoi Nath. Counsel for the petitioners further submits that it is alleged in the FIR that the petitioners were supporting one Bhajnayi Nath, who was appointed as a Head of Math and said Bhajnayi Nath has already been granted concession of anticipatory bail by the Additional Sessions Judge, Hisar, vide order dated 05.06.2018. Counsel further submits that the Additional Sessions Judge, Hisar, while granting anticipatory bail to the main accused, has seen the video C.D., brought by the Investigating Officer covering the entire incident, and on visual examination, it was found by the Additional Sessions Judge, Hisar that some young persons were pelting stones to police officials and the police officials were also pelting stones to those persons.

It is thus submitted that in view of abovesaid fact which has come on record and also in view of the fact that the petitioners, who are senior citizens aged about 63 and

*61 years respectively, were not attributed any overt act of causing injuries to any police official, the petitioners may be granted concession of regular bail. The other accused persons have already been granted concession of bail vide order dated 17.04.2018 passed in CRM-M-13925-2018 titled as **Randhir Singh and others vs. State of Haryana** and 24 accused persons have also been granted concession of regular bail vide order dated 07.05.2018 passed in CRM-M-18074-2018 titled as **Sundari Nath and others vs. State of Haryana**. Counsel further submits that challan has already been presented and charges are yet to be framed and conclusion of the trial will take long time.*

Learned State counsel, on instructions from H.C. Joginder Kumar, and on a specific query put to him, submits that he has seen the C.D. and the petitioners were not found pelting stones.

Without commenting anything upon the merits of the case, considering the fact that the petitioners are senior citizens; not attributed any overt act; they are in judicial custody since 14.03.2018 and also in view of the fact that some of the coaccused have already been granted concession of bail, the petitioners are directed to be released on bail subject to their furnishing bail/surety bonds to the satisfaction of the trial Court.”

Counsel for the petitioner(s) has further submitted that even no overt act is attributed towards the present petitioners as per the video CD submitted by the prosecution and the petitioners are in judicial lock up since 15.03.2018. It is further submitted that the petitioners – Randhir Singh and Sarjeet are aged about 63 years and 53 years, respectively and they are the Ex-Sarpanch of the village and have been involved in this case on account of the dispute regarding the succession of the seat of *Math*.

Counsel for the State, on instructions from ASI Lalit Kumar, has submitted that the petitioners were not found pelting stones as per the video CD.

Without commenting anything on merits of the case and considering the fact that the co-accused of the petitioners have also been granted the concession of bail; they were not found pelting stones as per the video CD; the petitioners are in judicial lock up since 15.03.2018 and conclusion of the trial is likely to take some time, these petitions are allowed and the petitioners namely Randhir Singh, Sarjeet and Swai Nath Guru Damrai Nath, are directed to be released on bail subject to their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaqa Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail, if the petitioners are found involved misusing the concession of bail, in any manner.

06.07.2018
yakub

(ARVIND SINGH SANGWAN)
JUDGE

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