

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Smriti
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CRM-M-25130-2018

Date of decision: 02.07.2018

**Swai Nath Baba Pehalai Nath and Anr
Vs.**

.. Petitioners

State of Haryana

.. Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

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

Mr. Parveen Aggarwal, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (ORAL)

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 Earlier petition was dismissed as withdrawn on 07.05.2018.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 co-accused 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.

[ARVIND SINGH SANGWAN]
JUDGE

02.07.2018.

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