

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

211

CRM-M-17359-2020 (O&M)

Date of decision: 22.07.2020

Parkash Nath and another

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Ashish Verman, Advocate
for the petitioners.

Mr. Kuldeep Tiwari, Addl. A.G., Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

The case has been taken up for hearing through video conferencing.

CRM-14868-2020

For the reasons mentioned in the application, the same is allowed and Annexures P-1 to P-9 are taken on record.

CRM-M-17359-2020

Petitioners-**Parkash Nath and Vikas** have filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.92 dated 10.05.2020 registered at Police Station Sanoli, District Panipat under Sections 148, 149, 323 and 324 of the Indian Penal Code, 1860 (for short 'the IPC') to which Sections 326 and 506 of the IPC were added lateron.

The above said FIR was registered on statement of complainant-Savita Devi who alleged that on 09.05.2020 at about 06:00 A.M., an altercation had taken place between Nanak Nath, Ritesh,

Tinku Nath, Anil Nath, Ompal Nath, Sukhdev Nath, Vikas (petitioner No.2), Maha Singh Nath, Kala, Sunil, Joginder, Parkash Nath (petitioner No.1), Kamal Nath, Balbir Nath, Sonu Nath, Sibbu Nath and Veena Devi with her. Again at 10:00 A.M., they all gave beatings to them and also attacked Satish Nath, Mahender Nath and Jarnail Nath with lathis and dandas.

The petitioners who are in custody since the date of their arrest have filed the present petition for grant of regular bail.

The petition has been opposed by the learned State counsel. However, no reply has been filed.

I have heard learned counsel for the petitioners and learned State counsel and gone through the record.

Learned counsel for the petitioners has submitted that the petitioners have been falsely implicated. The petitioners were not present on the spot at the time of alleged occurrence. Nanak Nath, his sons-Ritesh and Anil and their mother Veena Devi besides others were attacked by the complainant party regarding which separate FIR No.93 dated 10.05.2020 under Sections 148, 149, 323 and 324 of the IPC was lodged against them to which Section 326 of the IPC was subsequently added. Head injuries with sharp edged weapons were caused to Ritesh Nath and Anil Kumar who were given as much as 24/25 stitches during medical treatment by the attending doctors. The injuries to the complainant party were caused in self-defence. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioners in custody. Therefore, the petitioners may be granted regular bail.

On the other hand, learned State counsel has argued that in view of the gravity of the accusation, the petitioners do not deserve grant of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation against the petitioners, period of their custody and also the fact that investigation and trial are likely to take long time due to restrictions imposed to prevent spread of Covid-19 but without commenting on merits of the case, I am of the considered view that the concession of regular bail be extended to the petitioners.

Therefore, the petition is allowed and petitioners-**Parkash Nath and Vikas** are ordered to be released on regular bail on furnishing of requisite bail bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

22.07.2020

Vinay

(ARUN KUMAR TYAGI)
JUDGE

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