

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-28469-2020(O&M)
Date of Decision: 28.10.2020

MAHANT SHABDAI NATH

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CRM-M-28670-2020(O&M)

RAJBIR

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Navjot Singh, Advocate,
for the petitioner (in CRM-M-28469-2020)

Mr. Jasbir Mor, Advocate,
for the petitioner (in CRM-M-28670-2020)
Mr. Chetan Sharma, AAG, Haryana

ANIL KSHETARPAL, J.

Hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

By this order, CRM-M-28469-2020 and CRM-M-28670-2020, shall stand disposed of.

Both the petitioners (one each in two cases) pray for grant of bail pending trial in a criminal case arising from FIR No.229, dated 08.07.2020, registered under Section 323/324/452/506 IPC(Section307/120-B IPC and Section 25/54/59 of the Arms Act, 1959 added lateron), at Police Station Narnaund, Hansi.

The case of the prosecution has been noticed by learned Additional Sessions Judge, Hisar, in paragraph 2 of its order dated 20.08.2020, which is extracted as under:-

“The brief facts of the case are that on 07.07.2020, the police received an information regarding admission of Mahant Shukrai Nath in General Hospital, Hisar, however, he was declared unfit to make statement. On 08.07.2020, the complainant Shukrai Nath made a statement that on 07.07.2020 at around 5 PM, when he was present at his Math, someone knocked at the door. Deepak son of Mahipal, his driver told him that the said person told his name as Raju and wants to meet him. The complainant was talking to someone on mobile phone and he came out in the Verandah and sat on a chair. The said young boy told his name as Raju son of Hawa Singh Saini R/o village Koth. He told that his mobile phone has been stolen from the Math, and someone has told him that the phone has been got stolen by the complainant. On this, the complainant told him to move a complaint to the police. On this, Raju got up and stated that he does not want to see the complainant on the gaddi of the Math and he would kill him. Suddenly, he attacked upon the complainant with a sharp edged iron drant with a wooden handle which hit the complainant on his head. He again tried to attack on complainant's head but the blow was rescued by the complainant with his right hand. When the accused again tried to hit, Deepak caught hold of the weapon. The accused also attacked upon Deepak, due to which Deepak also suffered injuries. When the complainant shouted for help, his gunman C. Ram Kishan rushed towards him and caught hold of accused Raju. The complainant and Deepak were rushed to hospital for medical treatment. He prayed for initiation of an action. On this information, formal FIR was registered. During investigation, the applicant-accused was arrested on 09.07.2020. In his disclosure statement, the accused named Shabdai Nath and Nandai Nath Dera Pega, District Kaithal to be also involved in the occurrence. Offence under section 120B IPC was incorporated. Hence, the present bail application.”

Learned counsel for the petitioner contends that the petitioner Mahant Shabdai Nath is sought to indicted as accused on the assumption that petitioner had hatched the conspiracy. He, further, while drawing the attention of the Court to the reply filed by the State, has submitted that all

the injuries suffered by the first informant have been declared as simple in nature.

Learned counsel appearing for Rajbir, the other petitioner, has contended that the petitioner is in custody since 08.07.2020 and he does not have any criminal antecedent.

From the reading of the FIR, it is apparent that there is some dispute between two religious persons (Mahants), for management of a Dera (religious place) and litigation in that regard is pending. The first informant Shukrai Nath Mahant has already been provided with a gunman by the State.

On completion of the investigation, the police report, under Section 173 Cr.P.C., has been filed.

Mahant Shabdai Nath is in custody since 23.07.2020, whereas Rajbir is in custody since 08.07.2020.

Without commenting on the merits of the case and keeping in view the fact that conclusion of the trial is likely to take time, the petitioners are directed to be released on regular bail subject to furnishing of adequate surety to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

Accordingly, the petition is allowed with the aforesaid directions.

October 28, 2020
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(ANIL KSHETARPAL)
JUDGE

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