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

**Date of Decision: 19.07.2021**

**1. CRM-M No.26321 of 2021(O&M)**

**Chavi Nath @ Bawva** .....Petitioner

**Vs**

**State of Haryana** .....Respondent

**2. CRM-M No.26094 of 2021 (O&M)**

**Kuldeep Kundra @ Deepu** .....Petitioner

**Vs**

**State of Haryana** .....Respondent

**CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH***

Present:Mr. Vivek Goyal, Advocate  
for the petitioner(s).

Mr. Rajat Gautam, DAG, Haryana.

Mr. Krishan M. Vohra, Advocate  
for the complainant.

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**RAJ MOHAN SINGH, J.(Oral)**

The cases have been taken up for hearing through video conferencing.

Vide this common order, CRM-M No.26321 of 2021 titled Chavi Nath @ Bawva Vs. State of Haryana and CRM-M No.26094 of 2021 titled Kuldeep Kundra @ Deepu Vs. State of Haryana are being disposed of. Since both the petitions have arisen out of the same FIR, therefore, common facts are being noticed.

Petitioners in both the cases have prayed for grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.739 dated 02.10.2020 registered under Sections 148, 149, 186, 307, 323, 332, 341, 353, 427, 506 IPC (Section 302 IPC and Sections 3(2) (v), 3(2) (va) of SC/ST added later on) at Police Station Thanesar City, District Kurukshetra.

FIR was registered at the instance of Ram Chander @ Sonu with the allegations that when his father was going to his house, Balkar, Ram Chander, Babu, Deepu and servant of Ram Chander stopped him. Due to grudge of the previous day, the aforesaid persons blocked the way of his father and quarreled with him. Balkar Singh and Bhura @ Ram Chander instigated the women folk for giving brick batting from the roof. Elder daughter of Balkar, other daughters and wife of Ram Chander

threw flower pots and did brick batting upon father of the complainant. Complainant went to save his father. Bhabhi of the complainant namely Poonam wife of Rishi Pal, wife of the complainant namely Seema, mother of the complainant namely Satya Devi, brother of the complainant namely Aman and their servant came to the spot to rescue them and saw that Balkar Singh was having hammer and inflicted hammer blow on the head of the father of the complainant. He kept on giving beatings continuously. Ram Chander @ Bhura gave sword blows to the mother of the complainant and women folk threw flower pots and bricks and gave injuries to her. Deepu (Kuldeep Kundra/petitioner) gave a danda blow to the complainant and Babu also gave danda blow to the brother of the complainant namely Aman.

Learned counsel for the petitioner(s) submits that the mother of the complainant has not been medico legally examined and her injuries have not been proved by any medical evidence. Petitioners in both the cases have not inflicted any injury to the deceased. Petitioner Chavi Nath @ Bawva has not been attributed any injury, except to show his presence being servant of Ram Chander @ Bhura. Kudeep Kundra @ Deepu (petitioner) is attributed a danda blow to the complainant only and the injury is simple in nature. Co-accused Ram Chander @

Bhura has been granted regular bail vide order dated 29.06.2021 passed in CRM-M No.22765 of 2021.

Learned State counsel duly assisted by learned counsel for the complainant, however, opposed the bail. Learned counsel for the complainant has referred to disclosure statement(s) of the petitioners made in police custody, in which, they have admitted that they had also inflicted some injuries to the deceased. FIR is silent with regard to any such attribution. The complicity of the petitioners on the basis of their disclosure statement(s) in police custody would remain debatable.

Evidently, as per allegations in the FIR, no injury has been attributed to Chavi Nath @ Bawva. The injury attributed to Kuldeep Kundra @ Deepu is a danda blow on the person of complainant, which is found to be simple in nature. Petitioners are in custody since 02.10.2020. The trial of the case may take some time in its culmination.

In view of aforesaid facts and circumstances of the case and keeping in view the situation arising out due to COVID-19 Pandemic, I deem it appropriate to enlarge the petitioners on regular without meaning anything on merits of the case.

In view of above, petitions are allowed. Petitioners are

ordered to be released on regular bail, subject to their furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

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|---------------------------|-------------------|
| 19.07.2021                | (RAJ MOHAN SINGH) |
| Prince                    | JUDGE             |
| Whether speaking/reasoned | Yes/No            |
| Whether reportable        | Yes/No            |