

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

CRM-M-34610 of 2021

Mahant Pancham Puri

...Petitioner

Versus

State of Haryana

...Respondent

Date of Decision: 14.09.2021

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr. Vinod Ghai, Sr. Advocate with

Ms. Kanika Ahuja, Advocate for the petitioner.

Mr. Vishal Malik, DAG, Haryana.

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HARINDER SINGH SIDHU, J.

Prayer is for grant of regular bail in case FIR No.230 dated 06.04.2021 under Sections 307/34 IPC and Section 25 of the Arms Act registered at P.S Hansi City, District Hisar.

FIR was lodged on the complaint of one Joginder, who stated that his uncle Chandanpuri had been living with Mahant Budhpuri of Samadhar Mandir for about 20 years. About ten years ago, before leaving his body, Mahant Budhpuri had entrusted all the work of Dera to his uncle Chandan Puri. About five years ago, Pancham Puri (petitioner)/ Guru Bhai of Chandanpuri forcibly took over as the Mahant of the Dera and expelled Mahant Chandan Puri from the Dera. Thereafter, Chandan Puri filed a civil suit at Hansi that he was the rightful Mahant of the Dera. On 25.3.2021, during the hearing of the case, all the office bearers of the Dera gave their

statements in favour of Mahant Chandan Puri.

On 06.04.2021 the complainant received information that at about 4.00 p.m, Mahant Chandan Puri had stopped his vehicle near Ghodela Tea Stall and got down to take water. Just then a white coloured car in which Mahant Panchampuri (petitioner) was present reached the spot. Immediately thereafter, two young boys who had muffled their faces, came there on a motorcycle. The pillion rider of the motorcycle got down and fired a gun shot hitting Mahant Chandan Puri in the stomach. Then both the motorcyclists fled away from the spot on the motorcycle. The petitioner also got into his car and fled away. The complainant stated that this information had been given to him by Mahant Chandan Puri, when he reached Agroha Hospital.

Mr. Ghai Ld. Senior Counsel for the petitioner has argued that the allegations against the petitioner are totally false. The statement of the complainant regarding the presence of the petitioner at the spot when the gun shot was fired at Mahant Chandanpuri by the motorcyclists cannot be believed. There is civil litigation pending between the injured Chandan Puri, uncle of the complainant and the petitioner. The complainant has every motive to falsely implicate the petitioner. Moreover, after receipt of information of the alleged firing when the police party had gone to the hospital, the doctors had opined that the injured Chandan Puri was not in a fit condition to make any statement. As the injured was not in a fit condition to get his statement recorded, it is not believable that he could have disclosed about the incident to the complainant.

He further argued that the presence of the petitioner at the spot is belied by the investigation. The police has recorded the statements under

Section 161 Cr.P.C of Krishan and Rajesh, who had witnessed the incident and had taken the injured to the hospital. Both of them in their statements made no reference to the presence of the petitioner at the spot when the shot was fired . Krishan in his statement under Section 161 Cr.P.C has stated that he had opened a tea shop on his farm land at Hansi- Barwala Road. People take water and tea from his stall while passing through that way. Mahant Chandan Puri also used to take water and tea from his shop while travelling to and from Hansi. On 06.4.2021 at about 4.00 p.m, Mahant Chandan Puri came in his vehicle from Hansi side and stopped at his shop. He got down and sat on the plastic chair lying outside the shop and asked for water and box of cigarettes. Just then, two boys with muffled faces came on a motorcycle from Hansi side. They stopped their motorcycle at the shop. The pillion rider got down and fired from his pistol at Chandan Puri. The shot hit him in the stomach. Then both the boys fled away on their motorcycle. He alongwith Rajesh lifted Mahant Chandan Puri and took him to the hospital in the Mahant's vehicle. Rajesh had given an identical statement regarding the incident stating that on 06.4.2021, he was working at Kulana Turn Farm. He along with Krishan had taken Mahant Chandan Puri to the hospital in Mahant's vehicle after he had sustained the gunshot injury.

Mr. Ghai argued that the petitioner is being implicated with the aid of Section 120-B IPC. Except the disclosure statement of accused Sonu @ Commando and Sandeep @ Buta, who are stated to be the motorcyclist, who had fired at Chandan Puri, there is no other material to connect the petitioner with the crime. In his disclosure statement Sonu @ Commando had allegedly stated that he had been given Rs. 2 lakh by the

petitioner to murder Mahant Chandanpuri. Out of that he had given Rs. 1 lakh to Sandeep @ Jeeta for purchasing firearm to execute the plan. These statements are inadmissible in evidence and cannot be relied on.

He argued that the statement of the injured Chandan Puri wherein he has mentioned about the presence of the petitioner at the spot in his car when he was shot at by the motorcyclists assailants was recorded on 08.04.2021. It cannot be relied on in the face of statements of Krishan and Rajesh who are independent, uninterested and natural witnesses and who make no mention about the presence of the petitioner at the spot when the gun shot was fired. Moreover the injured has every reason to falsely implicate the petitioner as he is a claimant for Mahantship.

It is not possible to accept the contention of learned counsel for the petitioner. The incident is alleged to have taken place at about 4.00 p.m. on 06.04.2021. The FIR was lodged at 9.15 p.m, the same day after the statement of Joginder, nephew of Mahant Chandan Puri, was recorded at Agroha Hospital. No doubt, when the police visited the hospital, the doctor had opined that Chandan Puri was unfit to get his statement recorded but that does not mean that soon after the incident Mahant Chandpuri could not have disclosed about the incident to his nephew Joginder. Moreover, the injured in his statement recorded on 08.04.2021 has specially spoken about the presence of the petitioner in a white colour car at the spot when the assailant fired at him. That statement cannot be disregarded. It has also come out in the statement of Joginder and Chandan Puri that on 25.3.2021, the office bearers of the Dera had deposed in favour of Chandan Puri in the civil suit at Hansi. The alleged incident is of 6.4.2021. There is close proximity between the deposition by the office bearers of the Dera in

favour of Mahant Chandanpur and the incident. The petitioner had every motive to cause harm to Chandan Puri, whose claim to Mahantship had been strengthened by the deposition of office bearers of the Dera in his favour.

The Trial is at an initial stage. The petitioner is heading an influential dera. There is every possibility of the petitioner influencing the witnesses. No ground is made out for grant of bail to the petitioner at this stage.

Accordingly this petition is dismissed at this stage.

It is clarified that nothing stated herein shall be construed as an expression of opinion on merits of the case.

September 14, 2021
manoj

(Harinder Singh Sidhu)
Judge

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