

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

Criminal Misc. No.M-20626 of 2022(O&M)
Date of Decision: September 14, 2022

Mahant Pancham Puri

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.K.D.S.Hooda, Advocate
for the petitioner.

Mr.Aman Bahri, Addl. AG, Haryana.

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HARINDER SINGH SIDHU, J.

This is a petition under Section 439 Cr.P.C. 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 (later on Section 120-B IPC also added), registered at Police Station City Hansi, District Hisar.

The FIR was lodged on the statement of Joginder, who stated that his uncle Chandan Puri 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 25.03.2021, 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.Hooda, Ld. counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. It is argued that the FIR has been lodged on a false version of the incident, allegedly given by one Joginder. Ld. counsel has referred to the deposition of PW3 EHC Sumer Singh, who while appearing in Court stated that he along with ASI Ved Pal reached at MAMC, Agroha. There ASI Ved Pal recorded the statement of Mahant Chandanpuri (injured) and he made his endorsement on the statement and *tehrir* was handed over to EHC Sumer Singh, who took the same to the Police Station City, Hansi for registration of FIR. This witness further states that after registration of the case, he reached the place of occurrence at Kulana Turn and handed over the police file and copy of

FIR to ASI Ved Pal. During cross-examination, he admitted that *'it is correct that in the history given by the injured he did not mention the name of any of the assailants. x..x..x Before recording the statement of Chandanpuri in MAMC, Agroha, the opinion of the doctor was obtained regarding the fitness of Chandanpuri.'*

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 allegedly 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 06.04.2021 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 06.04.2021, 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.Hooda further argued that false implication of the petitioner in the incident cannot be ruled out as already a civil litigation is pending between injured Chandan Puri and the petitioner. The injured Chandan Puri, while appearing as PW1 in his cross examination admitted that on two previous occasions he had been fired at by his disciple Pan Puri and that he had got cases registered against him.

Mr.Bahri, Ld. Addl. AG, Haryana on the other hand contended that the petitioner has been specifically named in the disclosure statement of Sonu @ Commando and Sandeep @ Buta. Buta @ Commando also disclosed that he had been given Rs.2 lacs by the petitioner to murder Mahant Chandan Puri. Out of that he had given Rs.1 lac to Sandeep @ Jeeta for purchasing firearm to execute the plan. The injured Mahant Chandan Puri in his deposition has stated that when he had alighted from the car and gone to the Tea stall to purchase a bottle of water and a pack of cigarettes a white coloured car came from the side of Hansi. The petitioner alighted from that car and stood near it. After some time, two young boys came on a motorcycle. The pillion rider fired at him (Chandan Puri). The shot hit him and he fell down. Thereafter, the motorcyclists went away. The petitioner also went away in his car.

The petitioner is in custody since 10.04.2021. The injured Mahant Chandanpuri has already been examined. The Trial may take a

long time to conclude.

In view of the above, without expressing any opinion on the merits of the case, this petition is allowed. The petitioner is directed to be released on bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

All Misc. Application/s also stand disposed of.

September 14, 2022

(HARINDER SINGH SIDHU)
JUDGE

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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No