



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

220

CRM-M-43991-2025
Date of decision: 23.09.2025

BHUVNESHWAR DASS ALIAS SUDAMA

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. A.P.S. Jangu, Advocate for the petitioner.

Mr. Gorav Kathuria, DAG Punjab.

Mr. Kanwaljeet Singh Brar, Advocate and
Mr. Amrinder Singh Dhillon, Advocate for the complainant.

YASHVIR SINGH RATHOR. J.(Oral)

1. Present petition under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed for grant of regular bail to the petitioner in case FIR No.0056 dated 12.05.2017, under Sections 450, 302, 307, 295, 148, 149, 120-B of IPC, 1860 and Sections 25 and 27 of the Arms Act, 1959, Sections 449, 325, 323, 201 of IPC, 1860 and Section 30 of Arms Act, 1959 (added later on), registered at Police Station Tapa, District Barnala.
2. Status report dated 22.09.2025 by way of affidavit of Gurbinder Singh, PPS, Deputy Superintendent of Police, Sub-Division Tappa, District Barnala has been filed on behalf of respondent-State and the same is taken on record.
3. The present case was registered on the basis of statement given to the police by Mahant Gopal Dass, disciple of Mahant Parmanand, resident of Dera Andarla Tapa, with the allegations that on 12.05.2017, at about 6:15 am, he was



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performing Aarti in the temple of Dera Thakur Dwara, along with his brother Pujari Laxmi Naryan and other Sewadars namely Ram Dayal, Bhupinder Das, Gulba Ram, Nikka Khan, Raghubir Das, Krishan Das and Mehanga Ram. Thereafter, Hemant Kumar @ Madho armed with pistol, Raghunandan Dass armed with 12 bore rifle, Rameshwar Dass armed with Gandasa, Barinder Kumar @ Bindri armed with 12 bore rifle, Ramesh Kumar @ Meshi armed with spade, Dayal Dass armed with spade, Govind Dass armed with dang, Bhuvneshwar Das @ Sudhama (petitioner) armed with pistol along with ammunition belt and Kapil Kumar armed with stick, entered inside the Thakur Dwara, while throwing bricks and stones and firing shots. When Pujari Laxmi Narayan came out in the verandah, Hemant Kumar @ Madho fired shots at him and Gulab Ram. The aforesaid persons also fired shots and caused injuries to Ram Dayal, Nikka Khan, Raghvir Dass, Krishan Dass, Mehanga Ram and they also defaced Ramayan and various idols. Thereafter, they fled away from the spot along with their weapons. Complainant along with Awadh Kishore, Mahant Bhupinder Dass and some other Sewadars put the aforesaid injured persons in their vehicles and took them to Civil Hospital, Tapa, where Laxmi Narayan was declared dead, while Gulab Ram also succumbed to the injuries on the way to the Hospital. He further alleged that the reason for enmity was that aforesaid Rameshwar Dass also claims himself to be the disciple of Parmanand and various litigations are pending between them in Courts, which have been decided in favour of the complainant and since cases have been decided in their favour, Rameshwar Dass and his companions are having enmity with them and they had done so in order to usurp the Dera and its land. With these allegations, formal FIR was registered and the matter was



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investigated. Fired and empty cartridges were recovered from the scene of crime. Accused Hemant Kumar @ Madho, Raghunandan, Dayal Dass and Bhuvneshwar Das @ Sudhama (petitioner) were arrested on 14.05.2017. One pistol of 32 bore, along with live cartridges, 06 empty cartridges, one arms licence and two magazines were recovered from accused-Hemant Kumar @ Madho. One 12 bore Rifle DBBL, one live cartridge and belt including 05 more live cartridges were recovered from accused Raghunandan. One spade was recovered from accused Dayal Dass. However, Ramesh Kumar @ Meshi, Gobind Dass and Kapil Kumar were declared innocent. Besides the death of two persons, 05 persons suffered various injuries, including grievous injuries and after completion of investigation, challan has been presented.

4. I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

5. Learned counsel for the petitioner contended that petitioner has been falsely implicated in the present case. Petitioner is in custody since 14.05.2017. No shot is attributed to the petitioner and the shots which prove to be fatal are attributed to Hemant Kumar @ Madho. All the material witnesses have already been examined. Learned counsel next contended that the trial has reached the stage of defence evidence and arguments and since petitioner is in custody, he is not in a position to lead evidence in defence and in view of his long incarceration, he may be released on bail, so that he can pursue his case and lead evidence in defence and gets an opportunity of a fair trial.

6. On the other hand, learned State Counsel assisted by counsel for the complainant has opposed the bail and argued that it is the accused, who have



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delayed the trial and now the case is fixed for defence evidence and arguments for the last 2-3 years and accused are taking adjournments for one reason or the other. In the present case, two persons have died and 4-5 persons have suffered gun shot injuries and main accused has not been arrested till date. Learned counsel further argued that in case petitioner is released on bail, he may abscond and hamper the trial and it has been prayed that application in hand be dismissed.

7. The allegations against the petitioner are serious in nature. One of the accused namely Hemant Kumar @ Madho had allegedly fired at Laxmi Narayan and Gulab Ram and other persons accompanying him also fired shots. Petitioner was also armed with a pistol and he had also fired shots at the victims. The allegations against the petitioner are thus serious in nature. All the material witnesses have already been examined during the trial and they have categorically supported the prosecution case. They not only fired shots, resulting in death of two persons and injuries to five persons, but they also desecrated holy texts and idols, while committing the crime. All the accused in prosecution of their common object, while armed with weapons, had entered the temple in order to eliminate the members of the rival group, which was in control of the Dera and its property and petitioner also actively participated by firing shots. One pistol was also recovered from his possession. Such acts strike at the very core of public order, religious harmony and societal peace. Moreover, the petitioner's release at this stage, may hamper the trial, as trial has reached at the stage of defence evidence and arguments and in case he is released on bail, he may abscond. Petitioner also cannot take benefit of long custody, as accused are not leading evidence in defence for the last 2/3 years and prosecution is thus not delaying the



trial.

8. Taking into consideration the gravity of the offence and the manner in which the offence has been committed, petitioner is not entitled to be released on bail and the bail application is accordingly rejected.

9. However, trial Court shall make an endeavor to decide the trial expeditiously, preferably within three months from the date of receipt of the copy of this order, as the accused are in custody for the last more than eight and half years or so, and it may perhaps be the oldest case in the said Sessions Division, with such a prolonged custody.

23.09.2025
amandeep

(YASHVIR SINGH RATHOR)
JUDGE

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