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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21917-2024
Date of decision : 03.10.2024

Chandan Tuteja
.....Petitioner

versus

State of Punjab
..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. G.B.S. Dhillon, Advocate
for the petitioner.

Mr. J.S. Arora, D.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed by the petitioner under Section 439 Cr.P.C. praying for grant of regular bail in case FIR No.314 dated 06.12.2023, under Sections 302, 307, 324, 323, 120-B IPC and Sections 25/54/59 of Arms Act, registered at Police Station Jandiala, Police District Amritsar Rural, District Amritsar.
2. Succinctly the facts of the case are that the complaint was lodged by the complainant, namely, Pankaj Kumar @ Bau, wherein it was alleged that on 06.12.2023 at about 06:00 pm, they were sitting in their shop then Rumi armed with pistol, Sumit armed with datar, Suraj Pehalwan armed with datar and 10-12 unidentified persons came there. All of them attacked his brother, namely, Chiman Lal with their respective weapons. He and his father tried to save his brother, however, the accused caused injuries to them as well. During this fight Rumi fired a shot with his pistol on his father which hit on his chest and he fell down. They raised alarm and the accused escaped. The injured were shifted to the Hospital whereas his father, namely, Laxman Das succumbed to the firearm injuries. It was alleged that Chandan Tuteja (petitioner) used to do



recce of their shop and he informed the accused regarding their presence. Request was made to take the legal action against the accused persons and FIR was registered. On registration of FIR, the investigation commenced. The petitioner was arrested on 07.12.2023. The petitioner approached the Court of Learned Additional Sessions Judge, Amritsar praying for grant of bail, however, finding no merit, the same was declined after hearing both the sides by Ld. Additional Sessions Judge, Amritsar vide order dated 16.03.2024. Aggrieved by the same, the petitioner approached this Court praying for grant of bail.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely and frivolously implicated in this case. He submits that from the bare reading of the allegations made in the FIR, neither the petitioner has been attributed any injury nor he has been alleged to be armed with any weapon. It is submitted that as per the case of the prosecution, the petitioner was not even present at the time of occurrence. It is submitted that the only bald allegation against the petitioner is that he being the local person, used to do recce of their shop and he informed the other accused about their presence. He submits that the investigation is already complete and the challan has been presented. It is submitted that the investigating agency have filed the challan only in order to prevent the petitioner from getting the default bail. Hence, the petitioner could not be granted bail by the Court. He submits that innocence of the petitioner is evident from the investigation conducted by the investigating agency itself and thus, in the facts and circumstances, the further custody of the petitioner is unwarranted.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He has drawn the attention of this Court to the status report filed and submitted that the petitioner has been named in the FIR being the person who had informed the other accused about the



presence of deceased and his sons upon which the accused persons came there and attacked on them. However, he has submitted that the challan has been filed in the present case.

5. Heard. On hearing counsel for the parties and perusing the record, it is apparent that the only allegations against the petitioner in the FIR is regarding carrying out the recce whereas he is not named in the FIR. The petitioner has submitted that he was not present at the time of occurrence. Challan is presented. Status report filed would show that the challan has been filed so that accused may not get the default bail under Section 167(2) Cr.P.C.

6. The veracity of the allegations would be assessed only after conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

03.10.2024
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(RAJESH BHARDWAJ)
JUDGE

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