

2024:PHHC:099995



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

**CRM-M No.36061 of 2024 (O&M)
Date of decision : 05.08.2024**

Abbu @ Sufiyan @ Moh. Abu Sufiyan Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Ramandeep, Advocate
for the petitioner.

Mr. Solomon Partap Singh, AAG, Punjab.

PANKAJ JAIN, J. (ORAL)

1. This second petition has been filed under Section 439 Cr.P.C.
for grant of regular bail in case F.I.R. No.7 dated 11.01.2022 registered
under Sections 302/148/149/427/482/411/201/120-B IPC and Sections
25/54/59 of the Arms Act at Police Station Tripari, District Patiala.

2. FIR was registered on the statement made by one Satish
Chander Son of Gopal Dutt, who happens to be the brother of the deceased
who alleged as under :-

*“ The contents of statement are as under, stated that I am a resident
of the above said address and doing job in Bajaj Finance at Sarhind.
We are three sisters and brothers including me. Elder Is Tara Dutt
aged 38 years, who is current Sarpanch of Vikas Nagar, me and my
sister are younger than him. Today I was watering the roof of our
under construction house, then at around 9:40 o'clock in the
morning my brother Tara Dutt brought tea for me and labor in his*



Car No.PB-11-AW-4767, while he was parking the car in front of the house, then Abu resident of Bharat Nagar, Street No.4 Patiala, Jatinder Shergill, resident of Khashlya, Kanwar Ravdeep Singh Kharor, resident of Waran, Jaspreet Singh alias Mangu, resident of Gurbaksh Colony, Money Walla Tafjalpura and 8/9 unknown persons, to whom I can recognize upon confrontation, got down from Car No.PB-10-GR-2329 and an Alto Car No.CH-04B-4981 from another vehicle, they were armed with revolver, rifles 12 bore and sharpened deadly weapons, who in front of my eyes, started firing indiscriminately on the car of my brother Tara Dutt, started firing on the front glass, side glasses and bonnet etc., when my brother got out of the car and started running, then out of all of them, Jaspreet Singh alias Mangu, Abu Bharat Nagar, Kanwar Ravdeep Singh Kharor, Jatinder Singh resident of Khasiya, Money Walla etc., fired at my brother's back on the waist, on the left side of the abdomen, on left leg below the knee, on the upper side of the left thigh, on the upper side of the two carts, on the Inner side of the right thigh, with 12 bore, revolver and deadly weapons with intention of killing him. Due to which my brother Tara Dutt suffered severe bullet injuries and fell down neat the car in injured condition and became unconscious, then all the above said persons ran away from spot by sitting in their respective vehicles along with their respective weapons. Meanwhile, Girish son of Janardan Prasad, resident of Ratan Nagar, and Ravinder Singh son of Gurmeet Singh, resident of Chaprahar, who were present in the office of Tara Dutt, heard the sound of the fire shot and came on the spot they have seen this whole incident with their own eyes. Then we all three arranged a vehicle and took my brother Tara Dutt to Amar Hospital, Patiala, where my brother Tara Dutt died during the treatment The motive behind grudge is that these persons had also caused Injuries to my brother on the earlier occasion, regarding which the case is going on in the court. The statement has been written, heard and is correct.”

3. Learned counsel for the petitioner submits that even if



allegations levelled in the FIR are taken on their face value, there are three eye witnesses to the occurrence i.e. Satish Chander, Girish and Ravinder Singh. Girish appeared as PW-1. His testimony has been placed on record as Annexure P-7 but did not support the prosecution. Same is the case with Satish Chander who appeared as PW-2. Further refers to zimni order placed on record as Annexure P-4 to submit that Ravinder Singh was not examined having been given up by the prosecution. Further refers to statement of father of the deceased Gopal Dutt who appeared as PW3 but did not support the prosecution. Further submits that though during the course of investigation it has been alleged that .32 bore pistol has been recovered from the petitioner yet there is no forensic report to link the same with the occurrence.

4. Custody certificate has been filed. The same is taken on record. As per the same, the petitioner is behind bars for more than 04 months and 05 days.

5. Learned State counsel is not in a position to dispute the aforesaid factual assertions based on record.

6. I have heard learned counsel for the parties and have gone through the records of the case.

7. Without commenting on the merits of the case, considering the incarceration suffered by the petitioner and the fact that the material witnesses stand examined and have not supported the prosecution, the present petition is allowed. The petitioner is ordered to be released on bail

on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial



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Court/Duty Magistrate, concerned.

8. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

05.08.2024
'R. Sharma'

Whether speaking/reasoned	Yes
Whether Reportable :	No