

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

CRM-M-32854-2016

Date of Decision : 03.11.2016

Nirmal Singh @ Mithu

....Petitioner

versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Amandeep Singh, Advocate
for the petitioner.

Ms. Simsi Dhir Malhotra, DAG, Punjab.

M.M.S. BEDI, JUDGE (ORAL)

The petitioner seeks concession of regular bail in a case of murder of the complainant's son, namely Vir Singh @ Beeru. As per the story of the prosecution, on 28.07.2014, the son of the complainant had gone to the market, but did not return back. The report regarding missing of her son was given by the complainant on 08.08.2014. One Gurmukh Singh had informed the complainant that on 28.07.2014, he had seen the son-in-law of the complainant, namely Pargat Masih, going behind Vir Singh (deceased) and Pargat Masih having taken Vir Singh (deceased) on his motorcycle along with other co-accused.

Learned counsel for the petitioner has submitted that the petitioner is not named in the FIR and that it is not a case of direct

evidence.

I have heard learned counsel for the petitioner and gone through the police file. The petitioner has been in custody w.e.f. 26.03.2015. The case of the prosecution is based upon the circumstantial evidence. The motive attributed in the present case is that the son-in-law of the complainant, namely Pargat Masih, co-accused of the petitioner, wanted to usurp the house of the complainant.

Without expression of any opinion on merits, it is sufficient to observe that out of fourteen prosecution witnesses, only four witnesses have been examined. It will not be appropriate for this Court to appreciate the strength of the circumstantial evidence, which has been gathered during course of the investigation by the investigating agency.

In view of the above, the present petition is disposed of with a direction to the trial Court to conclude the trial within a period of four months after the next date of hearing. In case the trial is not concluded within a period of four months after the next date of hearing, it will be open to the petitioner to approach this Court for grant of bail by making available the statements of the witnesses, who are examined by that time.

(M.M.S. BEDI)
JUDGE

November 03, 2016
apurva

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No