

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52827-2018 (O&M)

Date of Decision:- 6.12.2018

Manish Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. P.K.Ganga, Advocate, for the petitioner.

GURVINDER SINGH GILL, J. (Oral)

The petitioner Manish Kumar seeks grant of regular bail in a case registered against him vide FIR No.171, dated 30.10.2017, registered at Police Station Sadar, District Fazilka, under Sections 302, 201, 34-B of Indian Penal Code, 1860.

The FIR was registered at the instance of Ami Lal wherein it is alleged that he was staying with his family and he had adopted grandson of his sister namely Seeta Ram. On 29.10.2017 after taking food he went out to sleep. Later in the morning at 6:00 a.m. his wife told that Seeta Ram was not present in the bed. He went out to look for his son and also made telephonic call on his mobile but same was not answered. Thereafter the complainant along with his son Rajesh Kumar and his brother Om Parkash conducted search and found dead body of Seeta Ram at about 7:00 a.m. lying on road outside the village and the dead body was bearing injuries on the back of his head and blood had oozed on the road. The complainant alleged that some un-known persons had murdered his grandson Seeta Ram.

On the other hand, the learned State counsel while opposing the bail has submitted that during the course of investigation statement of one

Krishan Lal had been recorded in terms of Section 161 of Criminal Procedure Code, 1973 wherein he has stated that on the night intervening 29/30-10-2017 he had seen Munish Kumar going on a tractor with a ripper tagged to the tractor on which something had been placed in a plastic bag. The learned State counsel has further informed that a supplementary statement of the complainant was recorded on 31.10.2017 wherein he has stated that Seeta Ram had been murdered by the petitioner and his father as they suspected that the deceased was having an affair with sister of the petitioner.

The abovesaid facts and circumstances, show that the present case is based solely on circumstantial evidence wherein there is no eye-witness to the occurrence. So much so the complainant did not even name or suspect anybody at the time of lodging of the FIR. The petitioner has been alleged to be behind bars since 03.11.2017. The conclusion of trial, in its normal course, is likely to take some time. No fruitful purpose would be served by further detaining the petitioner behind bars. Accordingly, petitioner-Manish Kumar is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

It is, however, clarified that none of the observations made above shall be taken to be an expression on merits of the main case.

This petition stands accepted accordingly.

December 6, 2018

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No