

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

CRM-M-7791-2019
Date of decision:29.3.2019

Mohd. Mansoor

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

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

Mr. R.S. Thind, DAG, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in case registered vide FIR No.208 dated 4.3.2018 under Sections 302, 120-B of Indian Penal Code, Police Station Focal Point, Ludhiana.
2. The FIR was registered at the instance of Shambhu Nath Singh (father of deceased Vishal Kumar), who deposed that he has two sons namely Vishal Kumar and Rakesh Kumar who were both into the business of collecting scrap. It is alleged that on 3.3.2018 both of his sons went to purchase scrap at about 3 p.m. Later on about 9:00 p.m., it was only his son Rakesh Kumar who returned home and when complainant asked about Vishal Kumar, he informed that

Vishal Kumar was fighting with his friends namely Mohammad Masrood, his brother Mohammad Mansoor and Shavi Ahmad @ Chand Lal and had told him to go home. When Vishal Kumar did not return back the entire night, the complainant sent his son Rakesh Kumar to Mohammad Masrood, Mohammad Mansoor and Shavi Ahmad @ Chand Lal, but they did not disclose the whereabouts of his son. Later on at about 1:30 p.m. Pappu Thekedar, acquaintance of the complainant informed that Vishal Kumar had been murdered by causing injuries with bricks and sticks and his dead body is lying in Fish Market, Sherpur Kalan, Ludhiana. The complainant went to the spot and found the dead body of his son Vishal Kumar and suspected that he had been mercilessly murdered by Mohammad Masroor and Shavi Ahmad @ Chand Lal.

3. Learned counsel for the petitioner has submitted that it is a case of circumstantial evidence and that in any case after presentation of challan, the complainant Shambhu Nath Singh as well as his son Rakesh Kumar and another witness Uma Shanker had stepped into the witness-box and had resiled from their statements and in these circumstances, the case of the prosecution having received a serious dent, the petitioner deserves the concession of bail.
4. Opposing the petition, the learned State counsel has submitted that since the petitioner is specifically named in the FIR, no case for grant of bail is made out. It is however informed that the petitioner has been behind bars since last more than 1 year and that only 8

PWs out of cited 18 PWs have been examined.

5. Having considered rival contentions addressed before this Court and bearing in mind that it is a case solely based on circumstantial evidence and also that the complainant as well as his son who were material witnesses have already resiled from their statements and the petitioner has been behind bars since last more than 1 year, in my opinion, no fruitful purpose would be served by further detaining the petitioner behind bars. The petition, as such, is accepted and it is ordered that petitioner be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.
6. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

(GURVINDER SINGH GILL)
JUDGE

29.3.2019
Gaurav Sorot

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No