

212

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

**CRM-M-38954-2023
Date of decision : 12.12.2023**

MANISH KUMAR @ MONTYPetitioner

Versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Vivek Thakur, Advocate for the petitioner.

Mr. Jaswinder S. Arora, DAG, Punjab with HC Jatinder Singh.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case F.I.R. No.223 dated 20.10.2021 registered for the offences punishable under Sections 302, 379, 34 of the Indian Penal Code, 1860 (Challan presented under Sections 302, 404, 379, 411, 201 IPC) at Police Station Pasyana, District Patiala, Punjab.

2. Reply by way of affidavit of Neha Aggarwal, PPS, DSP, Sub Division, Samana, District Patiala along with custody certificate of the petitioner has been filed on behalf of respondent-State today in Court, which is taken on record. Copy supplied.

3. FIR came into being on the statement made by Karamjit Singh son of Gurnam Singh who happens to be maternal uncle of the deceased

alleging as under :

“Stated that I am resident of the aforesaid address and I am driving a private loading vehicle. We are five brothers and sisters. My elder sister Gurjit Kaur is married with Jasbir Singh son of Sh. Hakam Singh and resident of House number 158 S. Sant Nagar near Santa Di Kutiya Patiala and she is having two sons. The elder is Arjanvir Singh @ Honey aged 35 years who after completing his studies was preparing to go abroad and youngest Kanwalpreet Singh @ Bunny, lives in America. On 18/10/2021, I went to the house of my sister Gurjit Kaur, who was sick to inquire about her well-being. At about 5.30 PM Arjanveer Singh @ Honey was present in his house then Manish Kumar @ Monty son of Harminder Singh, resident of Badungur, Patiala, another unknown boy came to my sister's house and they persuade my nephew Arjanvir Singh, who had a mobile set of Apple company, in which Mob: No. 7657912231 was running, and took away his car bearing No.PB11-AL-1069 Colour Silver, from home by riding the same, but they did not return home till night. We kept looking for them at our own. Arjanveer Singh's mobile phone was also switched off and on 19/10/2021, my nephew's dead body was found in a drain near Village Langroi, in an unclaimed condition and the police got admitted him to Rajindra Hospital for identification and his photo was circulated in WhatsApp groups from where I identified Arjanvir Singh's photo. I am sure that my nephew Arjanveer Singh was taken away from home by Manish Kumar @ Monty along with his accomplice and he was killed by feeding some poisonous substance and stole his Apple mobile phone and his car Innova. Legal action should be taken against them. I have got recorded my statement before you in the presence of my brother Daljit Singh, which was read over and heard and the same is correct. Action should be taken. Sd/- Karamjit Singh the aforesaid complainant, verified statement Sd/- Daljit Singh son of late Sh.

Gurnam Singh Resident of House No.2037/497 Chandni Chowk,
Attested Sd/- Sohan Singh SI, PS Pasyana Dated 20-10-2021.”

4. Apart from the statement of the complainant w.r.t. having seen the deceased last in the company of the present petitioner prosecution relies upon the disclosure alleged to have been made by the petitioner during custody which is claimed to have further led to recovery of one Innova Car.

5. Counsel for the petitioner has attacked the said evidence to submit that the Innova car having been recovered from the public street the same would not attract Section 27 of of the Evidence Act and otherwise also how Innova car is associated with the crime in question remains amiss even after conclusion of investigation. The petitioner is behind bars for more than 2 years, 1 month and 20 days. There is no evidence that links the present petitioner at this stage.

6. State Counsel is not in posititon to dispute the factual assertions made by counsel for the petitioner based on record.

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

8. Without commenting on the merits of the case, keeping in view the incarceration already suffered by the petitioner, allegations levelled in the FIR and the nature of evidence against the petitioner, the present petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial

Court/Duty Magistrate concerned.

9. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

December 12, 2023		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No