



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1. CRM-M No.19990 of 2024

Manoj Verma
... Petitioner

Versus

State of Punjab
... Respondent

2. CRM-M No.53783 of 2023

Sonu
... Petitioner

Versus

State of Punjab
... Respondent

Date of decision: 29th November, 2024

CORAM: HON’BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Charitr Kadiyan, Advocate for
Mr. Bharat Puri, Advocate for the petitioners.
Mr. Amit Rana, Sr. Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioners in both the petitions detailed hereinabove are seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.0065 dated 25.07.2022 under Section 302 IPC (Section 34 IPC added later on) registered at Police Station Lambran, District Jalandhar Rural. Since both these petitions have arisen out of the same FIR, they are being taken up together for disposal by way of this common order.

2. Learned counsel for the petitioners submits that vide order dated 30.07.2024, a Coordinate Bench of this Court had extended the concession of interim bail to both the petitioners on account of the most material witness i.e. Manjinder (eye-witness of last seen) and the complainant Tirath Ram not supporting the case of the prosecution, leading to both of them being declared hostile. It has been asserted by the learned counsel that the present case hinges on circumstantial evidence; the petitioners came to be nominated as accused after the dead body of the deceased was found lying dumped in some paddy fields by the roadside.

3. Learned counsel submits that as per the case of the prosecution, PW Manjinder gave a statement under Section 161 Cr.P.C. to the police that the deceased was last seen in the company of the petitioners. However, the said PW Manjinder, while stepping into the witness box, had resiled from his earlier statement and not supported the case of the prosecution, which left no manner of doubt about the false implication of the petitioners in the present case, more so when no clear-cut motive had also been spelt out qua the petitioners to commit the murder of the deceased. Learned counsel has therefore prayed that in the aforementioned facts and circumstances, since both the material witnesses had been examined and had not supported the case of the prosecution, the interim order dated 30.07.2024 be made absolute, more so when 15 prosecution witnesses still remain to be examined and there can be no apprehension of the petitioners intimidating/influencing any of the remaining witnesses.

4. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from SI Balbir Singh, has not disputed that both the material witnesses in the present case, including the complainant, stand examined and had been declared hostile during trial. It has also not been disputed by the learned State counsel, on instructions, that no clear-cut motive had come to the fore during investigation qua the petitioners, to commit the murder of the deceased. However, it has been submitted that both the petitioners had come to the Haweli of PW-2 Tirath Ram and boasted of having committed the murder of the deceased, and then suffered an extra-judicial confession before PW Tirath Ram qua having committed the murder in question. On further query posed to the learned State counsel as to whether PW Tirath Ram (witness of extra-judicial confession) had been examined, he has replied in the affirmative and has further submitted, on instructions, that he too had not supported the case of the prosecution.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. The case in hand hinges on circumstantial evidence. The petitioners came to be nominated on the statement of PW Manjinder (witness of last seen) and PW Tirath Ram (witness of extra-judicial confession). However, as not disputed by the learned State counsel, both these material witnesses did not support the case of the prosecution during trial. 15 prosecution witnesses still remain to be examined.

7. In the facts and circumstances, as enumerated hereinabove, both the petitions are allowed and the interim bail granted to the petitioners vide order dated 30.07.2024 is made absolute. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to add here, in case the petitioners misuse the concession of bail, the State would be at liberty to approach this Court for cancellation of bail in the instant case.

(MANJARI NEHRU KAUL)
JUDGE

November 29, 2024
rps

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