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

CRM-M-19297-2024
Decided on : 27.08.2024

Manpal Singh @ Mani Petitioner

Versus
State of Punjab Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

Mr. Amit Rana, Sr. DAG, Punjab.

Mr. Shiv Kumar Sharma, Advocate
for the complainant.

Manjari Nehru Kaul, J.(Oral)

1. This is the petition filed by the petitioner seeking concession of regular bail in case FIR No.30 dated 04.03.2023 under Sections 302, 364, 201, 148, 149 and 120-B IPC registered at Police Station Longowal District Sangrur.
2. Learned counsel for the petitioner submits that the instant case hinges on circumstantial evidence; it was allegedly on account of some trivial quarrel between the deceased and the petitioner, the former was done to death by inflicting fatal injuries with 'dah'. Learned counsel has submitted that two days after the deceased went missing, the complainant reported to the police that she had made inquiries at her own level and learnt about the involvement of



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the petitioner in the murder of her husband. Learned counsel for the petitioner has argued that since it is a case based on circumstantial evidence, there is complete silence with regard to the motive on the part of the petitioner to commit the crime in question, which is of vital importance in such like cases. It has been argued that in the aforementioned facts and circumstances when there is no clear cut motive appearing against the petitioner to commit the crime in question coupled with the fact that there is no corroborative evidence much less in the shape of witness of last seen or even the recovery of weapon of offence, it is clearly a case where the petitioner has been falsely implicated in the present case. It has also been argued by the learned counsel that even though charges in the present case were framed more than a year back on 16.08.2023, however, till date, despite the case being adjourned on as many as 14 dates, the complainant had appeared before the trial court only on one date for getting her examination-in-chief recorded and thereafter, on the pretext of being unwell, had sought an adjournment. Learned counsel has submitted that it is also a matter of record that the case is being adjourned time and again on account of the non-appearance of the complainant. It has been submitted that since as many as 20 prosecution witnesses have been cited, two witnesses have been given one and the complainant has been partly examined, petitioner cannot be made to languish in custody to await appearance of the



complainant to get her entire evidence recorded.

3. On a pointed query put to the learned counsel as to whether the petitioner has criminal antecedents, it has been submitted that the petitioner is not involved in any other criminal case under the IPC, however, he is facing trial in one case registered under the NDPS Act.

4. Per contra, learned State counsel assisted by counsel for the complainant while opposing the prayer made by learned counsel for the petitioner, on instructions from Inspector Jatinder Pal, have not disputed the status and stage of trial. However, it has been reiterated that the complainant had specifically raised suspicion qua the involvement of the petitioner in the murder of the deceased and subsequently when the petitioner was arrested on 16.03.2023, he suffered a disclosure statement and also confessed to his involvement in the murder of the deceased by stating that he had inflicted fatal blows on the neck of the deceased with a '*dah*'. Learned State counsel has further submitted that although no clear cut motive to commit the alleged murder had come to the fore during investigation, however, the petitioner confessed to the police that he wanted to take revenge upon the deceased on account of some previous animosity between them.

5. Learned counsel for the complainant has also not been able to dispute that no specific motive to commit the crime in question has been attributed to the petitioner.



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6. I have heard learned counsel for the parties and perused the material placed on record.

7. Before proceeding further, it would be apposite to reproduce the contents of the FIR in question, which are as under:

"Statement of Yadwinder Kaur wife of Avtar Singh aged about 35 years Mobile No.8288884222 it is stated that I am resident of above mentioned address and is a house hold lady and married with Avtar Singh in the year 2010. I have one son namely Kamalnoor who is 11 years of age. My husband Avtar Singh used to do domestic work. On 23.02.2023 at about 8.15 PM my husband Avtar Singh was present in the house along with me at the same time Gurwinder Singh alias Chuchi came to our house and started talking with Avtar Singh and then he had taken Avtar Singh with him. After that Avtar Singh did not come back to our house and his phone was also coming switched off. I kept searching for him with my relatives till today. During my own enquiry I came to know that on 02.03.2023 during night hours Manpal Singh alias Mani along with Gurwinder Singh alias Chuchi and Rampreet Singh alias Lavi along with two more unidentified persons had taken Avtar Singh in Car make Honda City bearing No DL-CNC- 1460 at the motor situated in the fields of Rampreet alias Lavi at Qila Bharian Road. Avtar Singh was murdered by them at that place by causing injuries on his person with sharp edged weapons. The motive behind this crime was that some days ago Avtar Singh had minor quarrel with Manpal Singh alias Mani and due to that grudge above mentioned assailants murdered Avtar



Singh and they threw his dead body in canal to destroy evidence. Necessary legal action be taken against the accused person."

8. The petitioner has been in custody since 16.03.2023. The trial would take considerable time to conclude as 18 prosecution witnesses still remain to be examined.
9. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of regular bail to the petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.
10. 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.

27.08.2024
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(MANJARI NEHRU KAUL)
JUDGE

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