

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.51232 of 2023

Date of decision: 13th March, 2024

Ramanjit Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sumeet Puri, Advocate for the petitioner.
(through VC)

Mr. Navdeep Singh, Dy. Advocate General, Punjab
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 439 Cr.P.C. in case FIR No.30 dated 04.03.2023 under Sections 302, 364, 201, 148, 149, 120-B of the IPC registered at Police Station Longowal, District Sangrur.

2. Learned counsel for the petitioner inter alia contends that the petitioner, who has now been in custody since 24.03.2023, has been falsely implicated in the case in hand without there being any cogent evidence to link him with the murder of the deceased. While drawing the attention of this Court to the FIR, which was lodged at the instance of the wife of the deceased, learned counsel has further submitted that neither was the petitioner named therein, nor any suspicion raised qua

his involvement in either the disappearance of the deceased or his subsequent murder. Learned counsel has submitted that the petitioner came to be nominated as an accused on the basis of a disclosure statement allegedly suffered by co-accused Manpal Singh @ Mani, who stated that when the deceased was inflicted fatal injuries, the petitioner was also present with him. It has been further submitted that the instant case rests on circumstantial evidence; the motive which plays a prominent role in cases resting on circumstantial evidence is also not clearly forthcoming, much less against the petitioner; rather in the FIR in question the complainant had alleged that her husband i.e. deceased had some quarrel with co-accused Manpal Singh and it was on account of the same, the former had been killed. Learned counsel has vehemently urged that in the light of no qualitative evidence qua the petitioner, his further incarceration would serve no useful purpose more so since all the material witnesses including the complainant now stand examined.

3. Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, on instructions from ASI Gurbhajan Singh, has not disputed that no suspicion was raised by the complainant qua the involvement of the petitioner in the crime in question. However, he submits that the complainant had specifically leveled allegations and suspected the involvement of co-accused Manpal Singh in the crime in question; co-accused Manpal Singh on being arrested, suffered a disclosure statement nominating the

petitioner as being one of the persons who too was present with him when the deceased was done to death. Learned State counsel ha however, not disputed that no motive had been spelt out against the petitioner to either commit the crime much less connive with the co-accused. It has also not been disputed by the learned State counsel that other than the disclosure statement allegedly suffered by co-accused Manpal Singh, there was no other evidence or any recovery of weapon of offence effected from the petitioner. Learned State counsel has also not controverted that the petitioner is not involved in any other criminal case much less a case of similar nature.

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

5. The instant case rests on circumstantial evidence; the motive to commit the crime in question has not been attributed to the petitioner but to co-accused Manpal Singh. Other than the alleged disclosure statement, there is no other evidence collected by the Investigating Agency to link the petitioner with the murder of deceased Avtar Singh. Since all the material witnesses including the complainant, who spelt out the motive to commit the crime in question, stand examined, further incarceration of the petitioner would not serve any useful purpose as 18 prosecution witnesses still remain to be examined. In the facts and circumstances, as enumerated hereinabove, this Court thus deems it fit to extend the concession of bail to the petitioner. The petition as such is allowed and the petitioner is admitted

to bail to the satisfaction of the trial Court/Duty Magistrate. 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.

(MANJARI NEHRU KAUL)
JUDGE

March 13, 2024
rps

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