

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

2025:PHHC:001251



(234)

CRM-M-64090-2024
Date of decision: 08.01.2025

Manjoor Alam @ Manjur Alam

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Amit Agnihotri, Advocate
Mr. Mani Makkar, Advocate,
Ms. Anju Sharma, Advocate and
Mr. Abhishek Jindal, Advocate,
for the petitioner.

Mr. Navdeep Singh, DAG, Punjab
for the respondent-State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of regular bail under Section 483 of the BNSS of 2023 in case FIR No.0088 dated 26.07.2022 under Sections 302 and 34 IPC, Police Station Meharban, District Police Commissionerate Ludhiana.

2. Learned counsel for the petitioner submits that the false implication of the petitioner in the case at hand, which hinges on circumstantial evidence, is evident from the fact that while stepping into the witness box, all the three material witnesses including the complainant had not alleged anything against the petitioner muchless by way of a whisper; rather the complainant had reiterated that the murder of his nephew Mohd. Ibrahim had been committed by some



unknown persons. It has been further submitted by the learned counsel as per the case of the prosecution PW Noor Alam had over heard the conversation between the petitioner and other co-accused qua their involvement in crime in question, on account of some property dispute, however, while stepping into the witness box, both PW Noor Alam as well as another witness of extra judicial confession, PW Roshan Aara, had not supported the case of the prosecution, as a result of which, they both were declared hostile by the prosecution. In support, learned counsel has drawn attention of this Court to the depositions of all these three material witnesses which have been annexed with the petition. Learned counsel has submitted that in the aforementioned facts and circumstances, since the case at hand rests on circumstantial evidence to commit a crime, and motive which plays a significant role for such like cases, is not even clearly forthcoming, the petitioner's false implication in the case in hand is abundantly clear. A prayer has, therefore, been made to extend the concession of bail to the petitioner as not only have the material witnesses been examined but as also submitted they did not even support the case of the prosecution.

3. Learned counsel has lastly submitted that 14 witnesses still remain to be examined, therefore, the possibility of the trial concluding in the near future looks remote.

4. *Per contra*, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions has not disputed that the FIR in question was registered against unknown persons. It has also not been disputed that while registering the FIR in question that complainant had not suspected the



involvement of any person muchless the petitioner. On further instructions, learned State counsel has not disputed that all the material witnesses have been examined and two of the material witnesses i.e PW Noor Alam and PW Roshan Aara were declared hostile by the prosecution during trial.

5. On further instructions, learned State Counsel has submitted that the next date fixed before the trial court is 05.02.2025 when some of the remaining 14 prosecution witnesses have been summoned to get their evidence recorded.

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

7. The instant case hinges on circumstantial evidence. It is undisputed that the complainant while stepping into the witness box had failed to level any specific allegations against the involvement of the petitioner in the crime in question. Furthermore, two material witnesses including the witness of extra judicial confession PW Roshan Aara had not supported the case of the prosecution, as a result of which, they were declared hostile. Since the material witnesses stand examined, there can now be no risk of the petitioner tampering with evidence or influencing / intimidating the witnesses.

8. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

9. 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. 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.

10. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

08.01.2025
mamta

(MANJARI NEHRU KAUL)
JUDGE

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