

IN THE COURT OF SH.AMAR PAUL,
ADDL. SESSIONS JUDGE, LUDHIANA

BA No. 3088/2020

Date of Order: 22.05.2020

State

Versus

1. Vijay Kumar S/o Umesh Mandal R/o Village Sirotol, PS Amor, District Poornia Bihar at present tenant in Sonu the Vehrah, St.No.2, Dr Ambedkar Nagar, Ludhiana
2. Rahul S/o Prithvi R/o Rotahat District Poornia at present tenant in Sonu the Vehrah, St.No.2, Dr Ambedkar Nagar, Ludhiana
3. Pardeep S/o Vidya Nand Thakur R/o Village Rota, Hat Gandhi Nagar, District Poornia Bihar at present tenant in Sonu the Vehrah, St.No.2, Dr Ambedkar Nagar, Ludhiana

FIR No. 45 dated 23.03.2019

u/s 302/201/120B IPC

P.S. Model Town, Ludhiana

Present: Sh Adv. Counsel for the Applicant.
Sh.R.S.Chahal Addl.PP for the state.

ORDER

1. File taken up today being Duty Judge. Counsel for the applicants sought regular bail under Section 439 CrPC on the ground that complainant has not supported the prosecution and applicants are in custody since long. It has been further pleaded that further detention of the applicants is not required and they be released on bail.

2. Notice of the bail application was given to Addl.PP for State who opposed the bail application.
3. Record received. Heard and considered.
4. In this case challan has been presented in which it has been stated by the prosecution that on 23.06.2019 SHO alongwith his police party was present at near Krishan Mandier Model Town Extension, Ludhiana and he received information that one unidentified dead body is lying in the area of PS Ladowal, Ludhiana. On information non applicant Kundan Kumar was taken by police party and reached at village Bagga Kalan. Dead body was got identified by Kundan Kumar who disclosed that the dead body is of his maternal uncle Jari Lal Mandal and dead body was revealing that hands and legs of body were tied which establishing that Jari Lal Mandal was murdered by some unknown persons. Accordingly, FIR under Section 302 IPC was registered against unknown persons.
5. Thereafter during investigation one Rinku alongwith Raju Dass got recorded his statement before the police that his brother Jari Lal was residing in house No.21 Ambedkar Nagar Model, Town on rented accommodation Ludhiana since 15 years and he was doing work of decorating glasses. He was married and his

entire family was residing at Bihar. Non applicant Kundan Kumar also used to reside in same house with one applicant Vijay Kumar was residing in St. No.2 Ambedkar Nagar, Ludhiana. Non applicant Kundan Kumar and applicant Vijay Kumar were also doing the same job of decorating glasses. Jari Lal informed him that non applicant Kundan Kumar and applicant Vijay Kumar are harassing him and also threatening to kill him. On 12.03.2019 he received information that Jari Lal Mandal could not be found and he reached at Ludhiana on 15.03.2019 but nothing was known about his brother till that time. Non applicant Kundan Kumar had informed about the absence of Jari La to the police. They searched all the places to trace him but Jari Lal could not be found. He came to know that few days before Jari Lal went missing, there was a fight between his brother and applicant Vijay Kumar regarding partition of land with non applicant Kundan Kumar regarding the business. He also came to know that on 23.03.2019 his brother was murdered by unknown persons. Then he came to know from somewhere that his brother was murdered by non applicant Kundan Kumar and applicant Vijay Kumar in connivance with applicant Pardeep. The motive behind the crime was that Jari Lal Mandal, non applicant Kunda Kumar and applicant Vijay Kumar were doing the same

work and work of his brother Jari Lal was running very fine and due to that grudge applicants and non applicant murdered Jari Lal.

6. On the basis of information applicants and non applicant have been nominated in this case. On 25.03.2019 non applicant Kundan Kumar has been arrested. Thereafter applicant Vijay Kumar surrendered before the court and during investigation on 31.08.2019 applicant Vijay Kumar admitted that they had murdered Jari Lal Mandal and suffered a disclosure statement that they have concealed the knife and mobile of deceased Jari Lal under the bushes near Sutlej River. On the basis of said statement above articles were recovered. Later on applicants Rahul, Pardeep and Vijay Kumar were arrested. After completion of investigation challan was presented.

7. During trial however complainant has not supported the prosecution but IO PW4 deposed in the court as per the version of prosecution. Some witnesses are yet to be examined by the prosecution. If the complainant has not supported the prosecution then it does not mean that the case of the prosecution came to an end and applicants in that eventuality cannot be supposed to be innocent. Nature of the offence is serious and grave one. Hence, keeping in view of the gravity of the offence bail application of the

applicants is ordered to be dismissed. Papers be attached with the main file.

Jagdish
Stenographer-III

Amar Paul
UID-PB0450
Addl.Sessions Judge,
Ludhiana.(D)

Pronounced
Dated 22.05.2020