

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

CRM-M-19018 of 2017

Date of Decision: 14 November, 2017

Dalvir Singh

..Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

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

Mr. H.S. Grewal, Addl. A.G. Punjab.

FATEH DEEP SINGH, J.

Records received.

The allegations against the petitioner in this anticipatory bail application under Section 438 Cr.P.C are that in case bearing FIR No.150 under Sections 399,402 IPC pertaining to Police Station Phasiana, District Patiala six accused were arrested and on the basis of their confessions that during the year 2015 on 26.10.1999 the petitioner along with accused in that very case were instrumental in the disappearance of victim Pushwinder Kumar, son of Ravi Chand.

The contentions of the learned counsel for the petitioner that petitioner has been roped in on flimsy grounds after almost 18 years and there is no semblance of evidence against the petitioner except the statement of the co-accused.

Learned State counsel on instructions from ASI Jaspal Singh, Police Station, City Rajpura submits that there is no semblance of

evidence against the petitioner except the testimony of co-accused that too came after 18 years of crime.

Appreciating the submissions of the two sides and keeping in view the yawning gap between the alleged occurrence and registration of case leading to naming of the petitioner as an accused and the only semblance of evidence being admittedly the statement of the co-accused the legality and acceptability of which is subject matter of judicial adjudication and that the joining investigation by the petitioner would suffice the purpose and sending the petitioner behind the bars would be travesty of justice, the present petition seeking anticipatory bail is allowed. In the event of arrest of the petitioner he be admitted to bail to the satisfaction of the arresting officer/Investigating Officer and that he will abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Records be sent back immediately.

November 14, 2017

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**(FATEH DEEP SINGH)
JUDGE**

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No