

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

**Criminal Misc. No. M-42307 of 2016**

**Date of decision : January 13, 2017**

Baljinder Singh @ Bagga

....Petitioner

versus

State of Punjab

....Respondent

**Coram: Hon'ble Mr. Justice Fateh Deep Singh**

**Present :** Mr. Amrinder Partap Singh, Advocate, for the petitioner  
Mr. P.S.Paul, DAG, Punjab, for the respondent

**Fateh Deep Singh, J. (Oral)**

The allegations against petitioner Baljinder Singh @ Bagga in this regular bail application under section 439 Cr.P.C. are that one Pushwinder Kumar, a RMP doctor went missing on 22.10.1999 and that subsequently it is alleged that the petitioner was arrested on 15.10.2015 in another case and during the course of investigation he has confessed of his involvement in the disappearance and murder of said RMP doctor.

The contentions of counsel for the petitioner are that it was after 15 years of the alleged occurrence, the police has registered the FIR and there is no semblance of evidence worth the credibility at this juncture. Though Mr. Paul on behalf of the State has sought to oppose the grant of bail stating that one witness Sunil Kumar has testified that he had witnessed the occurrence.

Keeping in view that it is the own stand of the prosecution that this witness has come forth to testify about the occurrence involving the

present petition after more than 15 years is in itself poses a question over the very credibility and veracity of this witness and having regard to the fact that the petitioner is in custody since 15.10.2015 and the trial is not likely to be concluded in near future, no purpose will be served by detaining the petitioner in jail.

In view of the aforesaid, without meaning to express any opinion on the merits, the instant bail petition is allowed. Bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Patiala.

The present petition stands disposed off accordingly.

**January 13, 2017**  
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**( Fateh Deep Singh )**  
**Judge**

*Whether speaking/reasoned ?*

*Yes/No*

*Whether Reportable ?*

*Yes/No*