IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-42687 of 2017 (O&M)
Date of Decision: December 07, 2017

Sapayia @ Mohammad Raffi

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Ms.G.K.Mann, Advocate
for the petitioner.

Ms.Simranjeet Kaur, Asstt. Advocate General, Punjab
for the respondent-State.

Mr.Abhishek Singh, Advocate
for the complainant.

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INDERJIT SINGH, J.

Petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.130 dated 11.08.2008 under Section 302 IPC, registered at Police Station Dhariwal, District Gurdaspur.

Notice of motion was issued. Learned State counsel as well as learned counsel for the complainant appeared and contested the petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that the petitioner is not named in the FIR. The FIR is of 2008. Learned State counsel contends that they have also filed the cancelleation report. He further contended that despite best

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efforts, prosecution could not collect any evidence.

The perusal of the FIR also shows that child was missing and his dead body was found from the canal and as per post-mortem examination report, he died due to 'Asphyxia'. There is no eye witness in this case. There is no last seen evidence nor any extra judicial confession is there nor any other evidence is on the record.

When a specific query was put to learned counsel for the complainant regarding any evidence in this case connecting the accused-petitioner with the crime, he only argued regarding suspicion upon the accused-petitioner.

The petitioner has already joined the investigation. He is not required for custodial interrogation. Nothing is to be recovered from the him. The trial of the case will take long time. No useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the case and without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find it a fit case, where petitioner is entitled to benefit of grant of anticipatory bail. Therefore, finding merit in the present petition, the same is accepted. The order dated 21.11.2017 granting interim bail to the petitioner, is made absolute.

December 07, 2017 **(INDERJIT SINGH)**
Vgulati **JUDGE**

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

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