

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

204

**C.R.M-M No.1546 of 2019
Date of Decision : 23.01.2019**

Darshan @ Darshi

..... Petitioner

versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr. Bipan Ghai, Sr. Advocate
with Mr. Deepanshu Mehta, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Sr. D.A.G., Punjab.

Mr. Jasraj Singh, Advocate
for the respondent No.2.

AJAY TEWARI, J. (ORAL)

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in a complaint case bearing Complaint No.90 dated 31.05.2016 for offence under Sections 302, 201, 182, 34 IPC pending before JMIC, Hoshiarpur.

The allegations against the petitioner is that he alongwith his sons has caused the death of son of the complainant on 13.10.2013 and made it appear as road side accident.

Learned Senior Counsel for the petitioner has argued that now after more than 5 years and without there being any requirement for custodial interrogation, to decline the prayer for anticipatory bail would be

POOJA SHARMA
2019.01.24 11:59 to punish the petitioner even before he has been found guilty. Further he
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has argued that the sons of the petitioner had left the country even before the summoning order.

On the other hand, the counsel for the complainant has argued that this is a case where the police in connivance with the petitioner is writ large and goes to show the extent of influence which the petitioner exercises and that the sons of the petitioner are unavailable.

Be that as it may, keeping in view the entire conspectus of facts, without going into the merits of the case, I do not deem it appropriate to deny the concession of anticipatory bail to the petitioner. Let the petitioner appear before the trial Court who shall release him on bail to its satisfaction. It is made clear that in case the petitioner tries to tamper with the evidence in any manner the complainant would be at liberty to seek cancellation of this order.

Petition stands allowed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

(**AJAY TEWARI**)
JUDGE

January 23, 2019
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Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No