

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

**CRM-M-20540-2015(O&M)
Date of decision:1.7.2015**

Balwant Singh @ Vicky

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Amit Dhawan, Advocate for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner seeks bail pending trial in FIR No.145 dated 6.9.2014 registered under Sections 304 and 34 of the Indian Penal Code at Police Station, Mehatpur, District Jalandhar.

Notice to the Advocate General, Punjab.

On the asking of Court, Ms.Anmol Grewal, AAG, Punjab, accepts notice.

Learned counsel for the petitioner submits that there is unexplained and long delay in registration of the FIR. The alleged incident took place on 25.7.2014, whereas the FIR came to be recorded as late as on 6.9.2014. No explanation is forthcoming as to why the matter could not be reported earlier to the police well in time. He further submits that as per the allegation levelled by the complainant himself, his son died because of alleged excessive dose of drugs which was allegedly administered by the accused persons including the petitioner. He concluded by submitting that since the report of visra is yet to be received, it will be a moot point as to what was the actual cause of death. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from ASI Baldev Singh, Police Station, Mehatpur, District Jalandhar, submits that petitioner has played a vital role in the commission of crime. There was a confessional statement against the accused persons. The investigation has been conducted and thereafter challan has been presented to the court of competent jurisdiction. She prays for dismissal of the instant petition.

Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the rival contentions raised, this Court is of the considered opinion that in the given fact situation of the present case, petitioner has been found entitled for bail pending trial. It is so said because visra report is yet to be received and in the absence of said report, cause of death is not known. There is no specific attribution against the petitioner. Since the trial is yet to start, conclusion thereof will take pretty long time.

In view of the above and without commenting anything further on merits, lest it should prejudice the rights of either of the parties, the instant petition is allowed. Petitioner is directed to be released on bail pending trial on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Jalandhar.

Disposed of, accordingly.

1.7.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE