

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

**Criminal Misc. No. M-32495 of 2015
Date of Decision: 28.9.2015**

Rajinder Yadav

--Petitioner.

Vs.

Union Territory of Chandigarh

--Respondent.

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Sanjeev Gupta, Advocate
for the petitioner.

Mr. P.S.Sullar, Advocate for U.T. Chandigarh.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks bail pending trial in FIR No. 94 dated 25.3.2014 under Sections 304-B/498-A and 34 IPC registered at Police Station Industrial Area, Phase I, Chandigarh.

Learned counsel for the petitioner submits that the alleged incident took place on 23.6.2012. He further submits that the complainant did not get the FIR registered at the time of alleged incident but after about two years, present FIR came to be registered. He prays for allowing the present petition.

On the other hand, learned counsel for the U.T. Chandigarh, on instructions from SI Om Pal, submits that the complainant submitted a complaint at the time of death itself and the same was being enquired into but the investigating officer passed away. This was the reason that FIR was registered at a belated stage. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties, 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 the concession of bail pending trial. It is so said because delay in registration of the FIR is inordinate which itself casts a serious doubt in the prosecution story.

In view of the above and without commenting anything on the merits of the case, at this stage, lest it should prejudice the rights of either of the parties, present 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 trial court.

Disposed of, accordingly.

(RAMESHWAR SINGH MALIK)
JUDGE

28.9.2015
AK Sharma