

**Sr. No. 207
IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CRM No. M-37199 of 2015
Date of Decision: 06.11.2015**

Akhilesh Yadav

--Petitioner

Vs

Union Territory of Chandigarh

--Respondent

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

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

Ms. Ashima Mor, Standing counsel,
for Union Territory, Chandigarh.

RAMESHWAR SINGH MALIK J. (ORAL)

Petitioner seeks bail pending trial in FIR No. 94 dated 25.03.2014 under Sections 304 B, 498-A and 34 of the Indian Penal Code (for short 'IPC'), registered at Police Station Industrial Area, Phase I, Chandigarh.

Learned counsel for the petitioner submits that it was an unfortunate incident when the wife of the petitioner committed suicide as far back as on 23.06.2012. The matter was investigated by the Investigating Agency but the petitioner and his co-accused were declared innocent because no foul play was found. However, after about 01 year and 09 months, present FIR came to be registered and petitioner is inside the jail for the last more than one and a half years. He further submits that since the prosecution evidence is still going on, conclusion of trial will take some time. He prays for allowing the present writ petition.

On the other hand, learned counsel for Union Territory,

Chandigarh on instructions from HC, Om Pal Singh, Police Station Industrial Area, Phase-I, Chandigarh, submits that since the petitioner is the main accused, he is not entitled for bail pending trial at this stage. She prays for dismissal of the present petition.

Having heard the learned counsel for the parties and after going through the record of the case, this Court is of the considered opinion that keeping in view the peculiar fact situation obtaining in the present case, petitioner has been found entitled for bail pending trial. Despite making her best efforts, learned counsel for Union Territory, Chandigarh could not distinguish the case of the present petitioner from his co-accused, namely, Rajinder Yadav, who was granted bail by this Court vide order dated 28.09.2015 passed in CRM No. M-32495 of 2015 (Annexure P-4). It is also a matter of record that petitioner was earlier found innocent by the Investigating Agency itself. Further, since the prosecution evidence is still going on, conclusion of trial will take some time.

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

Disposed of, accordingly.

(RAMESHWAR SINGH MALIK)
JUDGE

06.11.2015
vandana