

247

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

CRM-M-12023-2021

Date of Decision: 15.12.2021

Varinder Arora

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Mandeep Kaushik, Advocate,
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

SUDIP AHLUWALIA, J. (ORAL)

This is a petition filed on behalf of the petitioner for regular bail under Section 439 Cr.P.C. in case FIR No.103, dated 01.05.2018, under Section 302 of the IPC, registered at Police Station Jamalpur, District Ludhiana.

2. Scrutiny of the statement of the complainant recorded as PW-1 in the Ld. Trial Court (Annexure P-2) goes to show that it was commenced on 28.03.2019, after which it was deferred for cross-examination on behalf of the petitioner and ultimately completed on “03.01.2019” which is chronologically impossible.

3. Faced with this, Ld. Counsel for the petitioner first seek a short pass over to ascertain the correct position and thereafter submits that the actual date of completion of cross-examination was “03.01.2020”, which was by typographical mistake/over-sight shown as 03.01.2019, thereafter

the statement of witness Krishan Lal as PW-3, which is relied upon, is also seen to have been recorded in part on 03.01.2020.

4. Further scrutiny of the Record goes to show that the petitioner's application for regular bail was dismissed by the Ld. Trial Court/Additional Sessions Judge, Ludhiana, vide its order on 16.10.2019 (Annexure P-4), i.e. at a stage when actual cross-examination of PW-1 or the statement of PW-3 had not even commenced. In the circumstances, Ld. Counsel for the petitioner seeks opportunity to withdraw the present petition and to approach the Ld. Trial Court once again for seeking regular bail on the basis of the additional material which had transpired during the course of trial in the intervening period.

5. Ordered accordingly.

15.12.2021*Apurva***(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes/No

2. Whether reportable: Yes/No