

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-10954 of 2023
Date of decision: 31st July, 2023

Varinder Arora

Petitioner

Versus

State of Punjab

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Ishan Gupta, Advocate for the petitioner.
Mr. R. P. Singh, Senior DAG, Punjab.

AVNEESH JHINGAN, J (Oral):

1. This petition under Section 439 Cr.P.C. is filed seeking regular bail in :

FIR No.	Dated	Police Station	Under Section
103	1.5.2018	Jamalpur, Ludhiana	302 IPC

2. The earlier two petitions were not decided on merits.
3. The brief facts are that the FIR was registered at the instance of Harjinder Kumar brother of the deceased- Nidhi Arora @ Neelam. On 1.5.2018, the brother of the deceased found her lying unconscious in her house and when taken to Fortis Hospital, the doctors declared her brought dead. The petitioner is the husband of the deceased. The petitioner was nominated on the basis of extra judicial confession made to Atul Kumar and that Lalu while consuming liquor in *Ahata* at Jamalpur over heard the petitioner talking on mobile phone that he had killed his wife by pressing the nose and mouth. Further one Kuldeep Singh, a vegetable vendor, on the date of death over heard the arguments between the petitioner and his wife.
4. Learned counsel for the petitioner submits that the petitioner is in custody from 1.5.2018 and two material witnesses i.e. Lalu and Kuldeep

Singh are not traceable. It is further argued that Atul Kumar died during the pendency of trial. The contention is that the basis of nomination of the petitioner no longer exists. It is further contended that the petitioner is not involved in any other case. It is a case of false implication by the in-laws as relations between the husband and wife were strained.

5. Learned counsel for the State opposes the prayer for grant of bail and submits that Lalu and Kuldeep Singh are not traceable and efforts are being made to procure their presence. He on instructions fairly submits that the petitioner is not involved in any other case.

6. The observations made hereinafter shall not be construed as an expression of opinion on the merits of the case.

7. The petitioner is in custody for over five years. Nomination of the petitioner is on the basis of extra judicial confession and over hearing of conversation/quarrel by two witnesses. The person before whom extra judicial confession was made died before testifying before the trial court. The other two witnesses are not traceable. The conclusion of trial is likely to take time. Considering that the petitioner has already suffered incarceration for more than five years, the petitioner is granted bail subject to his furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

8. The petition is allowed.

[AVNEESH JHINGAN]
JUDGE

31st July, 2023
mk

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No