

UPINDER KUMAR

... PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Ms. Kiranjit Kaur, Advocate for the petitioner.(through V.C)
Mr. Rajinder Singh Bhatta, DAG, Punjab.

SANJIV BERRY, J (ORAL)

By way of the present petition filed under Section 438 of Criminal Procedure Code, the petitioner is praying for anticipatory bail in the event of arrest in FIR detailed as under (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
198	23.07.2022	302, 201, 120-B IPC	Phillaur, District Jalandhar

2. Argument heard.
3. It is, *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He has no concern with the allegations levelled in the FIR but has been falsely roped in and there is nothing to connect him with the death of the deceased, hence prays for grant of anticipatory bail.
4. On the other hand, learned State counsel referring to the reply submitted by the State has assailed these arguments by submitting that the



petitioner is specifically named in the FIR to be instrumental in the murder of the deceased and as such his custodial interrogation is required to unearth the *modus operandi*. Hence prayed for dismissal of the bail petition.

5. After considering the arguments and perusing the record, it transpires that the instant case was registered on the statement of Pappu Ram to the effect that his wife Indu Devi is working as nurse facilitating the child deliveries and on 19.07.2022 she told him that having received a phone call from mobile No. 7761006730 at about 7:00 PM she was going to village Lasara near Phillaur for delivery. According to complainant when she did not return, he contacted on her mobile phone but the call was not attended. Then, he called on the mobile No. 7761006730 given by his wife but there was no satisfactory reply and thereafter the same was switched off. Accordingly FIR was registered. Thereafter, the dead body of his wife was recovered lying in the water tank of village Lasara near the fields of Ravinder Singh and the complainant stated that he suspects that the petitioner alongwith others had murdered his wife Indu Devi after calling on her mobile phone on the pretext of delivery of child. According to him the motive behind the same was that there had been altercation of the petitioner with the deceased and her daughter on phone a few days back.

6. A perusal of record would further reveal that there are specific allegations levelled against the petitioner qua the involvement in the murder of complainants wife on the fateful day. The petitioner had been evading arrest despite the raid being conducted repeatedly at his house. Therefore, considering the allegations levelled against the petitioner and also the nature and gravity of offence custodial interrogation of the petitioner is



required for thorough probe of the incident, as such, no case is made out in favour of the petitioner for grant of anticipatory bail in the present petition, the same is hereby dismissed.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

03.12.2024

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |