



230

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

CRM-M-58872-2024

Date of Decision:24.04.2025

Raj Kumar

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Ms. Rahish Pahwa, Legal Aid Counsel
for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.90 dated 29.06.2023 registered under Sections 302 of IPC, at Police Station Shambu, District Patiala.

2. The FIR in the present case was registered on the basis of the statement made by Himanshu, son of the petitioner. As per the complainant, his father Raj Kumar i.e. the petitioner and mother-Kanta Devi i.e since deceased used to work on a brick kiln. At about 10.00 p.m. on 28.06.2023, when the complainant came back to his quarter after work, he saw that his father Raj Kumar was in a drunken condition and was quarreling with his mother. When he tried to stop him, he started beating him and also damaged the household articles. The complainant went with his brothers to the house of a neighbour, however, his father still quarreling with his mother and was demanding money for taking more liquor. At about 5.30 am on 29.06.2023, when he woke up, he

found that his father was still abusing since morning and was carrying spade in his hand. The petitioner then gave blow of spade on his mother, who was lying on the cot. One of the blow hit on the head of the mother and his father again gave a blow with spade on the face of his mother, which hit on her right eye and her whole face was drenched in blood. After causing injuries, the petitioner allegedly ran away from the spot after throwing his spade and his mother finally succumbed to the injuries caused by the father i.e. petitioner.

3. Learned counsel for the petitioner argued that the petitioner has been falsely involved in a case of blind murder. She refers to the testimony of PW-2 Himanshu, who had turned hostile, while appearing before the trial Court. She further submits that the petitioner was wrongly arrested in the present case on 02.07.2023. Since, the material witness has been examined, the petitioner deserves the concession of bail by this Court.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner is the main accused and had caused the murder of his own wife. Thus, the petition is liable to be dismissed by this Court.

5. I have heard the learned counsel for the parties and perused the record.

6. The FIR was initially registered on the basis of the statement made by Himanshu, who had specifically alleged that his father i.e. the present petitioner had killed his mother by giving her blows with spade. At this stage, no doubt, Himanshu has turned hostile, but the police had already collected sufficient evidence, showing the involvement of the petitioner in a serious crime.

7. Thus, keeping in view the gravity of the offence, the present petition deserves to be dismissed.

8. Ordered accordingly.

(N.S.SHEKHAWAT)
JUDGE

24.04.2025
hemlata

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No