

209.

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

CRM-M-13738-2021

Date of decision: 01.04.2021.

RAJ KUMAR

... Petitioner

Versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Vivek Goyal, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, A.A.G., Haryana,
with ASI Jagmender.

Mr. Deepak Aggarwal, Advocate,
for the complainant.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.493 dated 19.09.2020 under Section 302 IPC registered at Police Station Sadar Thanesar, District Kurukshetra.

The present FIR was registered on the statement of Perna daughter of the deceased. As per FIR, the petitioner, who is father of the complainant, is a drunkard person and used to give beatings to her mother (deceased). On 16.09.2020, after taking dinner, they all went to their beds. On that date, the petitioner was not under the influence of liquor, but her mother (deceased) was suffering stomach pain and had taken medicines. At about 11:00 PM, the petitioner asked her mother to press his legs, but her mother

(deceased) refused for the same, as she was suffering pain in her stomach. However, she said that after getting relief, she will do the same. Thereafter, the petitioner took out a scissor from his pant and gave blow of the same in the stomach of her mother (deceased). Blood started oozing and then she (complainant) and her younger brother called a doctor from the village, who gave tetanus injection to the deceased. Thereafter, the complainant informed her uncle Ashok Kumar and one Rajinder Singh and they took her mother to PHC, Khanpur Kolian and had stated that her mother received injuries after falling from stairs. First aid was given to her mother and she was sent back to home by stating that she be taken to Government Hospital. The next day, they again took her mother in PHC Khanpur Kolian where first aid was given to her. The attending officials of the hospital again asked them to take her mother (deceased) to Government Hospital, Kurukshetra, but they did not do so. But when her mother became serious, they after engaging ambulance took her to Government Hospital, Kurukshetra, where the doctor declared her dead on 16.09.2020.

Learned counsel for the petitioner has argued that the petitioner is in custody since 20.09.2020. The prosecution witnesses examined in case, have not supported the case of the prosecution. Even the complainant who has been examined as PW1, has also not supported the case of the prosecution and was declared hostile.

Learned counsel for the complainant as well as learned State counsel have not disputed the fact that the PWs examined in the case i.e. PW1-Prerna (complainant), PW2-Harsh (brother of the complainant), PW3-Ashok

Kumar (uncle of the complainant) and PW4-Rajender Kumar (friend of Ashok Kumar-PW3), have not supported the case of the prosecution.

I have heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 20.09.2020 and the prosecution witnesses have not supported the case of the prosecution, rather declared hostile, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

April 1, 2021

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Whether speaking/reasoned?	Yes
Whether reportable?	No