

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-58588-2024
Reserved on: 13.01.2025
Pronounced on: 27.01.2025

Sonam ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Naveen Sharma, Advocate
for the petitioner.

Mr. Akshay Kumar, A.A.G, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
06	23.01.2024	Jodhewal, District Ludhiana	304 IPC

1. The petitioner, who assaulted her husband due to which he allegedly died and is in custody on the allegations of culpable homicide not amounting to murder punishable under Section 304 IPC, has come up before this Court under Section 439 Cr.PC seeking regular bail.
2. In paragraph 11 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the translated FIR, which reads as follows:

“Statement of Yogesh Kumar son of Late Jaswant Rai Resident of House No:68/1, Street No:06, New Basant Vihar Noorwala Road Police Station Basti Jodhewal, Ludhiana, aged 40 years, stated that I am resident of the said address and work in hosiery factory. My brother Gorav Kumar age 37 years, who lives with me at the said address is married with Sonam daughter of Narendra Verma Resident of House No: 824/825 Mohalla Panchsheel Colony Near Raghunath Mandir Noorwala Road Police Station Basti Jodhewal, Ludhiana, aged about 27 years old, my brother had the back room of the house, I have the front room of the house. Today, time was about 07-00 AM, I was at home, Suddenly heard the sound of crying, I

came out of my room and saw that my brother Gorav Kumar and my sister-in-law Sonam, daughter of Narendra Verma, resident of house no.824/825, Mohalla Panchsheel Colony Near Raghunath Mandir Noorwala Road Police Station Basti Jodhewal, Ludhiana were having an argument. My sister in law was holding, thread cutter in her hand and whilst this, they had a fight, during this fight, the thread cutting cutter held in my sister-in-law's hand hit into neck of my brother Gorav and my brother started bleeding, my brother fell on the floor and started crying loudly, then the people of our neighbourhood gathered. So our neighbor Vipin Thakur and I arranged a private vehicle for my brother Gorav Kumar and took him to CMC Hospital Ludhiana for treatment. Where my brother Gorav Kumar died. The dead body of my brother Gorav Kumar is lying in the mortuary CMC Hospital Ludhiana. I have come to police station to give information alongwith my neighbour Vipin Kumar Thakur. Appropriate action be taken against my sister-in-law Sonam, daughter of Narendra Verma, resident of house no. 824/825, Mohalla Panchsheel Colony Near Raghunath Mandir Noorwala Road Police Station Basti Jodhewal, Ludhiana. Statement has been recorded with you, heard it is correct."

4. Counsel for the petitioner has drawn attention of this Court to the statement of PW-1-Yogesh Kumar, who is real brother of the deceased and did not support the prosecution. He submits that the relationship between his brother and his sister-in-law were cordial. He further submits that in addition to the statement of PW-1-Yogesh Kumar, there is no other evidence.

5. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and her family.

6. The State's counsel opposes bail and refers to the status report.

7. It would be appropriate to refer to the following portions of the status report, which read as follows:

"3. xxxx on 23.01.2024, complainant- Yogesh Kumar made a statement with the police levelling allegations that his brother Gourav Kumar, aged 37 years, was married to the present petitioner. However, on 23.01.2024 at about 7.00 a.m. the complainant suddenly heard loud noises on which the complainant came out of his room and saw that his brother Gourav

Kumar and his brother's wife Sonam (present petitioner) were arguing with each other. The present petitioner was holding a Thread Cutter in her hand and during scuffle, the Thread Cutter hit/struck the throat of the complainant's brother as a result of which he started to bleed, fell down and raised an alarm loudly on which people of the vicinity gathered and thereafter the complainant's brother was taken to CMC Hospital where he succumbed to his injury. Accordingly, an FIR No.006 dated 23.01.2024, u/s 304 IPC, P.S. Jodhewal, Ludhiana (Annexure P-1) registered against the present petitioner.

In the post-mortem report of the deceased, the doctor has documented total three injuries i.e.

(i) A stab wound on the left side of neck; (ii) Two stab wounds on the left side of chest; and (iii) Multiple brown scabbed abrasions on left clavicle area. The cause of death has been mentioned by the doctor as "Injury No.1 which is antemortem and is sufficient to cause death in the ordinary course of nature."

4. That accordingly the petitioner was arrested on 23.01.2024 and she got recovered the said Thread Cutter used by her in the crime which was kept concealed by her in the bed. The complainant also duly identified the petitioner to have caused the death of his brother with the strike of Thread Cutter.

ROLE OF THE PETITIONER AND EVIDENCE AGAINST THE PETITIONER:-

5. That the petitioner has caused the death of her husband with the strike of Thread Cutter and there are sufficient medical evidence against the petitioner which is connected with the recovery of weapon used by the petitioner in crime as mentioned above. Thus considering the seriousness of the crime, the petitioner is not entitled for the concession of bail. However, as per police record, no other FIR has been registered against the petitioner."

8. The post-mortem report points towards one stab wound on the left side of the neck and two stab wounds on the left side of the chest and multiple brown scabbed abrasions on left clavicle area. The petitioner was last seen with the deceased, as such, even if brother of the deceased has turned hostile, it would not undermine the evidence of last seen. Considering the serious nature of allegations and the petitioner is a woman would also not be a ground to grant her bail. Her custody is around of one year is also not a ground of bail.

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9. A perusal of the bail petition and the documents attached prima facie points towards the petitioner’s involvement and does not make out a case for bail. The impact of crime would not justify bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.
10. The petitioner’s custody is around one year cannot be termed prolonged, given the minimum sentence prescribed for the offense.
11. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
12. **Petition dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

27.01.2025
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.