

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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CRM-M No.22014 of 2014

Date of Decision:12.01.2015

Shamsher Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MEHINDER SINGH SULLAR.

**Present: Mr.L.M.Gulati, Advocate,
for the petitioner.**

**Mr.Jaspreet Singh Sekhon, Assistant Advocate General,
Punjab, for the respondent-State.**

**Ms.Ravinder Kaur Manaise, Advocate,
for the complainant.**

MEHINDER SINGH SULLAR, J.(oral)

The petitioner has preferred the instant petition for the grant of concession of regular bail, in a case registered against him along with his other co-accused, namely, Prabh Preet Singh, Sulakhan Singh, Tarsem Singh, Ranjodh Singh and Daler Singh etc., vide FIR No.70 dated 04.07.2013, on accusation of having committed the offences punishable under Sections 307, 323, 324, 341, 342, 148 and 149 IPC, by the police of Police Station Tibber, District Gurdaspur.

2. Notice of the petition was issued to the State.

3. After hearing the learned counsel for the parties, going through the record with their valuable help and deep consideration of the entire matter, to my mind, the present petition for regular bail deserves to

be accepted in this context.

4. Precisely, the prosecution, *inter alia*, claimed that on 03.07.2013, the petitioner and his other co-accused caused injuries to PWs Sheetal Singh and Manpreet Kaur, with their respective weapons. Learned Counsel for the State/complainant are *ad idem* that only single injury with 'datar' on the head of Manpreet Kaur and one injury on the person of Sheetal Singh, were attributed to the present petitioner. It is not a matter of dispute that both the injuries assigned to the petitioner are simple in nature. In that eventuality, as to whether the penal provision of Section 307 IPC and vicarious liability, as contemplated under Section 149 IPC, are attracted to the facts, relatable to the case of the petitioner or not, *inter alia*, would be the moot points to be decided after receipt of evidence of the parties during the course of trial by the trial Court. Moreover, the occurrence originated on account of rivalry in Panchayat elections. Balwinder Kaur from the side of the petitioner was stated to have suffered five injuries in the same very incident.

5. Above all, the petitioner was arrested in this case on 22.03.2014. Since then he is in judicial custody and no useful purpose would be served to further detain him in jail. There is no history of his previous conviction in any other criminal case. The conclusion of trial will naturally take a long time.

6. Not only that, Prabh Jeet Singh, Sulakhan Singh and Tarsem Singh, similarly situated co-accused of the petitioner, were granted the concession of regular bail by way of orders dated February 25, 2014 in CRM-M Nos.31943, 32929 and 37126 of 2013 by a Coordinate Bench

(M.Jeyapaul, J.), whereas Daler Singh, other co-accused of the petitioner, was allowed bail, by means of order dated 09.04.2014 in CRM-M No.9648 of 2014 by this Court. Therefore, I see no reason not to extend the same concession of regular bail to the present petitioner as well under the similar set of circumstances.

7. In the light of aforesaid reasons, taking into consideration the totality of facts and circumstances, emanating from the record, as discussed here-in-above and without commenting further anything on merits, lest it may prejudice the case of either side during the course of trial of the main case, the instant petition for regular bail is hereby accepted. The petitioner is ordered to be released on bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court.

Needless to mention that, nothing observed here-in-above, would reflect, on merits in the trial of the main case, in any manner, as the same has been so recorded for a limited purpose of deciding the present petition for regular bail.

January 12, 2015
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(MEHINDER SINGH SULLAR)
JUDGE