

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

CRM-M-36124-2017 (O&M)

Date of decision : 07.12.2017

Shamsher Singh @ Shera@Gargaj

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. D.N. Ganeriwala and Ms. Mehak Sharda, Advocates,
for the petitioner.

Ms. Anju Arora, Addl.A.G., Punjab,
assisted by ASI Durlabh Darshan.

JITENDRA CHAUHAN, J. (Oral)

The instant petition has been filed under Section 439 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') seeking bail in FIR No.41 dated 12.07.2015, registered under Sections 307, 279, 427, 186 and 353 read with Section 34 of the Indian Penal Code; Sections 21 and 22 of the NDPS Act; and Section 25 of the Arms Act, at P.S. Mattewal, Amritsar.

It is contended that the petitioner has been falsely implicated in the present case on account of party faction. The vehicle used in the crime is not owned by the petitioner. The investigation is complete and nothing is to be recovered from him. He is in custody since 12.07.2015. All the co-accused have already been admitted to bail.

On the other hand, learned State counsel, on instructions, submits that the petitioner was apprehended from the spot. A pistol along

with five live cartridges and 1 kg of brown sugar were recovered from him.

During the cross-firing, two police officials suffered fractures.

Heard.

This is the second bail petition moved by the petitioner before this Court. The petitioner having been apprehended from the spot, cannot claim parity with the co-accused who have been admitted to bail. Two police officials suffered fractures during the exchange of fire. Therefore, keeping in view the serious nature of the offence, no case for grant of bail is made out.

Dismissed.

However, keeping in view the fact that the petitioner is in custody since 12.07.2015, the trial Court shall make an endeavour to conclude the trial expeditiously, preferably, within a period of six months.

Nothing noticed hereinabove shall be construed as an expression of opinion of the Court on the merits of the case.

07.12.2017

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(JITENDRA CHAUHAN)

JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No