

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-15510-2020 (O&M)
Date of Decision:-7.8.2020

Shamsher Singh @ Gurwinder Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Sehaj Sandhawalia, Advocate for the petitioner.

Mr. J.S. Ghuman, DAG, Punjab.

*(the aforesaid presence is being recorded through video conferencing
since the proceedings are being conducted in Virtual Court)*

GURVINDER SINGH GILL, J.(Oral)

CRM-13666-2020

Application is allowed as prayed for subject to all just exceptions.

CRM-M-15510-2020

1. This is second petition filed on behalf of the petitioner Shamsher Singh @ Gurwinder Singh seeking grant of regular bail, the first one having been dismissed as withdrawn vide order dated 26.2.2020 (Annexure P-3) wherein liberty was granted to the petitioner to move afresh in case there is inordinate delay in conclusion of trial.

2. As per the case of prosecution Maghar Singh is alleged to have given a blow with sword on the head of complainant's father Teja Singh, who raised his right hand in order to save himself, as a result of which the sword hit on his fingers. It is further alleged that while Teja Singh was lying having fallen in ground, the petitioner gave blows with '*ghotna*' (a thick stick) on the head of Teja Singh hitting him near left ear and is also alleged to have given another blow on the left hand of Teja Singh. Thereafter, when Gholia Singh and Raj Singh came forward to rescue Teja Singh, the remaining accused namely Shingara Singh and Lovjot Singh, who were both armed with spears, attacked them and caused injuries to them. The remaining co-accused namely Harjit Singh, Nihang Singh and Ram Singh are also alleged to have caused injuries.
3. The learned counsel for the petitioner has submitted that the petitioner was not armed with any lethal weapon and that the co-accused Maghar Singh, who was armed with a sword and who is attributed an injury, has already been granted bail and that infact even Shingara Singh has been granted bail vide order dated 8.7.2019 and in these circumstances the petitioner deserves the same concession on grounds of parity, particularly, since he has been behind bars since the last more than 2 years and 9 months.
4. Opposing the petition, the learned State counsel has submitted that since the petitioner is specifically named in the FIR and is also attributed injuries with the help of '*ghotna*' on the person of the deceased including injury on his head, no case for grant of bail is made out. The learned State counsel has, however, informed that the petitioner has indeed been behind bars since the last more than 2 years and 9 months and that he is not involved in any other case.

5. Having regard to the facts and circumstances of the case, particularly, bearing in mind that the petitioner has suffered incarceration of more than 2 years and 9 months and the fact that co-accused of the petitioner namely Shingara Singh and Maghar Singh have already been ordered to be released on bail, the petition merits acceptance and is hereby accepted. The petitioner is ordered to be released on bail in case registered vide FIR No.93 dated 15.10.2017 at Police Station Cheema, District Sangrur under Sections 302, 307, 323, 324, 506, 148, 149 and 120-B of Indian Penal Code and Sections 3 and 4 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, subject to his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
6. It is, however, clarified that in case the petitioner ever misuses the concession of bail, it shall be open to the prosecution to move an application for cancellation of his bail.

7.8.2020

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No