

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

(218)

**CRM-M- No. 45213 of 2019
Date of decision: 03.03.2020**

Shamsher Singh @ Shera

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Ms. Sushma Chopra, Advocate
for the petitioner.

Mr. Jagmohan Singh Ghumman, DAG, Punjab.

...

RAJ MOHAN SINGH, J. (Oral)

Petitioner seeks grant of regular bail under Section 439 Cr.P.C in case bearing FIR No.0014 dated 10.06.2018 under Sections 420, 364-A, 382, 386, 387, 212, 216, 216-A, 120-B IPC, 1860 and Sections 42 and 52-A of Prisons Act, 1894 and Sections 10, 11 and 13 of Unlawful Activities Prevention Act, 1967, registered at Police Station State Special Operation Cell, Amritsar, District Amritsar.

On 20.02.2020, the following order was passed:-

“Learned State counsel seeks time to verify as to whether case of the petitioner is on the same parity as that of his co-accused, namely, Taranjot Singh @ Tanna and Balwinder Singh

@ Doni, who have been granted regular bail by a Co-ordinate Bench vide orders dated 01.03.2019 and 16.07.2019 passed in CRM-M-4544 of 2019 and CRM-M-13553 of 2019, respectively.

Adjourned to 3.3.2020 for consideration.”

Learned State Counsel, on instructions from ASI – Jasbir Singh, could not dispute the role of the petitioner at par with other co-accused, namely, Taranjot Singh @ Tanna and Balwinder Singh @ Doni, who have already been granted regular bail, vide order dated 01.03.2019 passed in CRM-M-4544-2019 and vide order dated 16.07.2019 passed in CRM-M-13553-2019 respectively, by this Court.

It is not disputed that the FIR came to be registered when the petitioner was already in custody. Nothing has been recovered from the petitioner. The complicity of the petitioner would remain debatable. Similarly situated co-accused have already been granted regular bail. Even other, co-accused, namely, Navdeep Singh @ Navi and Pargat Singh have also been granted regular bail by this Court.

At this stage, without meaning anything on the merits of the case, the petitioner can be granted indulgence for grant of regular bail, who is in custody since 27.06.2018. Challan has already been presented and charges have been framed. Out of 30 prosecution witnesses, 2 prosecution witnesses have been examined.

The trial of the case may take some time in its culmination.

At this stage, without forming any opinion on the merits of the case, I deem it appropriate to release the petitioner on regular bail.

In view of above, the present petition is allowed and the petitioner is ordered to be enlarged on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned.

Nothing expressed hereinabove shall be construed to be an opinion on merits of the case.

(RAJ MOHAN SINGH)
JUDGE

03.03.2020

Pardeep

Whether speaking/reasoned Yes/No

Whether reportable Yes/No