

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(102)

CRM-M-1999-2021(O&M)

Date of decision:09.02.2020

Shamsher Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Balbir Singh Jaswal, Advocate
for the petitioner.

...

SUVIR SEHGAL, J. (ORAL)

The Court has been convened through video conferencing due to
Covid-19 pandemic.

CRM-2998-2021

Prayer in the application is for preponing of the hearing of the
main case, which is fixed for 28.04.2021.

Notice of the application.

On asking of the Court, Mr. Amar Ashok Pathak, Additional
Advocate General, Punjab accepts notice on behalf of State-respondent
No.1. He does not have any objection in case prayer is acceded to.

Application is allowed.

Hearing of the main case is preponed to today and it is taken on
Board.

CRM-M-1999-2021

Petitioner has filed petition under Section 439 Code of Criminal Procedure for grant of regular bail in case FIR No. 13 dated 02.02.2020, registered under Sections 436 and 427 of the Indian Penal Code, 1860 at Police Station Beas, Amritsar (Annexure P-1).

Counsel for the petitioner has contended that the FIR was registered against the petitioner on the statement of his mother, who alleged that when the petitioner demanded money from her, she refused and in a fit of rage, he burnt some household articles valuing Rs.35,000/-. Counsel has relied upon affidavit dated 05.01.2021 (Annexure P-2) executed by the mother (complainant), the relevant extract of which is as under:-

“(1) That Shamsher Singh S/o Jaswant Singh is my real son who is in Jail since 02/02/2020 in FIR No.13 dated 02/02/2020, P.S. Beas U/S 436, 427 IPC.

(2) That I had filed the complaint against my son as he burnt the house. On my complaint, PS Beas Registered FIR against Shamsher Singh.

(3) That now my son Shamsher Singh is in good condition. He reformed himself in all respect and he realized his fault.

(4) That I am the mother and now I feel that my son is realising his fault and he is in a good condition. He reformed himself in all respect and I have no objection if the bail is granted to my son.”

Still further, it is submitted by the counsel for the petitioner that the petitioner is the youngest child of the complainant and he has three elder sisters. Counsel submits that the petitioner, who is 25 years of age, is

in custody since 02.02.2020 and in view of the affidavit of the mother, he deserves to be enlarged on bail.

Per contra, learned State Counsel, upon instructions, from ASI Jitender Singh has opposed the petition. He has submitted that during the course of investigation, it has transpired that the petitioner had demanded money from his mother, as he was habitual of consuming intoxicants. He has referred to the Custody Certificate of the petitioner to submit that an FIR is pending against the petitioner under the provisions of the Punjab Excise Act, 1914.

I have considered the rival submissions of the parties.

Considering the fact that the mother, who is the complainant, has given an affidavit that her son has reformed himself and the fact that the petitioner had caused damage to his own household articles and has been incarceration for more than 11 months, this Court deems it proper to release him on bail.

Keeping in view the above facts and circumstances, nature of offence and the period of custody, the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

09.02.2020

Pardeep

Whether Speaking/Reasoned :

Yes/No

Whether Reportable :

Yes/No