

CRM-M-9707-2021
Date of decision:08.04.2021

SHAMSHER SINGH @ SHERA

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Nitin Sharma, Advocate for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Jatinder Singh Gill, Advocate for the complainant.

*(The case has been taken up through video conferencing on account of Covid-19 Pandemic)***VIVEK PURI,J. (ORAL)**

Shamsher Singh @ Shera-petitioner is seeking regular bail in the case bearing FIR No. 6 dated 17.01.2020 under Sections 148/149/307 of IPC and 25 of the Arms Act, 1959, registered at Police Station Kahnuwan, District Gurdaspur

Briefly, as per the allegations of the prosecution, on 14.01.2020 at about 2:30 pm, Amritpal Singh-complainant alongwith others were flying kites on the roof of the house. Meanwhile, the petitioner along with co-accused challenged them. Prem Singh and Arjan Singh exhorted the co-accused. Satnam Singh-co-accused picked up bricks and stones from the street and started throwing at the complainant. Prem Singh asked the petitioner to shoot the complainant. The petitioner fired from a pistol and the bullet hit below the right shoulder near the chest of the complainant.

It has been argued by the learned counsel for the petitioner that he is

in custody since 10.02.2020, Prem Singh, Arjan Singh and Satnam Singh co-accused have been granted bail by the learned trial Court, no recovery has been effected from the petitioner, the investigation of the case is complete and challan has already been presented but the case has not yet been committed. Furthermore, the injured has been discharged from hospital and he is hale and hearty. The father of the petitioner has died and his mother is suffering from various ailments.

Learned State counsel has mainly opposed the bail application on the score that the fire arm injury has been attributed to the petitioner. The proceedings for declaring one of the co-accused, namely, Sulakhan Singh as proclaimed offender are pending and the petitioner is still facing trial in three other cases, though, he has been granted bail in those cases.

It has been stated by the learned counsel for the complainant that trial is not progressing as the co-accused who are on bail are not cooperating with the trial.

In the instant case, the petitioner is in custody for the last more than one year and two months, the injured has been discharged from the hospital and he is hale and hearty. Furthermore, the co-accused have been granted bail and in the event, any co-accused is absconding, the appropriate proceedings in accordance with law will be initiated against him. Though, the petitioner is involved in four other cases but he has been acquitted in one case and is stated to be on bail in three other cases. In the event, any of the accused is not cooperating in the trial resulting in any delay, an appropriate action in accordance with law can be initiated against him by the Court concerned but it cannot be termed to be a circumstance to decline the bail to the petitioner. Although injury under Section 307 IPC has been attributed to the petitioner but he is in custody for the last about one year and two months. The conclusion of the trial is likely to take sometime, no

these circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

08.04.2021
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No