

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

204

CRM-M-18534-2021

Date of Decision: 24.05.2021

Shamsher Singh @ Shera and Anr.

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Gagandeep Singh Simble, Advocate,
for the petitioners.

Mr. A.P.S. Gill, DAG, Punjab
assisted by ASI Rajbir Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioners have approached this Court seeking grant of regular bail in respect of a case registered against them vide FIR No.88 dated 29.6.2020 at Police Station Gharinda, Police District Amritsar Rural, District Amritsar under Sections 382/341/452/506/411/148/149/387/397 and 342 IPC and Sections 25/27/28/54 and 59 Arms Act.
2. As per the case of prosecution, the FIR was registered on the statement of Jaswinder Singh, wherein he alleged that on 29.06.2020 at about 7:30 P.M, four persons, who were in police uniform, entered his house and stated that since the complainant had caused accident so his vehicle is to be inspected. It is alleged that the said persons, however, upon entering the house forcibly took away an amount of 5-6 lakhs, 12-14 tollas of gold ornaments

and while leaving also took away a 12 bore double barrel gun alongwith 25 cartridges and locked the complainant and others in a room.

3. Learned counsel for the petitioners has submitted that the petitioners are nowhere named in the FIR and have been falsely implicated in the present case. Learned counsel has further submitted that the petitioners are nominated on the basis of a disclosure statement stated to have been made by co-accused Manraj Singh and are also alleged to have made disclosure statements pertaining to their involvement in the case. Learned counsel has further submitted that the petitioners, in any case, deserve the concession of bail on the ground of parity as co-accused Manraj Singh has already granted bail by this Court vide order dated 09.03.2021.
4. Opposing the petition, learned State counsel has submitted that since the petitioners are nominated on the basis of disclosure statement made by co-accused Manraj Singh, no case for grant of bail is made out. Learned State counsel has, however, informed that the petitioners as on date have been behind bars since the last about 10 months and that charges are yet to be framed in the instant case.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the fact that it is a case where the petitioners are not named in the FIR and had been nominated subsequently on the basis of an alleged disclosure statement made by the co-accused

Manraj Singh and while noticing that the petitioners have already been behind bars since the last about 10 months, further detention of the petitioners will not serve any useful purpose. The petition, as such, is accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

24.05.2021

VY/Vimal

**(GURVINDER SINGH GILL)
JUDGE**Whether speaking/reasoned: **Yes/No**Whether reportable: **Yes/No**