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

CRM-33001-2021 in/and
CRM-M-37661-2021
Date of decision : 07.10.2021

Shamsher Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

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

Mr. Karanbir Singh, AAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

CRM-33001-2021

This is an application filed under Section 482 of Cr.P.C. for preponement of the date of hearing in the main case from 15.11.2021 to an early date.

Learned counsel for the applicant-petitioner has submitted that in the present case, co-accused of the petitioner namely Amritpal Singh, who is similarly placed person as the petitioner, has been granted the concession of regular bail by the Sessions Judge, Tarn Taran vide order dated 24.09.2021 which was passed after 15.09.2021, on which

date, the case was last taken up and in fact, applicant-petitioner is in custody since 02.07.2021 whereas the said Amritpal Singh was arrested on 16.07.2021.

Notice in the application.

On advance notice, Mr. Karanbir Singh, AAG, Punjab, appears and accepts notice on behalf of the non-applicant/State of Punjab and has submitted that he has no objection in case the present application is allowed and the date of hearing in the main case is preponed from 15.11.2021 to today itself for final disposal.

In view of the aforesaid facts and no objection from the opposite side, the present application is allowed and the main petition is taken on Board today itself for final disposal.

Main case

Prayer in the present petition is for grant of regular bail to the petitioner in FIR No.101 dated 28.06.2021 registered under Sections 307/457/380/506/148/149 of the Indian Penal Code, 1860 and Sections 25/27 of the Arms Act, 1959 at Police Station City Patti, District Tarn Taran.

Learned counsel for the petitioner has submitted that in the present case, even as per the prosecution version, no injury has been caused to any person and the challan in the present case has already been filed and the petitioner is in custody since 02.07.2021 and is not involved in any other case. It is further submitted that there are 12 witnesses which are yet to be examined and thus, the conclusion of the trial is likely to

take a long time, moreso in view of the COVID-19 pandemic situation. It is further submitted that the recovery of money of Rs.10,000/- is made from the co-accused of the petitioner namely Amritpal Singh and the said co-accused Amritpal Singh has been granted the concession of regular bail by the Sessions Judge, Tarn Taran vide order dated 24.09.2021. Although, the case of the petitioner is on a better footing than the case of Amritpal Singh inasmuch as the petitioner is in custody since 02.07.2021 whereas the said Amritpal Singh was arrested on 16.07.2021.

Learned counsel for the State has opposed the present petition for grant of regular bail and has submitted that from the present petitioner, *kirpan* has been recovered, however, the other factual aspects have not been disputed.

Learned counsel for the petitioner, in rebuttal, has submitted that since, no injury has been caused to any person, thus, even in spite of recovery of *kirpan*, the petitioner deserves the concession of regular bail.

Keeping in view the abovesaid facts and circumstances, moreso the facts that the present case is a case of no injury and the petitioner is in custody since 02.07.2021 and the challan has already been presented in the present case and there are 12 witnesses which are yet to be examined and thus, the conclusion of the trial is likely to take a long time, moreso in view of the COVID-19 pandemic situation and also the fact that the co-accused of the petitioner namely Amritpal Singh has already been granted the concession of regular bail vide order dated 24.09.2021 by the Sessions Judge, Tarn Taran and the custody of the

petitioner is more than the custody of the said Amritpal Singh as the petitioner is in custody since 02.07.2021 whereas Amritpal Singh was arrested on 16.07.2021 and even the recovery of Rs.10,000/- was made from the said Amritpal Singh, thus, this Court deems it appropriate to allow the present petition and grant bail to the petitioner.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate and subject to the fact that he is not required in any other case.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

07.10.2021

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- **Yes/No**

Whether reportable:- **Yes/No**