

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

CRM-M-10356-2021 (O&M)

Date of decision: 28.04.2022

Shamsher Singh @ Shera

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. G. S. Bawa, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.68 dated 07.05.2019 under Sections 379-B, 34 IPC, registered at Police Station Chheharta, District Amritsar.

Learned counsel for the petitioner, at the very outset, relies upon order dated 29.06.2021 passed in CRM-M-3964-2021, vide which co-accused Gurwinder Singh along with one more accused, have already been granted the concession of regular bail by this Court. The operative part of the order reads as under:

“Learned counsel for the petitioners submits that as per allegations in the FIR, which was registered on 07.05.2019, on a complaint given by one Rajesh Kumar @ Sonu, it is stated that he is working as Cashier in a private company and after collecting the cash of Rs.5,56,972/-, he was coming back on a scooter. He was intercepted by a person. When he stopped the scooter, another person came on the motorcycle, which was not

having any number and they snatched the bag and ran away. It is further submitted that the petitioners were arrested in FIR No.142 of 2020 and were nominated in the present FIR, after one of the co-accused, who was also arrested in another FIR, made a disclosure statement in this regard. It is also submitted that the petitioners were already in judicial custody, when they were nominated in the present FIR and no recovery was effected from them.

Learned counsel for the petitioners has further submitted that the petitioners are in custody since 24.11.2020; challan has already been presented and they are no more required for custodial interrogation. It is next submitted that FIR No.142 already stands quashed on the basis of compromise by this Court vide order dated 11.02.2021 passed in CRM-M-35273-2020, therefore, the petitioners are not facing trial in any other case, except the present FIR.

Learned State counsel has filed the affidavit of Assistant Commissioner of Police, West, Amritsar City, in which is stated that coaccused Shamsheer Singh @ Shera suffered a disclosure statement, after his arrest in another FIR and thereafter, the petitioners were nominated in the present FIR. It is submitted that as per identification memo, the complainant has identified all the accused persons, however, it is not disputed that challan has already been presented and FIR No.142 already stands quashed. It is further submitted that charges are yet to be framed and recovery of the pistol was effected from co-accused Shamsheer Singh @ Shera in another FIR.”

For the sake of brevity, the facts are not reproduced again.

Learned counsel for the petitioner submits that the allegations

against the petitioner are similar to that of aforesaid co-accused, who have already been granted the concession of regular bail by this Court.

Learned counsel for the petitioner further submits that the petitioner is in judicial custody for the last 01 year, 06 months and 17 days and conclusion of trial is likely to take a long time as out of total 18 prosecution witnesses, none has been examined so far.

Learned State counsel has filed the custody certificate and has not disputed the factual position. It is also not disputed that out of total 18 prosecution witnesses, none has been examined so far.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the fact that the petitioner is in judicial custody for the last 01 year, 06 months and 17 days; similarly situated co-accused have already been granted the concession of regular bail as noticed above and also in view of the fact that conclusion of trial is likely to take some time as out of total 18 prosecution witnesses, none has been examined so far; the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Illaqa Magistrate, concerned.

28.04.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No