

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

228

CRM-M-31373-2022 (O&M)

Date of Decision: 06.09.2022

SHAMSHER ALIAS SHERI

...Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Narayan Prasad Gupta, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.166 dated 04.04.2021, registered under Section 379-B IPC (challan presented under Sections 120-B, 201, 392, 411 and 394 IPC), at Police Station Kaithal City, Kaithal.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR; that initially the complainant identified Titu and Jai Parkash as accused in the present case; that it was on the basis of the supplementary statement of the complainant recorded on 05.10.2021, the petitioner has been indicted in the present case and that the complainant and Surender (complainant's mama) while appearing as PW-1 and PW-2 before the learned trial Court, have not supported the prosecution version and turned hostile. He further submits that as per the statement of Dr. Ankita (PW-3) recorded on 10.06.2022, there was no injury on the head of the injured and he was not admitted to the hospital.

Still further, it is submitted that the petitioner has been in custody since 06.10.2021.

Per contra, while opposing the prayer for grant of regular bail to the petitioner, learned State counsel does not dispute the custody period of the petitioner. He, however, submits that the petitioner was the main conspirator and recovery of Rs.69,500/- was effected from him. He further submits that most of the prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 06.10.2021. Complainant and his mama i.e. PW-1 and PW-2 have turned hostile. As per the statement of Dr. Ankita, there was no injury on the head of the injured and he was also not admitted to the hospital. Remaining prosecution witnesses are yet to be examined. In such circumstances, the trial of the case would take a long time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above and without commenting anything on the merits of the case, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

06.09.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

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