

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

210+109

CRM-M-36006-2021 (O&M)
Date of Decision : 17.11.2022

Shamsher Singh @ Shera

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE ASHOK KUMAR VERMA

Present: - Mr. Parminder Singh Sekhon, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, Asstt. A.G., Punjab
for the respondent-State.

ASHOK KUMAR VERMA, J. (ORAL)

CRM-44179-2022

For the reasons mentioned in the application, the same is allowed and documents filed by the petitioner are taken on record as Annexures A-1 to A-4.

CRM-M-36006-2021

The petitioner has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.63 dated 05.06.2021 registered under Sections 308, 341, 323, 506, 148 and 149 of the Indian Penal Code, 1860 (Section 325 of the IPC added later on) at Police Station Longowal, District Sangrur.

The above-said FIR was registered on complaint made by complainant-Pragat Singh alleging that on 30.05.2021 at about 9:00 a.m. when he along with his family members tried to go to his bed after taking the meal, the electricity of his house had gone and when he came out

from his house to see the fault, he has seen the petitioner and his family members were trying to apply kundi connection illegally. When he tried to stop them, they started doing altercation with him. Thereafter, the petitioner gave an iron rod blow which hit on the forehead of the complainant and Paramjit Kaur gave stick blow which hit on the neck of the complainant. The petitioner again gave an iron rod blow with an intention to kill the complainant which hit in the middle of his head. When the complainant raised hue and cry, his wife-Paramjit Kaur came out from the house and when she tried to rescue him the accused also gave beating to her. Thereafter, the petitioner along with other co-accused again gave beating to the complainant on various parts of his body. When the people gathered there, the accused fled from the spot.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. There is delay of 07 days in lodging of the FIR which itself caused a material dent in the prosecution case. In his first MLR none of the injuries on the person of either complainant-Pargat Singh or injured-Paramjit Kaur was declared dangerous to life by the doctor. No offences under Section 308 and 325 of the IPC are made out against the petitioner. After 7 days, in the second MLR, only one injury is declared to be grievous which is yet to be proved during trial. The petitioner is in custody since 10.06.2021. Out of 23 prosecution witnesses only 03 have been examined so far. The trial is likely to take long time. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be released on regular bail.

Per contra, learned State counsel opposed the present petition in terms of status report dated 30.05.2022 filed by the State which is already taken on record. Learned State counsel submits that the injury No.2 on the head of complainant-Pargat Singh was declared as grievous in nature by the doctor after going through the NCCT head and surgical opinion. The injury on the vital part head of complainant which has been declared grievous in nature has been attributed to the petitioner. Statements of complainant-Pargat Singh (PW-1) and his wife-Paramjit Kaur (PW-2) have already been recorded by the trial Court which fully supported the prosecution version. Therefore, the present petition may be dismissed.

I have heard learned counsel for the petitioner as well as the learned State counsel and gone through the paperbook.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioner, the fact that the injury on the vital part head of complainant-Pargat Singh, which has been declared grievous in nature, attributed to the petitioner but without commenting on the merits of the case, I am of the considered view that the petitioner does not deserve the concession of regular bail.

In view of the above, the present petition is dismissed.

17.11.2022

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(ASHOK KUMAR VERMA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No