

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

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CRM-M-35872-2022(O&M)

Date of Decision: 08.12.2022

SHAMSHER SINGH @ SHERA

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Harmanpreet Singh, Advocate for the petitioner.

Mr. Gurlal Singh Dhillon, AAG Punjab.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.229 dated 31.08.2020, registered at Police Station Gate Hakima, District Amritsar, under Sections 302, 323, 324, 148 and 149 IPC.

Learned counsel for the petitioner contends that the above-noted FIR was registered against three persons; that the petitioner was not named in the FIR and was later on named in the statement of the complainant recorded under Section 161 Cr.P.C. on 02.09.2020 i.e. after two days of the FIR; that though, injury on the shoulder of the deceased, caused with a baseball bat, has allegedly been attributed to the petitioner, yet in the status report, there is no mention of any external injury on the shoulder; that the petitioner has been in custody since 04.09.2020, and that co-accused, namely, Vikas @ Akash @ Kodi and Deepak @ Mukul, who have been attributed kick and fist blows, have since been granted the concession of regular bail by the Coordinate Bench and this Court, respectively.

Per contra, while opposing the prayer for grant of regular bail

to the petitioner, learned State counsel does not dispute his custody period. He, however, submits that the specific injury on the person of the deceased has been attributed to the petitioner and that the petitioner is a habitual offender and is facing three more FIRs, though in one, he has already undergone the entire sentence and in remaining, he is on bail. He further submits that charges are yet to be framed and the prosecution evidence is to commence.

I have heard the learned counsel for the parties.

The petitioner has been in custody since 04.09.2020. . The petitioner was not named in the FIR and indicted after two days of lodging of the FIR. A baseball bat on the shoulder of the deceased has been attributed to the petitioner, which is a non-vital part. Co-accused have already been enlarged on bail. As far as other cases registered and/or pending against the petitioner are concerned, the petitioner has either undergone or is on bail in the said cases. Prosecution evidence is yet to commence. 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.

08.12.2022
Aman Jain

(HARNARESH SINGH GILL)
JUDGE

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