

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(108+206)

CRM-M-47411-2021(O&M)

Date of Decision: September 23, 2022

Shamsher Singh alias Shera

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present:- Mr. Ashish Aggarwal, Advocate
for the petitioner.

Mr. M.S. Atwal, DAG, Punjab.

Mr. Kiranpreet Kaur, Advocate for the complainant.

AMAN CHAUDHARY, J.(Oral)

CRM-36238-2022

This application has been filed under Section 482 Cr.P.C. for addition of offences under Sections 323, 379-B(2), 473 and 489 of the IPC in the head note as well as in the prayer clause, which have been added subsequently in the Final Report presented before the competent court.

For the reasons mentioned in the application, the same is allowed subject to just exceptions.

In view of the above, necessary amendments be carried out in the head note and the prayer clause of the main petition by adding aforesaid Sections.

CRM-36239-2022

This is an application filed under Section 482 Cr.P.C. For placing on record the statement made by the complainant in terms of the compromise as Annexure P-6 and the report dated 18.04.2022 submitted by Ld. Addl. Sessions Judge, Tarn Taran, affirming the factum of compromise arrived at between the parties as Annexure P-7 and further seeking exemption from filing the certified and true typed copies of the same.

For the reasons stated in the application, same is allowed. Annexure P-6, being the statement made by the complainant in terms of the compromise and Annexure P-7, the report dated 18.04.2022 submitted by Ld. Addl. Sessions Judge, Tarn Taran, affirming the factum of compromise, are ordered to be placed on record.

CRM-M-47411-2021

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail to the petitioner in respect of FIR No.100 dated 04.08.2021 under Sections 379-B of Indian Penal Code, registered at Police Station Jhabal, District Tarn Taran.

Learned counsel for the petitioner contends that the matter between the complainant and the present petitioner (accused) has been compromised vide compromise deed dated 22.12.2021, a copy of which has been annexed as Annexure P-3 with the petition. Consequently, CRM-M-524 of 2022 titled as “Shamsher Singh alias Shera Vs. State of Punjab and another” was filed for quashing the FIR on the basis of the compromise. Thereafter, the statements of the complainant and the present petitioner (accused) were recorded in terms of the compromise pursuant to the order of

this Court dated 10.01.2022. It has also been contended that the statement of the petitioner, who was in custody, was taken on production warrants before the trial Court for the purpose of recording his statement which was so done. However, the said petition came to be withdrawn on 12.05.2022 on account of the fact that though the statements of the complainant and the petitioner had been duly recorded but in the compromise, the signatures of the petitioner (accused) were not appended instead signatures of his father on his behalf were appended thereon. The reason for which is that the accused/petitioner was in custody at that time.

Learned State counsel opposes the prayer for grant of regular bail to the petitioner on the ground that the recovery of a snatched mobile phone as well as motorcycle used in the alleged offence had been effected from him. He, on instructions from ASI Bhupinder Singh, further submits that there is no other case registered against the petitioner. He has also produced the custody certificate, which is taken on record. As per the said custody certificate, petitioner has been in custody for more than one year.

I have heard learned counsel for the parties.

In view of the aforesaid developments, inasmuch as the compromise arrived at between the parties and also their statements have been recorded and the fact that the alleged mobile phone and motorcycle have already been recovered; the petitioner is in custody since 06.08.2021, as also the fact that the petitioner is stated to be not involved in any other case, his further detention behind the bars would not serve any useful purpose, the present petition for grant of regular bail deserves to be allowed.

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

It is, however, clarified that nothing stated hereinabove be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the above observations, which have only been made for the purpose of adjudicating the present petition for grant of bail.

September 23, 2022

Anjal

(AMAN CHAUDHARY)

JUDGE

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