

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-48873-2022
Date of decision : 28.10.2022

Shamsher Singh alias Sher Singh @ Shera

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mrs.G.K.Mann, Senior Advocate with
Mr.Amrit Pal Singh, Advocate
for the petitioner.

Mr. Ramdeep Partap Singh, Sr.DAG, Punjab.

VIKAS BAHL, J.(ORAL)

Prayer in the present petition is for grant of regular bail to the petitioner in FIR No.38 dated 01.03.2022 registered under Sections 324/326/427/148/149 of the Indian Penal Code, 1860 (Section 307 of IPC has been added later on) at Police Station Lopoke, District Amritsar Rural.

Learned Senior Counsel for the petitioner has submitted that in the present case, the petitioner is in custody since 28.03.2022 and investigation is complete and the challan has been presented and there are 10 prosecution witnesses, out of which, none have been examined as yet and thus, the conclusion of trial is likely to take time. It is further submitted that the petitioner is not involved in any other case and even as per the FIR, no specific injury has been attributed to him. It is contended that there is a delay of more than six months in registering the FIR inasmuch as the

01.03.2022.

On the other hand, learned State Counsel has opposed the present petition for grant of regular bail to the petitioner and has submitted that the petitioner had caught a hold of arms of the injured. It is further submitted that there is no delay in registration of the FIR inasmuch the incident is of 27.08.2021 and the MLR was recorded on the same day and on 03.09.2021, the complainant had given a representation to the police for registering an FIR and after the complainant was discharged on 10.09.2021, he had filed a petition for directing the respondents to take appropriate action on the representation made by him and it is only after an order had been passed by this High Court on 25.10.2021 to consider the said representation that the present FIR was registered on 01.03.2022.

This Court has heard the learned counsel for the parties and has perused the paper book.

In the present case, the petitioner is in custody since 28.03.2022 and investigation is complete and the challan has already been presented and out of 10 prosecution witnesses, none have been examined as yet and thus, the conclusion of trial is likely to take time. The petitioner is stated to be not involved in any other case and he has not been attributed any specific injury inflicted upon the complainant.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten the complainant or any of the witnesses, then it would

be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

October 28, 2022
Davinder Kumar

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