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2023:PHHC:076427

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

**CRM-M-57830-2022
DECIDED ON: 25th MAY, 2023**

SHERI SINGH @ SHERA

.....PETITIONER

VERSUS

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Joginder Pal Devgan, Advocate,
for the petitioner.

Mr. Rajiv Verma, DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in case FIR No. 195, dated 25.08.2021, under Sections 379-B, 395, 201 IPC (added later on) and Section 25 and 27 of Arms Act, 1959, registered at Police Station Chattiwind, Amritsar Rural.

2. Learned counsel for the petitioner has contended that the petitioner has been nominated as an accused in the FIR on the basis of disclosure statement of the co-accused namely Akashdeep Singh @ Raja, who has been granted the concession of regular by a Co-ordinate Bench of this Court, vide order dated 14.02.2022. Even on the bare perusal of FIR, no role whatsoever has been alleged to be attributed to the petitioner. He has drawn attention of this Court to the fact that initially FIR was got registered under Sections 379-B IPC and Sections 25 and 27 of Arms Act, 1959 and later on Sections 395 and 201 IPC

have been added.

3. It is also the case of the petitioner that on the basis of disclosure statement dated 05.09.2021 made by the co-accused namely Akashdeep Singh @ Raja has been arrayed as an accused but he was already in custody since 01.09.2021 and has been falsely implicated in the instant FIR, therefore, there was no occasion for him to participate in the alleged occurrence of any such offence, as has been narrated in the present case.

4. Custody certificate filed by learned State counsel is taken on record. According to which the petitioner has suffered incarceration for a period of 1 year 8 months and 20 days, as of now. He opposes the prayer made in the present petition on the ground that the petitioner is involved in another case bearing FIR No. 223, dated 28.08.2021, under Section 395 IPC and Sections 25 of Arms Act, 1959 wherein, he is not on bail and has suffered incarceration for a period of 1 year 8 months and 22 days as well.

5. From the perusal of the record and the assertions made by counsel for the petitioner, it is apparent that back to back two cases have been got registered against the petitioner firstly on 25.08.2021 and secondly on 28.08.201 though with the different police stations.

6. Learned counsel for the petitioner has produced a copy of order dated 15.09.2022 whereby, the petitioner has been granted regular bail by a Co-ordinate Bench of this Court in FIR No. 223, dated 28.08.2021.

7. Considering the custody period suffered by the petitioner i.e. 1 year 8 months and 20 days and nothing is to be recovered from the petitioner added with the fact no active role has been attributed to him, even as per the stand taken by the State, investigation is complete wherein, none has been examined out of total 15 prosecution witnesses, which shows that the prosecution is hardly interested in

pursuing the trial proceedings and will certainly take long time, therefore, by no stretch of imagination personal life and liberty of the petitioner cannot be curtailed, which would tantamount to violation of Article 21 of the Constitution of India, as the same also ensure speedy trial and justice.

8. In the light of the discussions made hereinabove, this Court is of the considered view that no useful purpose would be served by keeping the petitioner behind the bars for an uncertain period. Hence, the petitioner is ordered to be released on bail subject to his furnishing personal and surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned.

9. The present petition is allowed in view of afore-said terms.

10. However, it is made clear that any observation made hereinabove, shall not be construed as an expression of opinion on the merits of the case.

25th MAY, 2023
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(SANDEEP MOUDGIL)
JUDGE

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