



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

**CRM-M-34845-2024 (O&M)
Date of Decision : 30.09.2024**

SHAMSHER SINGH ALIAS SHERA

.....Petitioner(s)

VERSUS

STATE OF PUNJAB

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Aazam Khan, Advocate for
Mr. Ritesh Pandey, Advocate,
for the petitioner(s).

Mr. Raghav Garg, AAG, Punjab.

Mr. Dhawaljeet Dutta, Advocate,
for the complainant.

KULDEEP TIWARI, J.(Oral)

1. On 17.09.2024, this Court had passed the hereinafter
extracted order, upon the instant petition:-

“Through the instant petitions, prayer is made for grant
of 'anticipatory bail' to the present petitioner, in case FIR no.49, dated
15.05.2024, under Section 304 IPC, registered at Police Station Sri
Hargobindpur, Batala District, Gurdaspur.

Learned counsel for the petitioner submits that the
allegations which are attributed to the present petitioner, have no
connection with the death of Nishan Singh.

He further submits that in fact the death of Nishan Singh,
is a natural death.

This Court vide order dated 31.09.2024, had directed the
State to file a specific affidavit, disclosing therein, the cause of death,
after taking the opinion from the doctor concerned.

In deference to the directions issued by this Court, an
additional affidavit dated 03.09.2024, of Sh. Harkishan Singh, DSP,
SubDivision Sri Hargobindpur, Police District Batala, has been filed on
dated 04.09.2024. The opinion of the board of doctors reads as under:-

“OPINION

As per report of chemical examiner govt. of Punjab dispatch No.2938 date 31 July 2024 PMR No.HPS. CHBTL.265.

No Poison detected in exhibits I, II, III, IV, V

As per report of Govt. Medical College Amritsar pathology department dispatch no.892 and date 23 aug 2024.

Heart. Gross examination

Heart weighing 290 gms with normal epicardial fat. No visible external area of discoloration. Thickness of left ventricular wall 1.25 cms while that of right ventricular wall 0.3 cms. On cutting, all valves and cusps are normal looking.

Microscopic Examination. Sections from Myocardium, both ventricular walls, apex and both coronary arteries show no significant pathology.

As there is gross blackening of bilateral lungs.

Grossly enlarged heart, ascetic liver grossly enlarged with nodular look yellowish.

We the Board of Doctor are in the opinion that as there was no sign of external injury or internal injury due to trauma.

Hence the cause of death is multiple vital organ failure.”

A perusal of the above reflects that there is no external or internal injury on the body of the deceased, due to trauma.

In view of the above, the petitioner is directed to join the investigation and on his doing so, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so, and shall abide by the conditions as provided under Section 438(2) Cr.P.C. Adjourned to 30.09.2024. ”

2. Today, the learned State counsel has, on instructions imparted to him by the official concerned, stated that pursuant to the making of the hereinabove extracted order, the petitioner(s) had joined investigation and he is no longer required for custodial interrogation.

3. In view of the above, the hereinabove extracted interim order dated 17.09.2024, is hereby made **absolute**, subject to the hereinafter extracted conditions:-

- “(i) the petitioner(s) shall not commit an offence similar to the present offence;
- (ii) the petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case;
- (iii) the petitioner(s) shall make himself/herself available for interrogation by a police officer as and when required.”

4. This order should not be treated as “blanket” order. It will not be read granting petitioner(s) indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

5. Needless to say that anything observed hereinabove shall not be construed to be an opinion on the merits of the case.

6. All pending application(s), if any also stand **disposed** of accordingly.

September 30, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No