

228

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-57196 of 2023
Date of decision:- 14.02.2024

SHAMSHER SINGH... Petitioner

Versus

STATE OF PUNJAB... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Maan Akashdeep Singh, Advocate
for the petitioner.
Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J. (ORAL)

The instant petitions have been preferred by the petitioners under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
201	31.07.2020	304, 328, IPC, 61 of Punjab Excise Act, 1914 (302 and 120-B IPC added lateron and Section 304 IPC deleted)	City Batala, District Batala

2. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that petitioner was not named in the FIR but later on nominated on the disclosure statement dated 23.09.2020 (Annexure P-2) made by co-

accused George son of main accused Triveni Chauhan. He contends that main accused Triveni Chauhan was arrested by the police and she made disclosure statement nominating Gurbinder Singh alias Gobinda as a person who had given illicit liquor to her and with the consumption thereof some people died. He submits that petitioner was arrested on 02.08.2020 and since then he is in custody and no recovery has been effected from him. He submits that prosecution has cited 68 witness and out of which 43 witnesses have been examined so far and no specific overt act have been attributed to the petitioner in the occurrence, as such he prays for grant of concession of bail to the petitioner.

3. Per contra, learned State counsel contends that considering the nature and gravity of the case, petitioner is not entitled for concession of bail. However he has not controverted the factual matrix of the case and admits that petitioner was not named in the FIR but later on nominated on disclosure statement made by co-accused George.

4. After considering the rival contentions and going through the record, it transpires that petitioner nominated on the disclosure statement made by co-accused George on 23.09.2020 (Annexure P-2) and no specific role have been attributed to the petitioner. The petitioner is in custody since 02.08.2020, challan has already been presented in Court, and prosecution has cited 68 witnesses and out of which 43 witnesses have been examined so far, meaning thereby, the petitioner is not required for further investigation. The conclusion of trial in the present case to ascertain criminal liability, if any, of the petitioner may take sufficient long time and no useful purpose would be

served by keeping the petitioner behind bars any longer.

5. Resultantly, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.
6. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

14.02.2024

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- i) Whether speaking/reasoned?
- ii) Whether reportable?

Yes/No
Yes/No