

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

**CRM-M-59102-2023 (O&M)
Date of decision: 21.02.2024**

Shamsher Singh @ Shera

....Petitioner.

Versus

State of Punjab and another

....Respondents.

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Vipin Mahajan, Advocate,
for the petitioner.

Mr. Daksh Prem Azad, AAG, Punjab.

.....

SANJIV BERRY, J. (ORAL)

CRM-7366-2024

1. Keeping in view the averments made in the application, zimni orders are taken on record as Annexures P-5 to P-8 and exemption from filing the true typed copy of the same is also allowed.
2. Disposed of.

Main case

1. Instant petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in

case FIR (Annexure P-1). Details of the FIR are as under: -

FIR No.	Dated	Sections	Police Station
94	01.07.2023	411, 379-B, 379-B(2), 365, 341, 323 IPC 25 and 27 of the Arms Act	Shri Hargobindpur, Police District Batala, District Gurdaspur, Pb.

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 the petitioner is in custody since 05.07.2023 and no other criminal case is pending against the petitioner. He further contends that the parties have compromised the matter on 26.07.2023. Copy of the compromise is also annexed as Annexure P-2 dated 26.07.2023.

3. On the other hand, learned State counsel, submits that challan in this case has already been presented and out of total 15 prosecution witnesses, no witness has been examined till date and he does not oppose the present petition as there is no other criminal antecedents against the present petitioner.

4. Considering the respective arguments and perusing the record, it transpires that the petitioner is in custody since 05.07.2023; challan has already been presented in this case and admittedly, out of total 15 witnesses, cited by the prosecution, none has been examined till date; the conclusion of trial in the present case will take sufficient long time to ascertain the criminal liability of the petitioner. Moreover, learned counsel for the petitioner has also referred to the compromise

dated 26.07.2023 (Annexure P-2), having been effected between the complainant and the petitioner voluntarily, hence, it is observed that no purpose would be served in detaining the petitioner in custody any longer. Accordingly, without commenting on the merits of the case, instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing surety bonds/bail bonds to the satisfaction of Trial Court/Duty Magistrate.

5. The petitioner shall give the undertaking that he will not leave the country without prior permission of the Court; will regularly appear before the trial Court on each and every date; in case of some exigency, he will seek prior permission of the concerned Court qua his exemption to appear on the date fixed and he will not tamper with evidence of prosecution in any manner.

6. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

7. Petition stands allowed.

21.02.2024
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(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |