

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2025:PHHC:176433



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CRM-M-4735-2025 (O&M)
Date of decision: 19.12.2025

Sherbir Singh @ Shera

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Pankaj Bains, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. This petition has been filed by the petitioner under Section 483 of the Bharatiya Nagark Suraksha Sanhita, 2023 (for short 'BNSS') seeking regular bail in case bearing FIR No. 0090 dated 29.12.2023, registered under Section 302 read with Section 34 of IPC (Sections 120-B and 483 of IPC added later on) at Police Station Mehta, District Amritsar (Rural).

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on 29.12.2023 on the statement got recorded by complainant Lakhwinder Singh alleging therein that on 28.12.2023, he along with his family members was present in his house, when at about 02:00 PM, accused Karanpreet Singh and Sharanpreet Singh came to his house and took his brother Ravinder Singh @ Raja with them by saying that the birthday celebrations of the son of the accused

Angrez Singh were going on at village Ladhuhana and they were going to his house. As his brother did not return home till evening, he along with his uncle Sukhwinder Singh went to the house of the co-accused Angrez Singh and on reaching there, he came to know that some altercation had taken place between his brother and accused Karanpreet Singh and Sharanpreet Singh during the birthday function and thereafter, both of them along with the petitioner had taken his brother with themselves. Suspecting some harm to his brother, the complainant along with his uncle started making search for his brother and on reaching western side of canal bridge, he heard some rescue alarm and on recognizing the voice of his brother, he rushed there and found that the present petitioner along with co-accused Karanpreet Singh and Sharanpreet Singh, armed with weapons, were causing injuries to his brother. They rushed for his rescue and then the assailants fled away. His brother had sustained fatal injuries and succumbed to the same at the spot itself. After registration of the FIR, investigation proceedings were initiated. Accused persons were arrested. Accused Karanpreet Singh suffered disclosure statement admitting his involvement in the crime and stated that they had murdered the victim on the provocation of co-accused Angrez Singh. The petitioner was also arrested on 29.12.2023. Investigation has since been completed. Challan has been presented in the Court. The petitioner had moved an application for grant of regular bail before the trial Court but the same was dismissed, vide order dated 13.08.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. Eye-witnesses/complainant have not deposed anything as against the petitioner. He is in custody since 01.01.2024. The

trial is likely to take time. No useful purpose would be served by keeping him in custody anymore. Hence, it is urged that the present petition deserves to be allowed.

4. *Per contra*, learned State counsel has argued that keeping in view the severity of the allegations as levelled against the petitioner, he does not deserve to be extended benefit of bail and has stressed that the petition does not deserve to be allowed.

5. This Court has heard learned counsel for the parties and has also gone through the material placed on record.

6. The allegations against the petitioner are that he along with the co-accused had murdered the victim after hatching a conspiracy. Annexures P-2 and P-3 are copies of sworn depositions of the complainant and his uncle Sukhwinder, who were eye-witnesses to the occurrence. However, both of them have not supported the prosecution version and have turned hostile. There is no other material collected to show the complicity of the petitioner in the subject crime. Taking into consideration the period of incarceration of the petitioner, the nature of evidence that has come on record and the attendant facts and circumstances peculiar to the case, this Court is of the considered opinion that the continued detention of the petitioner would not serve any useful purpose.

7. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal as well as surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

8. It is made clear that any observation made herein above is only

for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

19.12.2025

harjeet

Whether speaking/reasoned :
Whether reportable :

Yes/No
Yes/No

(MANISHA BATRA)
JUDGE