



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

267

CRM-M-24826-2025

Date of decision: July 8th, 2025

Shamsher Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. S.K. Verma, Advocate
for the petitioner.

Mr. Yuvraj Shandilya, Assistant Advocate General,
Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of regular bail in FIR No.463 dated 25.11.2024 under Sections 115, 126, 190, 191(2), 191(3), 351(2) of The Bharatiya Nyaya Sanhita (BNS), 2023 and later on added Sections 115(2), 126(2), 117(2) and 117(3) of BNS, registered at Police Station Sadar Jind, District Jind.

2. Learned counsel for the petitioner at the outset submits that the case of the petitioner is at par with that of co-accused Suresh Kumar and Gurmeet, who have since been extended the concession of bail by this Court vide order dated 07.07.2025.

3. In addition, it has been contended by the learned counsel that the petitioner has been in custody since 31.01.2025 in a case of version and cross-version. The petitioner was alleged to be armed with a *lathi* with which he assaulted the opposite party. It has been further submitted that a perusal of the FIR (Annexure P-1) clearly reveals that no specific injury

has been attributed to the petitioner although, he has been named therein. Learned counsel has further submitted that it is also a matter of record that in the occurrence in question, ten persons from the side of the accused in the FIR had sustained injuries at the hands of the opposite party; in contrast, five persons had allegedly been inflicted injuries by the accused including the petitioner herein. Learned counsel has, therefore, submitted that in the aforementioned facts and circumstances, since challan already stands presented against the petitioner, his further incarceration would serve no useful purpose as charges are likely to be framed only on the next date of hearing, coupled with the fact that as many as 30 witnesses have been cited by the prosecution.

4. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite has not disputed the custody period of the petitioner nor has he disputed that the challan stands presented against the petitioner. The stage of the trial has also not been disputed, on instructions. On further instructions, learned State counsel has also not controverted that the petitioner and the complainant party are immediate neighbours and in the occurrence in question, both sides sustained injuries at the hands of each other. However, learned State counsel has reiterated the allegations levelled in the FIR, which stands reproduced hereinunder:

“To, Police Post Incharge. PP CRSU JIND. Sir, I request that I, Rahul s/o Shri Kaliram, am resident of village Ghimana and do Electric work. We are 2 brothers and a sister, the eldest is my brother Jaipal, younger to him me and the elder sister is Pooja. On 24.11.2024, at around 7.00 (8:00) o'clock in the evening, I was going from my house to my grandfather Sewa Singh with food. In the meantime, Ramchander S/o Hawa Singh, who was holding Gandasi In his hand and his sons Samrat and

Virat, they too had sticks in their hands, blocked the way in the street and immediately all of them started beating me. During this, my father also came there and my father started trying to rescue me. Then all the above started beating my father also. After some time, Sanjay S/o Jai Bhagwan, Sombir S/o Jai Bhagwan, Shamsher S/o Hawa Singh and his 2 sons Amit and Pramod sons of Shamsher, Gulab S/o Hawa Singh and his 3 sons Naseeb, Gauri, Praveen, Rammeshwar S/o Hawa Singh and his 2 sons Krishan and Tarsem and Pradeep S/o Rajbir and Tejpal S/o Sher Singh came to the spot with Sticks and Gandasi in their hands and started beating us. During this period our family member Dhoop Singh S/o Sewa Singh, Kaliram S/o Sewa Singh, Jaswant S/o Badlu, Johnny S/o Kapura, Ramkumar S/o Sudan came there to rescue. Then all the above have also caused injuries to them one by one. Then, after rescuing, we all went to the Government Hospital, Jind for treatment. All the above also threatened to kill us while leaving. Legal action should be taken against all the above who have inflicted injured to us. This quarrel had taken place regarding transaction of a house.”

5. The petitioner has been in custody since 31.01.2025. It is a case of version and cross-version, wherein admittedly both the sides received injuries at the hands of each other. The trial would take considerable time to conclude since charges have not yet been framed and as many as 30 witnesses have been cited by the prosecution. In the mode and manner in which the occurrence in question is stated to have taken place, coupled with the nature of injuries and role attributed to the petitioner, this Court deems it fit to extend the concession bail to the petitioner. Accordingly, the petition is allowed. Petitioner be admitted to bail subject to their furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

6. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

7. Needless to say, in case the petitioners misuse the concession of bail, the State would be at liberty to seek cancellation of the same.

July 8th, 2025
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No