

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

CRM-M-30223-2025
Date of Decision:03.07.2025

Shamsher Singh	vs.	...Petitioner
State of Punjab		...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. K.B.S.Mann, Advocate
for the petitioner.

Mr. Ravneet Singh Joshi, DAG, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 483 of B.N.S.S with a prayer to grant regular bail to him in case FIR No. 116, dated 05.07.2024, registered under Sections 115(2), 118(1), 118(2), 189, 190, 191(3), 238 of BNS, at Police Station City Sri Muktsar Sahib, District Sri Muktsar Sahib.

2. The F.I.R in the present case was registered on the basis of the statement made by Satwinder Singh son of Makhan Singh and the same has been reproduced below:-

“Statement of Satwinder Singh S/o Makhan Singh r/o Gali No. 03 Goniana Road, Sri Muktsar Sahib Mobile No. 94639-79170, stated that I am resident of above said address and I am carpenter. On dated 02.07.2024 I along with Sahil S/o Surender Singh, resident of Jalalabad Road, Gali No. 3 and Harpreet Singh S/o Dev Singh, R/o Goniana Road. All three at about 10:30 PM met after dinner outside Gali No. 5 Abohar Road for walk. In the meantime Karam Singh S/o Jasvir Musala Khanda and Gagandeep

Singh @ Money S/o Baggi Singh Musala Kirpan, Arpan Singh S/o Sarwan Singh Musala Kahi Da Dasta, Jaskarn Singh S/o Bhola Singh, Musala Lakdi Da Dasta, Shamsher Singh S/o Sarvan Singh Musala Kirpan, Manjit Singh S/o Nachhatar Singh Musala Kirpan and Shambhu Singh S/o Raju Singh Musala Kapa residents of Goniana Road Sri Muktsar Sahib came after us and on reaching Gagandeep Singh @ Money Singh said to Sahib that you gave me beatings in lieu of the sister of Harpreet, today you will be taught the lesson for that. Then Sahil said to all that the dispute has already been resolved then I saw Karma Singh gave Khanda blow to Sahil which cut the wrist of the left arm and all other gave injuries with their respective weapons. So injuries were given. When I rescued Sahil from them, then Shambhu Singh gave Kopa blow on my left hand which struck on the upper part of my hand. I and Harpreet raised the alarm Mar Diya Mar Diya. All these fled away from the spot with their respective weapons. Then I and Harpreet arranged the vehicle and get Sahil admitted in the Government Hospital SMS due to more injuries. Where Sahil was referred to GGS Faridkot Medical College. Then I went to my house. The cause of dispute is that Gagandeep @ Money is annoyed with Sahil due to the sorry felt with regard to sister of Harpreet Singh. Due to this grudge all these have gave beatings to me and Sahil. Gave injuries because Gagandeep felt sorry in the presence of Sahil and Harpreet which was the cause of anger. Due to this reason injuries were given. Statement got recorded, is correct, action be taken. Sd/- Satwinder Singh”

3. Learned counsel for the petitioner contends that as per the case set up by the prosecution, the present petitioner was allegedly armed with a sword and had attacked the complainant party. However, the ocular version of the complainant is not supported by the medical evidence. He further contends that

the injury on the left wrist of Sahil, injured, which led to the addition of the offence under Section 118 (2) of B.N.S is attributed to Karma Singh, non-applicant. The petitioner was arrested in the present case on 04.10.2024 and is in custody for the last about nine months. He further contends that Manjit Singh @ MC, similarly placed co-accused has been admitted to bail by this Court in CRM-M-14273-2025 on 08.05.2025. In the present case, the prosecution had relied upon 21 prosecution witnesses and has been able to examine only 06 witnesses. Sahil, injured and Satwinder Singh, complainant/injured have been examined by the prosecution and there are no chances of tampering with the prosecution evidence.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that the petitioner was also part of unlawful assembly, which had brutally assaulted Sahil and his arm above wrist was amputated. Thus, the petition deserves to be dismissed by this Court.

5. I have heard the learned counsel for the parties and perused the record carefully.

6. It is not in dispute that serious allegations have been levelled against several persons, who had assaulted Sahil and Satwinder Singh. However, this Court cannot over look the fact that the petitioner is in custody for the last about 09 months and all the material witnesses have already been examined by the prosecution. Moreover, similarly placed co-accused, Manjit Singh @ MC has been admitted to bail by this Court.

7. Without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial on his

furnishing bail bonds and surety to the satisfaction of the concerned trial Court/
Duty Magistrate/Chief Judicial Magistrate.

03.07.2025
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No