



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

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**CRM-M No.44089 of 2024
Date of decision : 20.1.2025**

Shamsher Singh**Petitioner**
Versus
State of Punjab**Respondent**

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Vikas Gupta, Advocate, for the petitioner

Mr. Anup Singh, AAG, Punjab

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.84 dated 18.4.2018, under Sections 324, 452, 427, 506, 148, 149 & 379, 379-B and 201 of the IPC (added later on), registered at Police Station Sadar Tarn Taran, District Tarn Taran.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Statement of Harpreet Kaur wife of Jaswant singh caste Majbi, Resident of village Pidli, aged about 26 years, Mobile No.98764-56195. It is stated that I am resident of above mentioned address and use to do household works. My husband Jaswant Singh is in Army he has came on leave. That on 14.04.2018 at about 09:00 we were taking our meals in our house and then Raja son of Satnam Singh, Majbi Sikh, resident of village Pidli,



Deepu son of Malkeet Singh, Sahib Singh son of Sarwan Singh residents of village Pididi, Bholi widow of Satnam Singh and the son-in-law of Bholi resident of village Rashiana were making loud noises outside our house and were abusing my husband by calling by his name. This entire incident was being witnessed by me from inside my house after standing above the wall. Thereafter, all these above said persons came towards our house and then my husband Jaswant Singh and my brother-in-law Paramjeet Singh after opening the door went outside and they started abusing each other and they started throwing brick bats upon each other and thereafter many people got gathered in the lane. Thereafter, someone called the police on phone and police reached at the spot. My husband and my brother-in-law and Raja also along with his other accomplices ran away from the spot. Thereafter, the police after making the relatives of both the parties understand went from the spot. Thereafter, at about 11 PM in the night again the loud noises were heard in the lane and I after opening the door saw that Raja son of Satnam Singh armed with Kirpan. Deepu son of Malkeet Singh Majbi armed with Dang, Mithu son of Malkeet Singh armed with iron rod Majbi, resident of village Pididi and the son-in-law of Bholi, resident of Raisiana armed with Datar were standing in the lane and after seeing towards the door of our house were abusing loudly and giving threatening to kill my husband by calling him his name. Bholi on seeing me raise lalkara and stated that let us catch hold of wife of the Fauji and on hearing this lalkara, Raja gave kirpan blow upon me and I in order to save myself raised my right arm and the kirpan blow hit on the elbow of my right arm and thereafter Bholi got hold of me from my hair pull me down and I raised hue and cry and on hearing my cries my sister-in-law Baljinder Kaur who is the present Sarpanch of the village along with 3 other ladies came running toward me and on seeing the Sarpanch all the aforesaid persons ran away from the spot along with their respective weapons. My brother-in-law Pargat Singh after arranging the vehicle got me admitted to civil hospital Tarn Taran where I am under treatment. I came to know that on dated 16.04.2018 at about 12,12-1/2 PM all the aforesaid persons along with 15/16 unidentified persons entered inside my house and ransack my house and damaged the car, furniture, Almirah, Fan, Cooler and other household articles. The above said persons by inflicting injuries upon me and by ransacking my house has done great injustice with me.



Thus, the legal action may kindly be taken against them. Statement has been got recorded which has been read over and same is admitted to be true, action may kindly be taken Sd/- Harpreet Kaur, attested Sd/- Amritpal Singh SI PS Sadar Tarn Taran, date 18.04.2018.'

3. Learned counsel for the petitioner has submitted that the petitioner was initially arrested on 11.6.2018 whereinafter he was granted bail on 18.7.2018. Thereafter, he could not present himself before the trial Court on 12.9.2019 as his father was unwell and he was required to take care of him. Learned counsel has further submitted that on account of pressing economic circumstances, the petitioner could not appear before the trial Court thereafter. The petitioner was re-arrested on 15.7.2024 and is in continuous custody since then. Learned counsel for the petitioner has further submitted that there is no clear cogent evidence coming on record alongwith the prosecution challan against the petitioner. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 20.1.2025 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was initially arrested on 11.6.2018 and was thereafter granted bail on 18.7.2019, on account of his absence from trial, the petitioner was re-arrested on 15.7.2024 and is in continuous custody



since then. The rival contention of learned counsel for the parties give rise to debatable issues which have been ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per custody certificate dated 20.1.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of seven months and twelve days & is not shown to be involved in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.



(vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.

(vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

20.1.2025
Ashwani

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