



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

**CRM-M-47171-2024
Date of decision: 21.11.2025**

SHAMSHER SINGH ALIAS SHERA

....Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Umesh Aggarwal, Advocate
for the petitioner.

Mr. Jatinder Pal Singh, Sr. DAG, Punjab.

YASHVIR SINGH RATHOR. J.(Oral)

1. This is the first petition under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case FIR No.211 dated 21.11.2019, registered under Sections 302 and 34 of IPC at Police Station Chattiwind, District Amritsar Rural.

2. Learned counsel for the petitioner as well as learned State counsel have been heard and material collected by the police during investigation has been perused.

3. The present case was registered on the basis of complaint given to the police by Karamjit Kaur with the allegations that she alongwith her husband resides in village Varpal, District Amritsar. Yesterday on 20.11.2019 at about 06:00 PM, Shamsher Singh @ Shera (petitioner) called her husband from home and took him alongwith him in her presence but her husband did not return. On the



next morning, when she was going to Gurdwara Sahib, she saw the mutilated dead body of her husband Balkar Singh lying near the Gurdwara and she suspected that Shamsher Singh @ Shera has murdered her husband along with Surjit Singh @ Situ son of Hakam Singh as Surjit Singh @ Situ often suspected that his wife had illicit relations with her husband and Shamsher Singh @ Shera was already on bail in some murder case and she sought action against them. During investigation, complainant got recorded her supplementary statement alleging that her husband had got some stuff from the house of petitioner and her son, when both the petitioner and his son were confined in jail. When Shamsher Singh @ Shera (petitioner) was released on bail, he expressed his anger towards her husband as to why he has taken his belongings when they were not in the house. He alleged that petitioner Shamsher Singh @ Shera in connivance with his son Sajandeep Singh @ Sajan has murdered her husband. Petitioner was arrested on 21.01.2020 and he suffered disclosure statement to the effect that on 21.11.2019 at about 06:00 PM, he and his son Sajandeep Singh @ Sajan had called Balkar Singh from his house and he took him for a walk and made him drink and at about 11/12 PM, co-accused Sajandeep Singh @ Sajan pushed Balkar Singh and he took out his *Kirpan* and murdered him. Thereafter, he got recovered the *Kirpan* used in committing the crime, which was taken into possession. Co-accused Sajandeep Singh @ Sajan was also arrested on 01.02.2020 after obtaining his production warrant and he also admitted having committed the offence. After completion of investigation, challan has been presented against the accused.

4. Learned counsel for the petitioner contended that petitioner has been falsely implicated on the basis of suspicion. The present case is based on



circumstantial evidence. In the FIR, it has been alleged that petitioner had taken the deceased alongwith him in the presence of the wife of the deceased. Whereas as per his disclosure statement, he had called the deceased to his house and thereafter, he had committed the murder. Learned counsel contended that the complainant has put forward two versions in the FIR. Initially, she has alleged that the deceased was murdered as one Surjit Singh @ Situ suspected that her husband had illicit relations with his wife and thereafter, another version has been put forward that accused had got angry with him as her husband had taken some articles from the house of the petitioner while he was in jail alongwith his son. Learned counsel next contended that petitioner is in custody since 21.01.2020. Co-accused namely Sajandeep Singh @ Sajan has already been released on bail by a Co-ordinate Bench of this Court vide order dated 19.03.2024 (Annexure P-3). Now even complainant Karamjit Kaur, who had allegedly seen the accused taking away her husband, has died as reported by the learned Additional Sessions Judge, Amritsar in the letter addressed to this Court. Learned counsel further contended that thereafter, accused Surjit Singh @ Situ has been summoned under Section 319 Cr.P.C. and fresh charges have been framed but till date, not a single witness has been examined. The trial will take a long time to conclude and further detention of the petitioner is not required and he may be released on bail.

5. On the other hand, learned State counsel has opposed the bail and argued that in view of the gravity of offence, he does not deserve the benefit of bail.

6. The present case is based on circumstantial evidence. The only evidence against the petitioner is that he had taken away the deceased alongwith him and on the next day, his dead body was found lying near the Gurdwara of



the village. The FIR was lodged by complainant Karamjit Kaur but it has been reported that now she has died. Co-accused namely Sajandeep Singh @ Sajan has already been released on bail by a Co-ordinate Bench of this Court vide order dated 19.03.2024 (Annexure P-3). The trial has not progressed as fresh charges have been framed after co-accused Surjit Singh @ Situ was summoned under Section 319 Cr.P.C. and no witness has been examined thereafter. Petitioner is in custody since 21.01.2020. The trial is likely to take a long time to conclude. It is well settled that bail is the rule and jail is an exception and pre-trial incarceration cannot be used as a tool to punish an offender and no useful purpose will, thus, be served by detaining the petitioner in custody anymore and he deserves to be released on bail.

7. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail bond and surety bond to the satisfaction of learned Trial Court/Duty Magistrate concerned.

8. Pending misc. application(s), if any, shall also stand disposed of.

21.11.2025
Priyanka Thakur

(YASHVIR SINGH RATHOR)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No