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2025:PHHC:124746



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: September 11, 2025

Shamsher Singh @ Shera

....Petitioner

versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**Present:-** Mr. Dixit Garg, Advocate for the petitioner.

Mr. Baljinder Singh Sra, Additional AG Punjab.

Mr. Kunal Vinayak, Advocate
for respondent No.2/ complainant.

SUMEET GOEL, J. (ORAL)

Present petition has been filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case bearing FIR No.16 dated 31.01.2025, registered for the offences punishable under Sections 115(2), 118(1), 190, 191(3), 61(2), 351(3) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') (Section 109 of BNS added later on), at Police Station Division B, Police Commissionerate Amritsar.

2. The gravamen of the allegations against the petitioner is that on 25.01.2025, after attending *nagar kirtan* procession, when the complainant headed back to his home, then Shamsher Singh (petitioner) attacked on the head of the complainant with *kirpan*, but the complainant somehow saved with his left hand, but sustained serious injury. Thereafter, another co-accused, namely, Jobanpreet Singh, armed with *kirpan*, tried to hit on the chest of the

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complainant, co-accused, namely, Nav caused injury on the shoulder of the complainant with *datar*, co-accused, namely, Deep, armed with *kirpan*, caused injury on his right arm, and one more person also gave him beating. Ultimately, all the accused fled away from the spot.

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 01.04.2025. Learned counsel has argued that the petitioner has been falsely implicated into the FIR in question. Learned counsel has iterated that offence under Section 109 of the BNS is not made out against the petitioner. Learned counsel has further argued that a settlement has now been arrived at between the parties, and terms thereof, has been reduced into writing vide compromise deed dated 22.07.2025 (copy whereof has been appended as Annexure P-2 with the petition). Learned counsel has argued that the petitioner is a man with clean antecedents. Learned counsel has also iterated that the petitioner has been in custody for more than 07 months. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, he does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 10.09.2025 in Court, which is taken on record.

5. Learned counsel for respondent No.2/ complainant has ratified the aspect of the compromise having been entered into between the parties, and a copy thereof has been appended as Annexure P-2 with the instant petition.

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

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7. The petitioner was arrested on 01.04.2025 and is in continuous custody since then. Upon culmination of investigation, challan has been presented on 29.04.2025. Total 17 prosecution witnesses have been cited and examination thereof, and of course, culmination of the trial will take its own time. The rival contentions raised at Bar; including weightage/ veracity required to be attached to the compromise (Annexure P-2) having been entered between the parties; shall be 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.

7.1. As per custody certificate dated 10.09.2025 filed by the learned State counsel, the petitioner has already suffered incarceration for a period of 07 months and 06 days, & is not shown to be involved in any other FIR(s).

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

8. 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.

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- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the CJM/ Duty Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

9. 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.

10. Ordered accordingly.

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

12. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

September 11, 2025
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No