



CRM-M-48663-2025

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

CRM-M-48663-2025

Date of Decision: 05.09.2025

Shamsher Singh @ Shera

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Fateh Singh Bhullar, Advocate,
for the petitioner (through VC).

Mr.Raj Karan Singh, AAG, Punjab.

Rajesh Bhardwaj, J. (ORAL)

1. Petitioner has approached by way of filing the present petition praying for grant of regular bail in case FIR No.99 dated 01.08.2017 under Sections 399, 402, 379, 411 IPC and Sections 25/54/59 of Arms Act (offence under Sections 489, 149 IPC added lateron), registered at Police Station Valtoha, District Tarn Taran.

2. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. He has submitted that the petitioner was arrested on 01.08.2017, however, he was granted regular bail by learned trial Court vide order dated 06.10.2017. He submits that the petitioner was duly appearing before the trial Court, however, the challan was presented during the Covid period and the same was not communicated to him and hence, he was declared proclaimed offender vide order dated 09.11.2023. He submits that thereafter, the petitioner was arrested on 09.04.2025 and since then he is behind bars. He further submits that from the allegations made in the FIR, it is apparent that the case is planted upon the petitioner. He submits that the petitioner was declared proclaimed offender in his absence and he is behind bars since



09.04.2025. He submits that similarly situated co-accused Dilbagh Singh @ Bagha has already been granted bail by this Court vide order dated 02.04.2025. He further submits that the investigation is complete. It is submitted that though the petitioner has been falsely implicated in three other cases, however, he is on bail in those cases. He, thus, submits that in the overall facts and circumstances, the petitioner deserves to be granted bail.

4. Per contra, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner was granted regular bail, however, he misused the concession of regular bail and thus, the same was rightly declared proclaimed offender by the trial Court and thereafter, he was arrested on 09.04.2025. On instructions, he has submitted that challan is presented and charges are yet to be framed. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is discernible that the petitioner was granted bail on 06.10.2017 after having been arrested on 01.08.2017. Thereafter, the petitioner was declared proclaimed offender and again arrested on 09.04.2025. Total custody of the petitioner as per the custody certificate is 07 months & 18 days as on 03.09.2025. It further reveals that the petitioner is involved in three other cases, however, he is on bail in those cases. Investigation is complete and challan is presented.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. This Court would refrain itself from



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commenting anything on the merits of the case. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner.

7. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

8. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

05.09.2025

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Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No