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

**CRM-M No.50862 of 2025
Date of decision: 16.09.2025**

Shamsher Singh @ Shera

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Gagandeep Singh Simble, Advocate
for the petitioner.

Mr. Raj Karan Singh, Asstt. A.G., Punjab.

Ms. Pratula Sethi, Advocate
for the complainant.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.115, dated 25.12.2021, under Sections 379-B, 427, 323 of IPC, 1860 (Sections 120-B of IPC and Section 27 of Arms Act added later on), registered at Police Station Mehta, Police District Amritsar Rural, District Amritsar.

2. Succinctly the facts of the case are that FIR in the present case was got registered on the statement of complainant, namely, Rajinder Singh. It was alleged that he was working as Munim (clerk) in Excelsior School Qadian Road, Batala, however on 25.12.2021, Vishal Mahajan, who is the owner of school, gave him cash worth Rs.25 Lacs in lieu of



purchasing school buses from Jalandhar and also gave his car made Hyundai Mark Creta bearing registration No.PB-18U-5550, whose driver was Harwinder Singh @ Kala. It was alleged that the complainant took Rs.22 Lacs in the bag and Rs.3 Lacs in the pocket of his pant and shirt and thus, left for Jalandhar. It was alleged that when they reached just ahead of Rayia Road Singh Bola Link Road, then one Creta car came in a very high speed and stopped their car to the left side. There were 04 persons in the car with muffled faces, however, these young boys came out of their car and broke the window of the car in which petitioner was sitting with the help of stones and after opening the door from inside, snatched the bag in which Rs.22 Lacs were lying. They also snatched wallet of driver, in which Rs.1200/- cash was there and 03 mobile phones. Thereafter they gave injuries to the complainant on his mouth, head and on the right hand finger with the stone and ran away from the place of occurrence. The request was made to take the legal action against the accused persons. On registration of the FIR, the investigation commenced. However during the investigation, complicity of the petitioner surfaced and thus, he was arrayed as an accused in the present case. The petitioner was declared proclaimed offender vide order dated 21.05.2022, which was disposed of by this Court vide order dated 04.08.2025 passed in CRM-M-41678-2025 subject to payment of costs of Rs.20,000/-, however the petitioner did not comply with the order of this Court dated 04.08.2025. Thereafter the petitioner again approached this Court seeking extension of time to comply with the order of this Court dated 04.08.2025, which was also disposed of by this Court vide order dated 25.08.2025 passed in CRM-32222-2025 in CRM-



M-41678-2025 subject to payment of costs of Rs.50,000/-. Thereafter the petitioner deposited the costs of Rs.50,000/- and surrendered before the learned trial Court on 02.09.2025, however on the same day, his bail application was dismissed by the learned Additional Sessions Judge, Amritsar and he was arrested. Hence being aggrieved, the petitioner is before this Court by way of filing the present petition praying for the grant of regular bail.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely implicated in the present case. He has submitted that FIR in the present case was lodged on the statement of complainant, namely, Rajinder Singh. He has submitted that the petitioner was arrayed as an accused on 10.01.2021. He has submitted that the petitioner had left the Country by that time. He has further submitted that when the petitioner left the country, he was not even named as an accused in the present case, however in his absence, the petitioner later on was arrayed as an accused and was declared proclaimed offender vide order dated 21.05.2022. He has submitted that thereafter the petitioner returned to India and vide order dated 04.08.2025, the impugned order declaring him proclaimed offender was set aside and he was directed to surrender before the learned trial Court within a period of 10 days and apply for bail by this Court subject to payment of cost of Rs.20,000/-. He has submitted that as the petitioner could not deposit the cost of Rs.20,000/-, he filed an application for extension to comply with the order dated 04.08.2025 and the same was allowed, however the cost was enhanced to Rs.50,000/- vide order dated 25.08.2025. He has submitted that now the petitioner has duly



deposited the costs of Rs.50,000/- but despite that his bail petition has been dismissed by the learned trial Court vide order dated 02.09.2025. He has submitted that the matter has already been compromised qua rest of the co-accused and the FIR qua them has already been quashed on the basis of compromise by this Court vide order dated 09.02.2024 passed in CRM-M-40545-2022. He has further submitted that now the matter has also been compromised qua the petitioner also. He has submitted that the petitioner has no criminal antecedents and in view of the attending facts and circumstances, the petitioner deserves to be granted bail.

4. Learned counsel appearing on behalf of the complainant has affirmed the submissions made by learned counsel for the petitioner and has submitted that the matter has already been compromised.

5. *Per contra*, learned counsel for the State however has vehemently opposed the submissions made by learned counsel for the petitioner. He has submitted that complicity of the petitioner has been established during the investigation. He has submitted that the matter is under investigation as the petitioner was earlier declared proclaimed offender. However he has affirmed the fact that *qua* rest of the co-accused, the FIR has already been quashed. He has produced custody certificate of the petitioner today in the Court, which is taken on record.

6. Heard.

7. After hearing learned counsel for the parties and perusing the record, it is deciphered that the petitioner was arrayed as an accused in the present case after he left the Country. Though he was declared proclaimed offender, however the same has been set aside by this Court vide order



dated 04.08.2025 and the petitioner was directed to surrender before the learned trial Court and the same was further extended vide order dated 25.08.2025. The costs as directed by this Court has already been deposited. The petitioner is behind bars since 02.09.2025. The matter, as submitted before this Court, has already been compromised. Custody certificate produced would show that the petitioner has suffered incarceration of 12 days as on 15.09.2025. It further reflects that the petitioner is not involved in any other case.

8. 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.

9. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and perusing the record, the Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for the grant of bail. 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. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

16.09.2025

<i>rittu</i>	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No