



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

305

CRM-M-63447-2024
Decided on : 23.01.2025

Shamsher Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Gursimran S. Bawa, Advocate
for the petitioner(s).

Mr. Jasdeep Singh, DAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. Instant petition has been filed under Section 483 of BNSS, 2023, by the petitioner – Shamsher Singh, for seeking regular bail, who has been booked for having committed the offences punishable under Sections 318(4), 336(2), 336(3), 340(2), 61(2) of BNS, 2023, in case FIR No. 80, dated 06.07.2024, registered at Police Station Sadar Tarn Taran, Distt. Tarn Taran, during the pendency of trial.

2. Counsel for the petitioner submits that present FIR has been registered only on the basis of secret information. Initially, there were three accused and subsequently, seven more accused were involved in the case. The main accused are; (i) Pawandeep Singh @ Mantri, (ii) **Shamsher Singh (petitioner herein)**, and (iii) Gurmit Singh. The allegations are that by forming gang, accused persons took into fold the innocent people, extorted huge money and prepared fake documents without any investigation and verification. Thus, they are involved in preparing the forged arms licences.

3. Counsel further submits that after effecting arrest of the petitioner(s), from the possession of the co-accused – Pawandeep Singh @



Mantri, and Shamsher Singh (petitioner herein), prosecution has shown the recovery of some stickers and holograms, which are used to be pasted on the arms licences. He further submits that two of the subsequently named co-accused namely; Raghav Kapoor and Gurpreet Singh Arora, who were arrayed on the basis of disclosure statement of accused persons, have already been granted the concession of interim anticipatory bail by the Hon'ble Apex Court in Special Leave to Appeal (Crl.) No.14028/2024 and Special Leave to Appeal (Crl.) No.15672/2024 (appended with the instant petition as Annexures P-2 & P-3, respectively).

4. Counsel for the petitioner also points to the order dated 05.12.2024, passed by the coordinate Bench of this Court in CRM-M-45604-2024, in case titled as, "Gurmit Singh v. State of Punjab", whereby, another named co-accused – Gurmit Singh, facing the similar allegations, has been granted concession of regular bail. Copy of the said order is already appended with present petition as Annexure P-4.

5. *Per contra*, while vehemently opposing the prayer of the petitioner, learned State counsel submits that petitioner is involved in the serious crime, because a syndicate has been formed by them to disrupt the public peace, and said arms licences are used for the purpose of possessing the illegal arms and ammunition by the anti social elements. Therefore, petitioner does not deserves any leniency.

However, on being asked by the Court, learned State counsel also submits that after completion of investigation, final report under Section 173 Cr.P.C. has already been submitted to the trial Court on 04.09.2024, however, charges are yet to be framed. Thus, out of total 37 prosecution witnesses, none has been examined so far.

Besides, learned State counsel also verifies that the petitioner is



not involved in any other case of similar nature.

6. I have heard learned counsel for the parties and perused the relevant record available on the case file.

7. Considering the totality of facts and circumstances of the case and also the factum of petitioner being inside jail since 06.07.2024 as well as the factum of releasing on regular bail of the co-accused namely; Pawandeep Singh @ Mantri and Gurmit Singh, who are named in the FIR with similar allegations, I deem it appropriate to entertain the petitioner's plea for regular bail, as further custody of the petitioner is not of any use for the prosecution.

8. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

9. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

10. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

11. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

January 23, 2025

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No