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

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CRA-S-1853-2025 (O & M)

Date of decision: 10.04.2026

SHAMSHER SINGH

....Appellant

Versus

CENTRAL BUREAU OF INVESTIGATION AND ANR

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. S.S.Mor, Advocate and
Mr. Krishan Singh, Advocate, for the appellant.

Mr. Prateek Gupta, Advocate, for respondent No.1-CBI.

Mr. Rohit Dheer, Advocate,
for respondent No.2-complainant. (through VC)

AMAN CHAUDHARY, J. (ORAL)

1. The present appeal has been filed against the order dated 05.07.2022 passed by learned Special Judge, CBI, Panchkula, vide which application for grant of regular bail of the appellant has been dismissed in FIR No.112 dated 04.02.2017, under Section 346 IPC, registered at Police Station City Hisar, now RC No.RC-01(S) 2019 CBI/SCB dated 02.01.2019, under Sections 120-B, read with Section 302, 201 IPC and Sections 3(2)(v)(vi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station CBI/SCB, Chandigarh, U.T. Chandigarh.

2. Learned counsel submits that the appellant, aged 67 years, having age related illness, has been in custody for 5 years, 7 months, 4 days. He was not named in the FIR lodged by the father of the deceased

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on account of he being missing. The daughter of the petitioner had married the deceased though on her own will on 27.10.2015, however, continued to stay with his family and gave birth to a male child on 06.09.2016. The alleged incident is stated to have taken place on 02.02.2017. During such period, there was no complaint lodged by either of them with regard to any threatening at the hands of the appellant or the family, even though the respective parties were living in Hisar. After he having passed away, she has re-married and has two more children and settled in Bhiwani. There is no recovery effected from the appellant and is not involved in any other case. Charges have been framed on 18.01.2021 and out of 100 PWs, 55, including 22 material witnesses, stand examined, including complainant as also wife of the deceased. In the eventuality of grant of bail, the appellant will not threaten or make any interfere in any manner with the complainant or his family members.

3. Learned counsel for respondent-CBI and learned counsel for respondent No.2-complainant oppose the bail on the ground that the appellant had actively participated in the commission of offence being the father of the deceased and unhappy with their matrimony. However, learned counsel for CBI is unable to controvert the submissions with regard to stage of the case and the petitioner being not involved in any other case.

4. Heard.

5. Considering the facts and circumstances of the case, in particular that the appellant is in custody for last 5 years, 7 months and 4

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days; not involved in any other case; charges stand framed on 18.01.2021 and only 55 PWs, including 21 material witnesses as also the complainant, out of 100, have been examined; the trial is likely to take a considerable time, further incarceration of the appellant would be violative of his right enshrined under Article 21 of the Constitution of India, the impugned order dated 05.07.2022 is set aside and the present appeal is allowed.

6. The appellant is ordered to be released on regular bail, subject to furnishing bail/heavy surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The appellant will not tamper with the evidence during the trial.
- (ii) The appellant will not pressurize/ intimidate the prosecution witnesses.
- (iii) The appellant will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The appellant shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The appellant shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The appellant shall not in any manner misuse his liberty.
- (vii) The appellant shall furnish his address and mobile number by way of an affidavit to the trial Court and not change the same till conclusion of trial and if for any reasons, he seeks to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.

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- (viii) The appellant shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the appellant.

7. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the appellant by this order.

8. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

10.04.2026

parveen kumar

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No