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

**CRM-M-41417-2024 (O&M)
Date of Decision: 19.02.2025**

Shamsher Singh @ Sheri

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sarvesh Kumar Gupta, Advocate for
Ms. Meenu Salwan, Advocate,
for the petitioner.

Ms. Avneet, AAG, Punjab.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for seeking bail pending trial in FIR No. 142 dated 16.07.2021 registered under Sections 302, 379, 201 & 411 read with Section 34 of Indian Penal Code, 1860, at Police Station, Goindwal Sahib, District Tarn Taran.

2. On 15.07.2021, *de facto* complainant-Sohan Singh moved an application before Police Station Goindwal Sahib that his son, namely, Harpal Singh had gone missing. On 16.07.2021, the dead-body of his son was found in the pond of Mata Rani temple. Complainant raised a suspicion that his son had been murdered by the petitioner along with co-accused Gurpreet Singh @ Gopi, Gurwinder Singh and Jaswinder Singh @ Laddy, residents of Village Chhapri Sahib.

3. Contends that petitioner is in custody since 16.07.2021; charges were framed on 04.05.2022; but out of total 17 prosecution witnesses, only one has been examined till date.



4. Learned State counsel, on instructions, has acknowledged the above actual position while opposing the prayer on the premise that allegations against the petitioner are serious.

5. Heard learned counsel for the parties and perused the paper-book.

6. It is not in dispute that learned trial Court, after hearing the parties on the point of charge, found that offences under Sections 302, 201, 379 and 411 read with Section 34 IPC are, *prima facie*, made out against the petitioner as well as his co-accused to which they pleaded not guilty and claimed trial. For reference, order dated 04.05.2022 reads as under:-

*“Present: Shri Ashok Kumar, APP for the State,
Accused Sahib Singh on bail.
Remaining accused in custody and produced.*

Remaining accused except accused Sahib Singh produced by the Jail authorities. They be now produced on next date of hearing.

Heard on the point of charge. Record perused. Prima facie offence punishable under Section 302 r/w Section 34 IPC, 201, 379, 411 IPC made out against the accused and charge framed accordingly to which the accused pleaded not guilty and claimed trial. Pws be now summoned for 01.06.2022.

ASJ/TT/04.05.2022”

7. Thereafter, either the prosecution witnesses did not come forward; or the accused have not been produced by the Jail Authorities on numerous occasions; with the result, only one witness has been examined till date and proceedings before learned trial Court have turned into a fairy-tale.

8. For reference, *zimni* (interim) orders, right from 01.06.2022 uptil date are recapitulated as under:-

*“Present: Shri Ashok Kumar, APP for the State
Accused Sahib Singh on bail.
Remaining accused in custody but only Jaswinder Singh produced.*

Accused Jaswinder Singh be produced and production warrants of remaining accused in custody



be issued for 23.06.2022 for roohnumai. PWs Sohan Singh, Jaswant Singh and Rajwinder Singh served but have not come present, as such, they be now summoned throughailable warrants in the sum of Rs.10,000/- with one surety of the like amount each and summons qua remaining PWs received back unserved, as such, remaining PWs be also summoned as per previous order for 07.07.2022.

*Sd/-Rakesh Kumar Sharma
ASJ/TT/UID PB-0133
01.06.2022*

*Present: APP for the State.
Accused Sahib Singh on bail.
Accused Gurpreet Singh, Shamsher Singh, Gurwinder Singh and Jaswinder Singh Goldy in custody but not produced.*

File put up before me being Duty Judge as the Ld. Presiding Officer is availing summer vacation for the period from 08.06.2022 to 30.06.2022, Today, the case is fixed for roohnumai. Accused Gurpreet Singh, Shamsher Singh, Gurwinder Singh and Jaswinder Singh not produced by the jail authorities. Let, their production warrant be issued for 07.07.2022, the date already fixed for PW's.

*Sd/-Preeti Sahni
Addl. District & Sessions Judge,
Tarn Taran (Duty)
23.06.2022*

*Present: APP for State.
Accused Sahib Singh on bail.
Remaining accused in custody (produced).*

No PW is present. Let, PWs be again summoned for 03.08.2022.

*Sd/-Rakesh Kumar Sharma
AD&SJ/JSC/TT 07.07.2022*

*Present: APP for State.
Accused Sahib Singh on bail.
Remaining accused in custody (produced).*

No PW is present. Let, PWs be again summoned for 23.08.2022.

*Sd/-Rakesh Kumar Sharma
AD&SJ/JSC/TT 03.08.2022*

*Present: APP for State.
Accused Sahib Singh on bail.
Remaining accused in custody (produced).*



No PW is present. Let, PWs be again summoned for 13.09.2022.

*Sd/-Rakesh Kumar Sharma
AD&SJ/JSC/TT 23.08.2022*

*Present: APP for State.
Accused Sahib Singh on bail.
Remaining accused in custody (produced).*

No PW is present. Let, PWs be again summoned for 04.10.2022.

*Sd/-Rakesh Kumar Sharma
AD&SJ/JSC/TT 13.09.2022*

*Present: APP for State.
Accused Sahib Singh on bail.
Remaining accused in custody (produced).*

No PW is present. Let, PWs be again summoned for 27.10.2022.

*Sd/-Rakesh Kumar Sharma
AD&SJ/JSC/TT 04.10.2022*

*Present: APP for State.
Accused Sahib Singh on bail.
Remaining accused in custody (produced).*

Remaining accused not produced by the Jail authorities. Let, their production warrants be issued for 16.11.2022.

*Sd/-Rakesh Kumar Sharma
AD&SJ/JSC/TT 27.10.2022*

*Present: APP for State.
Accused Sahib Singh on bail.
Remaining accused in custody (produced).*

Remaining accused not produced by the Jail authorities. Let, their production warrants be issued for 17.12.2022.

*Sd/-Rakesh Kumar Sharma
AD&SJ/JSC/TT 16.11.2022*

*Present: APP for State.
Accused Sahib Singh on bail.
Remaining accused in custody and produced.*

Let, PW be summoned for 09.01.2023.

*Sd/-Rakesh Kumar Sharma
AD&SJ/JSC/TT 17.12.2022*

*Present: APP for State.
Accused Sahib Singh on bail.
Remaining accused in custody but not produced.*

Remaining accused not produced by the Jail authorities. Let, their production warrants be issued for 07.02.2023 for which date explanation of Jail



Superintendent be called as to why accused have not been produced. Pws be also summoned for the date fixed.

*Sd/-Rakesh Kumar Sharma
AD&SJ/JSC/TT 09.01.2023*

*Present: APP for State.
Accused Sahib Singh on bail.
Remaining accused in custody but not produced.*

Remaining accused not produced by the Jail authorities. Let, their production warrants be issued for 28.02.2023 for which date Pws be also summoned.

*Sd/-Rakesh Kumar Sharma
AD&SJ/JSC/TT 07.02.2023*

*Present: APP for State.
Accused Sahib Singh on bail.
Remaining accused in custody and produced.*

No PW is present. Let PWs be again summoned for 21.03.2023.

*Sd/-Rakesh Kumar Sharma
AD&SJ/JSC/TT 28.02.2023*

*Present: APP for State.
Accused Sahib Singh on bail with counsel, Sh. R.R. Arora Adv.
Remaining accused in custody but not produced.*

Today, Sh. R.R. Arora, Advocate filed POA on behalf of accused Sahib Singh. Remaining accused not produced by the Jail authorities. Let their production warrants be issued for 11.04.2023 for which date Pws be also summoned.

*Sd/-Rakesh Kumar Sharma
AD&SJ/JSC/TT 21.03.2023*

*Present: APP for State.
None for accused Sahib Singh.
Remaining accused in custody but not produced.*

Remaining accused not produced by the Jail authorities. Let their production warrants be issued for 02.05.2023 for which date Pws be also summoned. Notice to accused Sahib Singh be also issued for the date fixed.

*Sd/-Rakesh Kumar Sharma
AD&SJ/JSC/TT 11.04.2023*

*Present: APP for State.
None for accused Sahib Singh.
Remaining accused in custody but not produced.*



Remaining accused not produced by the Jail authorities. Let their production warrants be issued for 22.05.2023 for which date Pws be also summoned. Notice to accused Sahib Singh be also issued for the date fixed.

*Sd/-Rakesh Kumar Sharma
AD&SJ/JSC/TT 02.05.2023*

*Present: APP for State.
None for accused Sahib Singh.
Remaining accused in custody but not produced.*

Remaining accused not produced by the Jail authorities. Let their production warrants be issued for rohnmai on 12.06.2023 for which date PWs be also summoned for 05.07.2023 for which date notice to accused Sahib Singh be also issued.

*Sd/-Rakesh Kumar Sharma
AD&SJ/JSC/TT 22.05.2023*

*Present: APP for State.
Accused Sahib Singh on bail.
Remaining accused in custody but not produced.*

File put up before me as the Ld. Presiding Officer is availing summer vacations. Remaining accused not produced by the Jail authorities. Let, their production warrants be issued for the date already fixed i.e. 05.07.2023 for prosecution evidence.

*Sd/-Prashant Verma
ASJ/TT/12.06.2023 (Duty)*

*Present: APP for State.
Accused Sahib Singh on bail.
Remaining accused in custody but not produced.*

Pws Sohan Singh and Jaswant Singh have not appeared despite service. Let, they be again summoned throughailable warrant in the sum of Rs.50,000/- with one surety in the like amount each for 26.07.2023 for which date remaining Pws be also summoned. Salary of PW Sohan Singh and Jaswant Singh are ordered to be attached and intimation be sent to the concerned Police Station.

Remaining accused not produced by the Jail authorities. Let their production warrants be issued for date fixed.

*Sd/-Rakesh Kumar Sharma
AD&SJ/JSC/TT 05.07.2023*

*Present: APP for State.
Accused Sahib Singh on bail.
Remaining accused in custody but not produced.*



Bailable warrants issued against PWs Sohan Singh and Jaswant Singh received back unserved. Same be issued afresh for 16.08.2023 for which date production warrants against remaining accused be also issued.

*Sd/-Rakesh Kumar Sharma
AD&SJ/JSC/TT 26.07.2023*

*Present: APP for State.
Accused Sahib Singh on bail.
Remaining accused in custody but not produced.*

Bailable warrants issued against PWs Sohan Singh and Jaswant Singh received back unserved with report that witness Sohan Singh has expired. Let, fresh bailable warrants against PW Jaswant Singh be issued for 06.09.2023 for which date production warrants against remaining accused be also issued.

*Sd/-Rakesh Kumar Sharma
AD&SJ/JSC/TT 16.08.2023*

*Present: APP for State.
Accused Sahib Singh on bail.
Remaining accused in custody but not produced.*

Bailable warrants issued against PW Jaswant Singh not received back. Same be issued afresh for 27.09.2023 for which date production warrants against remaining accused be also issued.

*Sd/-Rakesh Kumar Sharma
AD&SJ/JSC/TT 06.09.2023*

*Present: APP for State.
Accused Sahib Singh on bail.
Remaining accused in custody but not produced.*

Bailable warrants issued against PW Jaswant Singh received back unserved. Same be issued afresh for 19.10.2023 for which date production warrants against remaining accused be also issued.

*Sd/-Rakesh Kumar Sharma
AD&SJ/JSC/TT 27.09.2023*

*Present: APP for State.
Accused Sahib Singh on bail.
Remaining accused in custody but not produced.*

Bailable warrant issued against PW Jaswant Singh received back unserved. Same be issued afresh for



10.11.2023 for which date production warrants against remaining accused be also issued.

*Sd/-Rakesh Kumar Sharma
AD&SJ/JSC/TT 19.10.2023*

*Present: APP for State.
Accused Sahib Singh on bail.
Accused Gurwinder Singh in custody but not produced.
Remaining accused in custody and produced.*

Bailable warrant issued against PW Jaswant Singh received back unserved. Same be issued afresh for 01.12.2023 for which date production warrants against accused Gurwinder Singh be also issued.

*Sd/-Rakesh Kumar Sharma
AD&SJ/JSC/TT 10.11.2023*

*Present: APP for State.
Accused Sahib Singh on bail.
Remaining accused in custody and produced.*

Bailable warrant issued against PW Jaswant Singh received back unserved. Same be issued afresh for 16.12.2023 for which date production warrants against accused Gurwinder Singh be also issued.

*Sd/-Rakesh Kumar Sharma
AD&SJ/JSC/TT 01.12.2023*

*Present: APP for State.
Accused Sahib Singh on bail.
Remaining accused in custody and produced.*

Bailable warrant issued against PW Jaswant Singh received back unserved. Same be issued afresh for 05.01.2024.

*Sd/-Rakesh Kumar Sharma
AD&SJ/JSC/TT 16.12.2023*

*Present: APP for State.
Accused Sahib Singh on bail.
Remaining accused in custody but not produced.*

Bailable warrant issued against PW Jaswant Singh not received back. Same be issued afresh for 29.01.2024 for which date production warrants of remaining accused be also issued.

*Sd/-Rakesh Kumar Sharma
AD&SJ/JSC/TT 05.01.2024*



*Present: APP for State.
Accused Sahib Singh on bail.
Remaining accused in custody but not produced.*

Bailable warrant issued against PW Jaswant Singh not received back. Same be issued afresh for 11.03.2024 and production warrants of remaining accused be also issued for 19.02.2024 for roohmai.

*Sd/-Rakesh Kumar Sharma
AD&SJ/JSC/TT 29.01.2024*

*Present: APP for State.
Accused Sahib Singh on bail.
Remaining accused in custody but not produced.*

Bailable warrant issued against PW Jaswant Singh not received back. Same be issued afresh for 11.03.2024 for which date production warrants of remaining accused be also issued.

*Sd/-Rakesh Kumar Sharma
AD&SJ/JSC/TT 19.02.2024*

*Present: APP for State.
Accused Sahib Singh on bail.
Remaining accused in custody and produced through VC.*

Bailable warrant issued against PW Jaswant Singh not received back. Same be issued afresh for 22.04.2024 for which date production warrants of remaining accused be also issued for 01.04.2024 for roohnmai.

*Sd/-Rakesh Kumar Sharma
AD&SJ/JSC/TT 11.03.2024*

*Present: APP for State.
Accused Sahib Singh on bail.
Remaining accused in custody (produced through VC).
Proceedings against accused Sarwan Singh abated.
Remaining accused on bail.*

Remaining accused be again produced on the date already fixed i.e. 22.04.2024.

*Sd/-Rakesh Kumar Sharma
Sessions Judge
Taran Taran/ 01.04.2024*



*Present: APP for State.
Proceedings against accused Sarwan Singh abated.
Accused Sahib Singh on bail.
Remaining accused in custody but not produced.*

Remaining accused not produced by the jail authorities. Let, production warrants of remaining accused be issued for 13.05.2024 for roohnmai and Pws be summoned for 03.06.2024.

*Sd/-Rakesh Kumar Sharma
Addl. Sessions Judge
Taran Taran/ 22.04.2024*

*Present: APP for State.
Proceedings against accused Sarwan Singh abated.
Accused Sahib Singh on bail.
Remaining accused in custody (produced).*

No PW is present. Let, remaining Pws be summoned for 03.06.2024.

*Sd/-Rakesh Kumar Sharma
Addl. Sessions Judge
Taran Taran/ 13.05.2024*

*Present: APP for State.
Proceedings against accused Sarwan Singh abated.
Accused Sahib Singh on bail.
Remaining accused in custody. Produced.*

File put up before me as the Learned Presiding Officer is availing Medical Leave from 20.05.2024 to 03.06.2024.

No Pws are present or served.

Adjourned to 10.07.2024 for which date remaining Pws be summoned.

Long adjournment given due to impending summer vacations.

*Sd/-Neetika Verma
Addl. Sessions Judge (D)
Taran Taran/ 03.06.2024*

*Present: APP for State.
Accused Sahib Singh on bail.
Remaining accused in custody. Not Produced.*



File put up before me being Duty Judge as Learned Presiding Officer is availing Casual Leave. Accused in custody not produced by jail authorities. Let production warrants of accused in custody be issued for 31.07.2024. Pws be also summoned for 21.08.2024.

*Addl. Sessions Judge (Duty)
Taran Taran/ 10.07.2024*

*Present: APP for State.
Accused Sahib Singh on bail.
Remaining accused in custody (produced).*

Accused Gurpreet Singh, Gurvinder Singh, Shamsher Singh and Jaswiinder Singh produced by the jail authorities in the Court today. Be again produced on date already fixed i.e. 21.08.2024. Now to come up on 21.08.2024 date already fixed for prosecution evidence.

*Sd/-Rakesh Kumar Sharma
Addl. Sessions Judge
Taran Taran/ 31.07.2024*

*Present: APP for State.
Accused Sahib Singh on bail.
Remaining accused in custody. (Not Produced).*

File put up before me being Duty Judge as the Learned Presiding Officer is availing Earned Leave due to medical grounds w.e.f. 01.10.2024 to 17.10.2024. Accused not produced by jail authorities. Let, their production warrants be issued for 22.10.2024 for roohnumai and Pws be summoned for 12.11.2024.

*Addl. Sessions Judge (Duty)
Taran Taran/ 01.10.2024*

*Present: APP for State.
Accused Sahib Singh on bail.
Remaining accused in custody (produced through VC).*

Remaining accused be again produced on the date already fixed i.e. 12.11.2024.

*Sd/-Rakesh Kumar Sharma
Addl. Sessions Judge*



Taran Taran/ 22.10.2024

*Present: APP for State.
Accused Sahib Singh on bail.
Remaining accused in custody (produced through
VC).*

*PW1 is present and examined. Remaining Pws be now
summoned for 24.12.2024 & accused be again
produced on 03.12.2024.*

*Sd/-Rakesh Kumar Sharma
Addl. Sessions Judge
Taran Taran/ 12.11.2024*

*Present: APP for State.
Accused Gurpreet Singh in custody (produced)
Remaining accused in custody (not produced).*

*Remaining accused not produced by the jail
authorities. Let, their production warrants be issued
for the date already fixed i.e. 24.12.2024.*

*Sd/-Rakesh Kumar Sharma
Addl. Sessions Judge
Taran Taran/ 03.12.2024*

*Present: APP for State.
Accused Sahib Singh on Bail.
Remaining accused in custody (not produced).*

*Accused not produced by the jail authorities. Let,
their production warrants be issued for 14.01.2025
for roohnumai and Pws be summoned for 04.02.2025.*

*Sd/-Rakesh Kumar Sharma
Addl. Sessions Judge
Taran Taran/ 24.12.2024*

*Present: APP for State.
Accused Sahib Singh on bail.
Remaining accused in custody. Not Produced.*

*File put up before me being Duty Judge as learned
Presiding Officer is availing casual leave for today.*

*Let, production warrants of accused in custody be
issued for 04.02.2025 i.e. date already fixed for
prosecution evidence.*



*Addl. Sessions Judge (Duty)
Taran Taran/ 14.01.2025*

*Present: APP for State.
Accused Sahib Singh on Bail.
Remaining accused in custody (not produced).*

*File received by way of transfer. It be registered.
Accused not produced by the jail authorities. Let,
their production warrants be issued for 25.02.2025
for roohnumai and PWs be summoned for
18.03.2025.*

*Sd/-Rakesh Kumar Sharma
Addl. Sessions Judge
Taran Taran/ 04.02.2025*

9. In view of the above, it appears that trial is not likely to be concluded in the near future.

10. Consequently, there is no option, except to allow the petition.

11. Ordered accordingly.

12. Petitioner be released on bail on his furnishing bail-bonds and surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

13. Copy of this order be sent to learned District & Sessions Judge, Tarn Taran; Director, Chandigarh Judicial Academy, Chandigarh to sensitize the Judicial Officers concerned and; also to Additional Director General of Police (Prisons), Punjab.

14. The above observations be not construed as an expression of opinion on the merits of the case in any manner.

Pending application(s), if any, shall also stand disposed off.

19.02.2025
SN

**(MAHABIR SINGH SINDHU)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether Reportable: Yes/No