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

**CRM-M No.51449 of 2024
Date of Decision: 11.08.2025
Reserved on: 28.07.2025**

Shamsher Singh alias Shera alias Gargaj Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Ashish Aggarwal, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner seeking grant of regular bail in cross case bearing DDR No.30 dated 08.01.2024 registered under Sections 307, 323, 324, 160, 148 and 149 of IPC and Sections 25 and 27 of Arms Act, 1959 (For short "Act, 1959") (Sections 212, 216, 120-B and 201 of IPC added later on) at Police Station Division D, District Police Commissionerate Amritsar arising out of FIR No.132 dated 13.11.2023 registered under Sections 302, 307, 160, 323, 324, 148 and 149 of IPC and Sections 25 and 27 of Act, 1959 (Sections 212, 216, 120-B and 473 of IPC added later on) at Police Station Division D, District Police Commissionerate Amritsar.

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2. As per the allegations, on the intervening night of 12/13.11.2023, a secret information was received qua an altercation having taken place between the members of two groups one of which was of Parmod Kumar @ Ladi and the second was of the petitioner, who had old enmity with each other. It was also informed that there was exchange of fire and deadly weapons were being used. On receipt of this information, police had rushed towards the spot of occurrence where dead body of Arun Kumar was found lying. Injuries had also been sustained by some persons. FIR No.132 was registered. Investigation proceedings were initiated. On 08.01.2024, DDR No.30 was entered and a cross case was registered. The allegations against the petitioner are that by forming membership of an unlawful assembly with the co-accused and in prosecution of common object thereof he had caused firearm injuries to Arjun Ubey, a member of group of Parmod Kumar @ Ladi. The petitioner was arrested and is in custody.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated on the allegation that he had caused a firearm injury on the right elbow of Arjun Kumar. Infact, the firearms were used by the opposite party resulting into death of Arun Kumar who was a member of his group and the petitioner's group was not the aggressor. It was a case of sudden fight. Some of the co-accused have been extended benefit of bail. The trial has not commenced so far on account of non-appearance of some or the other accused on the dates of hearing fixed before the learned trial Court and will take considerable time to conclude. He has been acquitted in

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three of the cases as registered against him. He is in custody since long. His further incarceration would not serve any useful purpose. It is, therefore, urged that the petition deserves to be allowed.

4. Per contra, learned Assistant Advocate General, Punjab has argued that the allegations against the petitioner are serious in nature. The petitioner is a habitual offender being involved in several other cases and has even been convicted in similar offences. There are chances of his absconding or committing similar offences if extended benefit of bail. It is, therefore, argued that he does not deserve to be released on bail.

5. This Court has considered the rival submissions.

6. The petitioner is alleged to have formed membership of an unlawful assembly with the co-accused and in prosecution of common object of that assembly, he is further alleged to have fired a shot with a pistol thereby injuring one Arjun Ubey. It is a case of version and cross version and at this stage, it cannot be concluded as to who was the aggressor. He is in custody since 30.11.2023. Though challan has been presented but charges have not been framed so far as one or the other accused is seeking exemption. Trial will obviously take time. The further incarceration of the petitioner would not serve any useful purpose and should not continue as replica of post conviction sentence. He cannot be denied concession of bail due to his involvement in other cases. Taking into consideration the above discussed facts but without meaning to make any comment on the merits of the case, this Court is of the opinion that a case for release of the petitioner on bail is made out. Accordingly, the petition is allowed and the petitioner is

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ordered to be admitted to bail subject to his furnishing personal bonds as well as surety bonds by two sureties to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned. He shall also disclose his present as well as permanent address before the learned trial Court at the time of furnishing of bonds and shall also give copy of his Aadhar Card, PAN Card if any and details of his mobile phone number(s) to the learned trial Court and in case, any change in his address or mobile phone number takes place, then he shall inform about the same to the learned trial Court in advance.

7. In the eventuality of breach of any of the aforementioned conditions, the respondent-State shall be at liberty to move an application seeking cancellation of the bail.

(MANISHA BATRA)
JUDGE

11.08.2025
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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No