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

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Date of decision: 4<sup>th</sup> April, 2025

Shamsher Singh @ Shera @ Punji

...Petitioner

Versus

State of Punjab

...Respondent

**CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Raj Kumar Arya, Advocate for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

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**MANISHA BATRA, J (ORAL):-**

The present petition has been filed by the petitioner seeking grant of anticipatory bail in case bearing FIR No. 254 dated 15.10.2020 registered under Sections 307, 427, 447, 506, 148 read with Section 149 of IPC and Section 25 and 27 of Arms Act, 1959 at Police Station Majitha, District Amritsar.

2. As per the allegations, on the evening of 13.10.2020, the complainant-Partap Singh was spraying insecticides over the crop grown in his agricultural land when the accused Baldev Singh, with whom he was having a dispute qua land, reached there in a tractor, accompanied by the petitioner, accused Arshdeep Singh, co-accused Jaswinder Singh, Sukhwinder Singh, Navdeep Singh, Nirmal and 15-16 persons unknown to him. They were armed with weapons. They brought their tractor in the fields



of the complainant and on asking of accused Baldev Singh, Nirmal Singh started ploughing his land and he along with petitioner damaged crop of peas grown therein. The complainant along with his companions Hardeep Singh and Punjab Singh, tried to stop them but then accused Jaswinder Singh and Sukhwinder Singh made exhortations and accused Baldev Singh handed over his rifle to Navdeep Singh, who fired a shot upon the complainant and his companions who sustained pallet injuries. Some other shots were also fired but the victims somehow escaped. Clamour being raised by them, attracted Jagtar Singh, who rushed there and then the assailants fled away. The complainant and other injured were rushed to hospital and were provided treatment. After registration of FIR, investigation proceedings were initiated and are underway. A cross case bearing DDR No. 21 was registered on 29.10.2020 against the complainant and some other members of his party. Apprehending his arrest, the petitioner moved an application for grant of pre-arrest bail before the learned Additional Sessions Judge, Amritsar, which was dismissed vide order dated 08.12.2023.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. No attribution whatsoever has been made to him in the occurrence since as per the allegations, he was sitting on the tractor which was driven by co-accused Nirmal Singh at the time of occurrence. No injury has been attributed to him. The matter has even otherwise been settled between the parties and a petition for quashing of FIR by way of compromise has been filed by the petitioner and other co-accused, which is pending. He is ready to join the investigation. Subject offences are not made out against him. No purpose would be served by detaining him in



custody. Therefore, it is urged that he deserves to be extended benefit of pre-arrest bail.

4. *Per contra*, learned Assistant Advocate General, Punjab, has argued that the petitioner formed membership of an unlawful assembly with the co-accused and damaged the crop of peas grown in the agricultural land of the complainant with the help of a tractor. He played an active role in the incident. For conducting thorough investigation in the matter, his custodial interrogation is required. Therefore, it is urged that the petition does not deserve to be allowed.

5. Rival contentions of both sides have been considered.

6. The petitioner has placed on record Annexure P-2, copy of a writing shown to have been executed between the complainant on the one hand and the petitioner and other co-accused on the other hand, showing that a compromise has been arrived between them on 29.04.2024. Though no inference as to genuineness of this compromise can be drawn at this stage, however, keeping in view the nature of the allegations as levelled against the petitioner, which suggest that no active role had been attributed to the petitioner in the entire incident, no injury on the person of the victim has been attributed to him, the fact that the medico legal reports do not conclusively suggest that any firearm/pallet injuries had been sustained by the victims and the above discussed facts, this Court is of the opinion that given the nature of the allegations, pre-trial incarceration of the petitioner is not required. Accordingly, the petition is allowed and the petitioner is ordered to be released on anticipatory bail, subject of his surrendering before the Investigation/Arresting Officer within a period of fifteen days and

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joining investigation and further subject to his furnishing bonds to the satisfaction of Investigating/Arresting Officer and on his complying with usual terms and conditions laid down in Section 482(2) of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

7. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

**[MANISHA BATRA]**  
**JUDGE**

**4<sup>th</sup> April, 2025**

*Parveen Sharma*

*1. Whether speaking/ reasoned*

*: Yes / No*

*2. Whether reportable*

*: Yes / No*