



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

228

CRM-M-39505-2024
Date of decision: 05.09.2024

GURMEJ SINGH

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. H.S. Saggu, Advocate for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

KULDEEP TIWARI. J.(Oral)

1. Through the instant petition, the petitioner craves for indulgence of this Court for his being enlarged on regular bail, in case FIR No.99 dated 20.02.2024, under Sections 148, 149, 307 and 506 of IPC, 1860, and under Section 25 of the Arms Act, 1959 (under Sections 27 and 29 of the Arms Act, 1959 added later on), registered at Police Station Sirsa City, District Sirsa.

2. The case of the prosecution was set up on the statement made by one Manpreet Singh, the relevant extract of the same reads as under:-

“Statement of Manpreet Singh s/o Sh.Iqbal Singh s/o Didar Singh, r/o Kanganpur, Police Station Sadar Sirsa, aged 24 Years, Mobile No.97288-88471. Stated that I am resident of above mentioned address and doing job of MR in Kanvas Pharma. In October, 2023 I had purchased a car model i-10 Grand Hyundai, bearing No.HR51-BJ-3617, which was purchased through Tarsem Singh son of Gurmej Singh resident of JE Colony, near Kisan Chowk, Sirsa. This car has been registered in the name of one Padam Singh Chauhan, resident of Faridabad. I had purchased this car for Rs.2 lakh and while taking delivery of the same I had handed over Rs.1 lakh 80 thousand in cash to Tarsem Singh on the spot and remaining Rs.20 thousand were to be



- 2-

given after transfer of car in my name. Tarsem Singh had promised that he will get the car transferred in my name in 15 days, but Tarsem Singh has not done that till now. When I asked Tarsem Singh to get the car transferred in my name once or twice, then he evaded me initially, thereafter he threatened to kill me. Today on 20.02.2024 at about 5 PM, I was called at Sethi Coffee house at Subhash Chowk for discussion about the car. I alongwith my friend Amandeep Singh alias Laddi s/o Gurcharan Singh alias Janta r/o Jhandi Wali Gali, Khairpur, Sirsa and my brothers Kamaldeep Singh and Luvpreet Singh reached at Sethi Coffee House, Subhash Chowk, Sirsa at about 5.30 pm for discussion. At that time, there were many people drinking coffee at Sethi Coffee house. At about 6.00 pm two vehicles i.e. one XUV with number HR2474900 having white colour and one Polo Car having white colour with number HR51AR3180 came. From the Polo Car Tarsem Singh s/o Gurmej Singh, r/o JE Colony, Sirsa and Goldy s/o Kala Singh r/o Near Bedi Kiryana. Store alongwith 2/3 more boys whose name and address were not known came out from the XUV, which was in front, father Gurmej Singh and his brother Virender alias Bitta, Pradeep Kaushik r/o Panjuana and 2/3 persons whose name and address were not known came out. Tarsem was carrying pistol in his hand and others were having swords in their hands. On coming out of the car, Gurmej told Tarsem that kill them by hitting them with bullet. Then Tarsem fired, which hit on the left hip of my friend Amandeep alias Laddi s/o Gurcharan Singh, who was standing ahead of me. Then Tarsem fired second time towards me, I ran and the said fire hit a boy in his hand who was drinking coffee behind me. The name of that boy is Rajpreet Singh s/o Harpal Singh, r/o Rania, which I came to know on reaching the Hospital. After firing, we saved ourselves by running from the spot and made noise and while running informed the police by making a call at 112 number. On gathering of people, all accused ran in their vehicles alongwith their weapons. Thereafter, police got admitted my friend Amandeep alias Laddi and Rajpreet in Civil Hospital, Sirsa. Where doctor referred them after giving first aid to both of them. Hence Tarsem Singh and Virender alias Bitta s/o Gurmej Singh, Gurmej Singh s/o Hari Singh residents of JE Colony, Sirsa, Goldy s/o Kala r/o Near Bedi Kiryana Store, Pradeep Kaushik r/o Panjuana and 5/6 other unknown persons in connivance with each other have fired towards my friend Amandeep alias Laddi and myself with an



- 3-

intention to kill and the fire towards me has hit one Rajpreet s/o Harpal r/o Rania. Strict action be taken against all the above mentioned accused”.

3. The learned counsel for the petitioner, in his asking for the hereinabove extracted relief, has made the following submissions:-

(i) The petitioner is in custody since 21.02.2024;

(ii) Petitioner has suffered incarceration of more than 06 months, as on today;

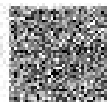
(iii) The final report under Section 173 Cr.P.C., had already been filed on 11.07.2024;

(iv) Out of the total 18 prosecution witnesses cited in the final report, none has been examined till date.

(v) Conclusion of trial will take long time.

4. Per contra, the learned State counsel, who is in receipt of advance notice, has placed on record the custody certificate *qua* the petitioner, as issued by the Deputy Superintendent, District Prison (Sirsa), Haryana. The same is taken on record. A perusal of the custody certificate reveals that the petitioner has suffered incarceration of 06 months and 15 days, as on today. Learned State counsel on instructions, imparted to him by the official respondent, submits that after conclusion of the investigation, the final report under Section 173 Cr.P.C., had already been filed on 11.07.2024. Learned State counsel further submits that out of the total 18 prosecution witnesses cited in the final report, none has been examined till date.

5. This Court has heard the learned counsel for the parties concerned, and has gone through the instant petition, and is of the considered opinion that the instant petition is amenable for being allowed.



6. The reason for forming the above inference emanates from the factum that:- (i) The petitioner has suffered incarceration of 06 months and 15 days, as on today; (ii) Out of the total 18 prosecution witnesses cited in the final report, none has been examined till date. (iii) The final report under Section 173 Cr.P.C had already been filed on 11.07.2024, (iv) No fruitful purpose would be served by keeping the petitioner behind the bars, (v) Trial is not likely to conclude anytime soon.
7. Considering the hereinabove made discussion, this Court deems it fit and appropriate to grant the concession of regular bail to the petitioner. Therefore, without commenting upon the merits and circumstances of the present case, the present petition is **allowed**. The petitioner is ordered to be released on bail on furnishing of bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.
8. However, anything observed here-in-above shall have no effect on the merits of the trial, and is only meant for deciding the present petition.
9. However, it is clarified that if in future, the petitioner is found indulging in commission of similar offences, as are involved herein, the respondent-State shall be at liberty to make an appropriate application seeking cancellation of regular bail, as granted by this Court.

05.09.2024
amandeep

(KULDEEP TIWARI)
JUDGE

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