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CRM-M-26093-2025
Decided on: 19.05.2025

Tarsem Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

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

Ms. Harpreet Kaur, AAG, Haryana.

Mr. Kushager Goyal, Advocate
for the complainant.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
99	20.02.2024	City Sirsa, Distt. Sirsa	148, 149, 307, 506 IPC and 25 of Arms Act (Sections 27 & 29 of Arms Act added later on)

1. The petitioner incarcerated in the FIR captioned above came before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.

2. As per paragraph 11 of the bail petition as well as custody certificate dated 16.05.2025, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	383	18.04.2014	382 , 34 IPC	City Sirsa, Sirsa
2	103	10.02.2013	323/324 IPC	City Sirsa, Sirsa
3	804	02.10.2013	323/324 IPC and 147/148/149 & 506 IPC	City Sirsa, Sirsa
4	660	2016	323, 34, 452, 506 IPC	City Sirsa, Sirsa
5	60	20.02.2024	186, 353, 427, 307 IPC and 25/54/59 of Arms Act	Civil Lines Sirsa, Sirsa
6	568	2022	---	Neemach

3. The facts and allegations are being taken from the order dated 23.09.2024 passed by the Additional Sessions Judge, Sirsa, which reads as follows:

“The facts of the prosecution case, in brief, are that the present case was registered on the statement of Manpreet Singh son of Iqbal Singh, resident of Kanganpur, in which he stated that he is working as Medical Representative in Kanvas Pharma. In October 2023, he purchased one car Hyundai Grand I-10 bearing registration no. HR51BJ-3617 through Tarsem Singh (applicant) son of Gurmej Singh, resident of J.E. Colony near Kissan Chowk Sirsa. He further stated in the complaint that the aforesaid car was registered in the name of Padam Singh Chauhan, resident of Faridabad and he purchased the said car for a sum of 2,00,000/-, out of which he paid 1,80,000/- to Tarsem Singh in cash and further assured to pay the remaining amount of 20,000/- on registration of the car in his name. Tarsem Singh has also assured him that he will get the car registered in the name of complainant within 15 days but he did not do the same and whenever the complainant used to ask Tarsem for getting the car registered in his name, initially Tarsem used to give excuses and later on, he started threatening to kill him. On 20.02.2024, at about 5:00 pm, the complainant was called at Sethi Coffee House at Subhash Chowk for having a conversation regarding the car. Upon this, the complainant alongwith his friend Amandeep @ Laddi and his brothers Kamaldeep and Loverpreet reached Sethi Coffee House at about 5:30 pm. At that time, several persons were also having Coffee at Sethi Coffee House. At about 6:00 pm, two cars (one white coloured XUV bearing registration no. HR24T-4900 and one white coloured POLO bearing registration no. HR51AR-3180) came there from which Tarsem Singh, Goldy and two-three other unknown persons alighted. He further stated that Gurmej Singh, Virender @Bitta, Pardeep Koshik resident of Panjuana and two-three unknown person alighted from the XUV car. Tarsem was having a pistol in his hands and the remaining persons were having sword and kirpan with them. On alighting from the car, Gurmej stated to kill the complainant and thereafter, Tarsem fired a gun shot which hit at the hip of Amandeep @ Laddi. Thereafter, Tarsem again fired a gun shot which hit a boy named Rajpreet Singh son of Harpal Singh, resident of Rania in his hand, who was having coffee at the shop. Thereafter the complainant and his companions fled away from the spot and saved their lives. They also informed the police at number 112 and also raised alarm. On seeing the mob gathering at the spot, all the assailants alongwith their respective weapons fled away from the spot in their car. Thereafter, police got admitted Amandeep @ Laddi and Rajpreet in Civil Hospital Sirsa for their treatment, where the doctor after giving first aid to them, referred them. Hence, the complainant stated that

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Tarsem Singh, Virender @ Bitta, Gurmej Singh, Goldy, Pardeep Kaushik and five to six other persons had fired gun shot with the intention to kill them and he thereby sought strict legal action against them. On the basis of above statement, the present FIR has been registered against the accused persons."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family. He further submits that matter stands compromised between the parties.

5. Complainant's counsel submits that there was a civil dispute regarding money which went out of control and became criminal in nature and matter has been resolved and they have no objection if bail is granted to the petitioner.

6. The State's counsel opposes the bail on the ground that the FIR relates to Section 307 IPC and there is an intention to kill. Counsel for the State further submits that if this Court grants bail, it should not be a ground to quash the FIR.

REASONING:

7. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. Given the fact of compromise and no objection of counsel for the complainant, petitioner is entitled for bail.

8. As per the custody certificate dated 16.05.2025 the petitioner's total custody in this FIR is 01 year, 01 month & 11 days.

9. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, fact of compromise and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

10. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

11. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

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12. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

13. This order is subject to the petitioner’s complying with the following terms.

14. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

15. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall not enter the property, workplace, and residence of the victim until the statements of all non-official and informal witnesses in the trial are recorded. This Court is imposing this condition to rule out any attempt by the accused to incapacitate, influence, or cause any discomfort to the victim. Reference be made to *Vikram Singh v Central Bureau of Investigation*, 2018 All SCR (Crl.) 458; and *Aparna Bhatt v. The State of Madhya Pradesh*, 2021:INSC:192, 2021 SCC Online SC 230.

16. Given the background of allegations against the petitioner, it becomes paramount to protect the victim, and their family members, as well as the members of society, and incapacitating the accused would be one of the primary options until the filing of the closure report or discharge, or acquittal. Consequently, it would be appropriate to restrict the possession of firearm(s). [This restriction is being imposed based on the preponderance of evidence of probability and not of evidence of certainty, i.e., beyond reasonable doubt; and as such, it is not to be construed as an intermediate sanction]. Given the nature of the allegations and the other circumstances peculiar to this case, the petitioner shall surrender all weapons, firearms, and ammunition, if any, along with the arms license to the concerned authority within fifteen days from release from prison and inform the Investigator about the compliance. However, subject to the Indian Arms Act, 1959, the petitioner shall be entitled to renew and take it back in case of acquittal in this case, provided otherwise permissible in the concerned rules. Restricting firearms would instill confidence in the victim(s), their families, and society; it would also restrain the accused from influencing the witnesses and repeating the offense.

17. The conditions mentioned above imposed by this court are to endeavor to reform and ensure the accused does not repeat the offense. In *Mohammed Zubair v. State of NCT*

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of Delhi, 2022:INSC:735 [Para 28], Writ Petition (Criminal) No 279 of 2022, Para 29, decided on July 20, 2022, A Three-Judge bench of Hon'ble Supreme Court holds that "The bail conditions imposed by the Court must not only have a nexus to the purpose that they seek to serve but must also be proportional to the purpose of imposing them. The courts, while imposing bail conditions must balance the liberty of the accused and the necessity of a fair trial. While doing so, conditions that would result in the deprivation of rights and liberties must be eschewed."

18. It is clarified that if the petitioner violates any bail condition, the State and/or the victim may file an application for bail cancellation before the trial court, which shall be competent to cancel the bail or add more conditions. Furthermore, if the petitioner moves for deletion or dilution of any bail conditions, the trial court is empowered to do so.

19. **This bail is conditional, and the foundational condition is that if the petitioner indulges in any non-bailable offense, the State shall file an application for cancellation of this bail before the Sessions Court, which shall have the liberty to cancel this bail.**

20. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

21. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

22. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

19.05.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.