

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

CRM-M-38953-2025
Reserved on: 09.09.2025
Pronounced on: 24.09.2025

Tasim ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sauhard Singh, Advocate
for the petitioner.

Ms. Shaveta Sanghi, D.A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
10	22.01.2023	Utawar, District Palwal	148, 149, 186, 224, 307, 332, 353 IPC and 25 of Arms Act and 13-A of Public Gambling Act (Section 148, 149, 224 IPC deleted and 324/333 IPC and Section 3 of Public Gambling Act added later on)

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. Per paragraph 15 of the bail petition, the petitioner has no criminal antecedents.
3. The facts and allegations are taken from the reply filed by State counsel, which reads as follows:

“That on 22.02.2023, a secret information was received with respect to betting at public place by some unknown person. On this information, raid was conducted and where it has been found that a person was saying in a loud voice that on putting 10 rupees, they would get 90 rupees and if the number put does not come, the amount will be confiscated. On this ASI Javed, who was in a civil dress, becomes a fake customer and handed over a note of Rs.50/-for the purpose of betting and that ASI Javed had signaled the other co-officials and they apprehended. same person alongwith a register and ball pen. The person apprehended revealed their name as Juber son of Kamru and Sahun son of Kamru and when the ASI tried to put the person in the vehicle, then said person shouted loudly to the effect that

the police had come and save them from the police on which their family members including Sahun son of Kamru, Sahil son of Hanif, Sadil son of Hanif, Juber son of Kamru, Khalil son of Majuddin, Hanif son of Teeta, Nasru son of Najeer, Fattu son of Nasru, Aarif son of Khalil came there alongwith danda and weapons and attacked on police party and they got rescued the apprehended accused persons Juber and Sahun from the police custody. HC Rajender Singh has been hit by sharp edged weapon by Juber and he also received injuries on his chest and stomach. Fattu son of Nasru with the intention to kill, had fired from country made pistol pointing ASI Nasib Khan, on which the Nasib Khan got down and bullet passed above the ASI and prayed for taking action.

On the basis of above complaint, FIR no.10 dated 22.01.2023 under section 186, 324, 307, 353, 34 IPC &13-A, 3, 67 The Public Gambling Act & 25 of Arms Act has been registered. During investigation Section 201, 332, 324, 34 IPC has been added.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family. He further submits that petitioner is an insane person and on this ground, he is entitled to bail.

5. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

6. The State's counsel opposes bail and refers to the reply.

7. It shall be appropriate to refer to paragraph no. IX of the reply, which reads as follows:

“That the petitioner is the main accused who fired upon the police with country made pistol, but he did not get recover the same and stated that he has thrown the country made pistol in a pond, hence custodial interrogation is required to recover the country made pistol.”

8. Allegations against the petitioner are specific that he had fired upon the police party with a country made pistol and after that had allegedly thrown the said pistol in the pond. State counsel submits that petitioner's custodial interrogation is required to recover the said country made pistol because the same is material object. Counsel for the petitioner submits that the petitioner is of unsound mind and as such he is not to be subjected to custodial interrogation. To this, State counsel has referred to paragraph no. 5 of the reply which reads as follows:

“5. That it is relevant to mention here that petitioner has been medico-legally examined to know about the psychiatric problem, in which the petitioner was found normal. The relevant extract of the report is reproduced below:

"Patient tasim was examined in Psy. OPD on 02nd Sept 2025 om 10:00am with his father Pt. father reported that there is no symptoms related psychiatric illness. There was no past and family history of psychiatric illness as per reported. On mental status exam: Pt. is conscious, oriented. He was well groomed with Jean and shirt with combed hair. Eye contact made, sustained.

Psychomotor activity normal. Speech sample was taken which is normal so there is no formal thought disorder elicited at present.

Memory, speech and judgment well preserved (tested, normal).

Higher mental function are intact at present No mood, thought, or perception abnormality noted.

As per my opinion on 02/09/25, no active psychology elicited at present. Review in psychiatry Opd when needed. True typed copy of the Medical Report is annexed herewith as Annexure R-5.”

9. Perusal of the reply based on the medical opinion, clearly point out that the petitioner has no apparent abnormality and thus the stand of the petitioner's counsel about insanity is prima facie not proved. In the facts and circumstances peculiar to the case and based on the serious nature of allegations of firing at the police party, petitioner is not entitled to bail. It is for the reason that the police officials, namely ASI Naseeb Khan had received an injury which was corroborated by the medical evidence as mentioned in Annexure R-1. However, considering the petitioner's counsel stand that petitioner is not normal and without stating anything because of the medical opinion which does not find any abnormality, it is clarified that at the time of custodial interrogation, petitioner shall be dealt with in an extremely decent manner without yelling at him and at low pitch. Further, the interrogation shall not be continued for more than 30 minutes at a time.

10. The petitioner acted with cruelty which is corroborated with the nature of injuries.

11. [Cruelty] implies there is something inhuman and barbarous -something more than the mere extinguishment of life.¹ The offense is heinous, and the crime brutal. Cruelty is one of the factors in deciding on bail. A cruel person is more likely to create a lot of insecurity in society. Once the courts form a prima facie opinion that the accused acted with cruelty, then such an accused ordinarily should not be granted bail, and if the courts deem it appropriate to grant, then it must be after specifying the reasons for such an indulgence. In the present case, an analysis of the allegations and evidence collected does not warrant the grant of bail to the accused.

¹ In re Kemmler, 136 U.S. at 436 [Refer: Matthew Lippman, Contemporary criminal law: concepts, cases, and controversies, University of Illinois at Chicago, 51, SAGE, California, USA, fourth edition, 2016].

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12. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for anticipatory bail. The impact of crime would also not justify anticipatory bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

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

14. **Petition dismissed.** Interim orders, if any, are recalled with immediate effect. All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

24.09.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.