



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

228-2

CRM-M-43747-2024

Date of decision: 17.02.2025

Tarsem Singh @ Bau Chatra

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Akun Sheemar, Advocate
for the petitioner.

Mr. Shiva Khurmi, AAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in case FIR No.98 dated 18.05.2024 under Sections 326, 324, 323, 341, 148 and 149 of the IPC registered at Police Station Islamabad, District Amritsar.

2. Learned counsel for the petitioner submits that the complainant while lodging the FIR in question, has tried to implicate the entire family of the petitioner attributing some role or the other to them. It has been submitted that although false and fabricated allegations have been levelled against the petitioner, however, the petitioner who was alleged to be armed with a *datar* has been attributed a simple injury on the person of Vir Singh. Learned counsel submits that the petitioner has now been in custody since 21.05.2024 and after the charges were framed on 03.12.2024 none of the 12 prosecution



CRM-M-43747-2024

witnesses have been examined and the case is being adjourned repeatedly by the learned Trial Court, hence, the possibility of the trial concluding in the near future does not arise.

3. Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions, has not disputed the custody period of the petitioner nor has the stage of trial been disputed by the learned State counsel. However, learned State counsel has reiterated the allegations levelled in the FIR in question which stands reproduced hereinunder:-

“Statement of Vir Singh son of Mukhtiar Singn resident of Hargobind Nagar Kot Khalsa, Amritsar Age 37 years. Stated that i am resident of afore-said address and doing private driving work. I as usual after finishing my work was returning to my home on 10.05.2024 at around 10 PM in the night that coming from Chowki side street my home; on the street way, Tarsem Singh alias Bau Chatra came from his house under inebriated condition and stopped my way; started telling that you are calling us drug-dealer. I told him that there is no lie in it. You all brothers are drug-addicted & there are cases on you as well. Dire to this, Tarsem Singh alias Bau Chatra went running inside his house and came with datar, following him, his brother Mohan having Datar, Pata having kirch & Kala empty handed sons of Nirmal Singh resident of Near Gurudwara Laat Sahib Kot Khalsa & one other companion, Sajjan Singh alias Sajjan Kata son of Kulwant Singh resident of Titu Halwai Street Kot Khalsa empty handed and immediately coming, Sajjan Kata raised lalkara that get hold of him; he called all of us drug addict. Today, we would not allow him to live. At the instance of his lalkara, Tarsem Singh alias Bau Chatra gave a blow of datar which he was holding in his hand to my head, which hit on the centre of my head. In the meantime, Mohna gave a blow of datar holding in hand to my head, which hit on in front of my forehead and Pata gave a blow of kirch holding in band directly towards right side of my forehead, which hit on right side of my forehead. I fell down on the ground and on the fallen me, Kala took off his Kadaa from his hand, gave 2 blows on back of head and Sajjan Kata lifted the bricks from the street; hit on my waist. I got engulfed with blood due to injuries. And seeing the people



CRM-M-43747-2024

in the neighborhood gathering, all these fled away from the spot along with their weapons. After making arrangement of vehicle, my relatives Balwinder Singh & Sarabjeet Singh resident of Kot Khalsa got me to Chowki Kot Khalsa. Where after getting by the police, sent us to Civil Hospital, Amritsar. Where I was under-treatment. That the doctor opined that my condition is severe and referred me to Guru Nanak Dev Hospital, where I was under-treatment. My condition is critical earlier and my family could not record their statement. We all family members are consulting. Today, I am utiared fit by the doctor for recoding statement. I got recorded the above staternent to you and MLR conducted by Civil Hospital, Amritsar, whose report & X-Rays reports are rendered before you. The contention is that I stopped them from selling drugs and in this way, they with common intention inflicted injuries to me. Till today, the respectable are trying T to get the matter compromised, but nothing is materialized. Against them legal action kindly be taken. The statement is heard, correct. SD/ Vir Singh above Verification: Kulwant Singh ASI PP Kot Khalsa Amritsar Date 17.05.2024.”

4. On a pointed query, learned State counsel on instructions, has not disputed that the petitioner has been attributed a simple injury on the person of injured Vir Singh.

5. I have heard learned counsel for the parties and perused the material placed on record.

6. The petitioner has been in custody since 21.05.2024. The next date fixed before the learned Trial Court is 01.03.2025 when some of the prosecution witnesses have been summoned to depose. In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

7. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it

CRM-M-43747-2024

is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

17.02.2025

(MANJARI NEHRU KAUL)
JUDGE

Vinay

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No