

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50264-2024
Reserved on: 03.03.2025
Pronounced on: 25.03.2025

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, A.A.G., Haryana.

Mr. Himanshu Setia, Advocate for
Mr. Khushager Goyal, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
99	20.02.2024	Sirsa City, District 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. Per paragraph 8 of the bail application and as per custody certificate, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1.	660	03.09.2016	323, 452, 506 r/w 34 IPC	City Sirsa
2.	60	20.02.2024	186, 353, 307, 427, 506 IPC and 25, 27, 29 of Arms Act	Civil Lines Sirsa
3.	568/2022	-	18/29/61/85 of NDPS Act	Neemach
4.	383	18.04.2014	382, 34 IPC	City Sirsa
5.	103	10.02.2013	323/324 IPC	City Sirsa
6.	804	02.10.2013	323, 324, 147, 148, 149, 506 IPC	City Sirsa

3. The facts and allegations are taken from the translated copy of the FIR attached to the bail petition, which reads as follows:

*“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 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 HR24T4900 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 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. The statement has been got written, read & is correct. Sd/- & verified by Manpreet.”

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.

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

6. Petitioner seeks bail on the grounds that the story is improbable because there was no motive; injuries received on non-vital parts i.e. hip and hand; criminal history in other cases is not serious; and petitioner is in custody for around 11 months.

7. State counsel submits that petitioner had fired to kill complainant which shows his intention and he used the weapon i.e. revolver of his father in the crime. Perusal of the evidence collected so far clearly points out that petitioner had fired two shots. It is not that the petitioner had fired on legs but the bullet hit the hips which is very very close to the private part of any human being. Had the bullet hit the private part, it would have become fatal. It was the bad aim and not the bad intention which saved the victim. When the police on information went to nab the petitioner, he also fired upon the police party and after cross firing, he was arrested after a fire shot hit on his leg in firing by police. In addition to that, petitioner has criminal antecedent of one case under Section 307 IPC and one under NDPS Act, thus petitioner prima facie has criminal tendency and is not entitled to bail on merits. Further, petitioner is in custody for around 01 year by no stretch of imagination can be termed as excessive. Further petitioner is not entitled to bail on the grounds of parity with co-accused because his role is on higher footing and his further conduct.

8. 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 bail. The impact of crime would not justify bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

9. The petitioner's custody of around 11 months cannot be termed prolonged, given the minimum sentence prescribed for the offense, which is 10 years.

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

11. **Petition dismissed.** All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

25.03.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.