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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.28782 of 2025

Tarsem Singh ... Petitioner

Versus

State of Punjab ... Respondent

1.	The date when the judgment is reserved	12.02.2026
2.	The date when the judgment is pronounced	27.02.2026
3.	The date when the judgment is uploaded on the website	27.02.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vishal Sharma, Advocate and
Mr. S.S. Aviraj, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Pratham Sethi, Advocate,
for the complainant.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner under

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Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in DDR No.20 dated 10.07.2024 registered under Sections 103, 109, 132, 221, 324(4), 191(3), 190, 303(2), 317(2) and 238 of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”) and Sections 25, 27 and 30 of Arms Act, 1959 (For short “Act, 1959”) which is cross version of FIR No.77 dated 08.07.2024 registered under Sections 103, 109, 302, 132, 221, 324(4), 191(3), 190, 303(2), 317(2) and 238 of BNS and Sections 25, 27 and 30 of Act, 1959 at Police Station Shri Hargobindpur, Police District Batala, District Gurdaspur.

2. As per the allegations, on 07.07.2024, on receipt of an information that members of group headed by one **Angrej Singh** and rival group of **Tarsem Singh i.e. the present petitioner**, were having altercation with each other in the area of Light Chowk, Shri Hargobindpur, Inspector SHO Satpal Singh rushed there and on reaching at the spot, it was found that the members of both the groups had exchanged fire with each other and in the incident, Shamsher Singh and Baljit Singh members of group of Angrej Singh had died whereas from the other side, Nirmal Singh and Balraj Singh had been killed by sustaining firearm injuries. Several members of both the groups had sustained injuries and had been taken to hospital.

3. After registration of FIR, investigation proceedings were initiated. Postmortem examination of dead bodies of Baljit Singh, Shamsher Singh, Balraj Singh and Nirmal Singh was conducted. On 10.07.2024, the present petitioner Tarsem Singh (**member of group No.2**) recorded his

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statement to the effect that on 07.07.2024, his nephew Varinder Singh who was going on a motorcycle along with his wife Jasbir Kaur, had informed his father that the persons named as accused therein by forming membership of an unlawful assembly, had been following them with an intent to kill them. On hearing so, the petitioner along with his family members and other persons had rushed towards Light Wale Chowk making search of his nephew Varinder Singh. He disclosed that the accused persons armed with weapons were present there. They came out of their vehicles. Accused Angrej Singh had raised lalkara to kill them and then shots were fired at him. His brother Nirmal Singh and Balraj Singh had sustained firearm injuries and had fallen on the ground. The accused Baljit Singh and Shamsheer Singh had also opened fire thereby injuring left hand of his nephew Gurpreet Singh. Other persons had also sustained injuries. On the basis of his disclosure, 22 persons were nominated as accused.

4. As per the further allegations, on 10.07.2024 itself, Angrej Singh of group No.1 also recorded his statement on the basis of which members of group No.2 including the petitioner were nominated as accused. A cross case bearing DDR No.20 was registered. The petitioner was arrested on 07.09.2024. The co-accused were subsequently arrested. Investigation now stands completed.

5. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 07.09.2024. He was 72 years old at the time of occurrence. He himself had sustained three

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injuries including a gun shot injury in the occurrence from the members of aggressor party. It is on his statement that the FIR was initially registered. It is a case of version and cross version. Two members of his group namely Nirmal Singh and Balraj Singh had sustained firearm injuries and had died. As per the report of SIT, he was simply armed with a danda and had given blow to someone with the same and then he had taken .12 bore rifle from the car. In the camera installed in the vicinity, this rifle was seen in the hands of his son Balbir Singh. More so, this rifle was recovered at the instance of his son. The best case of the prosecution is that he was seen at the spot. A datar is alleged to have been recovered from him. No specific act or injury has been attributed to him. The trial will take considerable time to conclude. His further incarceration would not serve any useful purpose. His antecedents are clean. He was not the member of the aggressor party rather the members of the other group were the aggressors. It is, therefore, argued that he deserves to be released on bail.

6. Per contra, learned Assistant Advocate General, Punjab assisted by learned counsel for the complainant has argued that though the FIR No.77 had been registered on the basis of statement recorded by the petitioner himself, however, a cross case has been registered against him. By forming membership of an unlawful assembly, he had reached at the spot 15-20 minutes prior to commencement of the altercation. The SIT report based on CCTV cameras shows that he initially came out with a dang in his hand. He had tried to hit someone with the same. He was subsequently

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found while having .12 bore revolver and then with a datar. The gun belonging to Angrej Singh, who was member of other party was recovered from him. He had actively participated in the occurrence. The firearm injury on the person of Angrej Singh has been attributed to him. There are chances of his intimidating the witnesses or absconding, if extended benefit of bail. It is, therefore, argued that he does not deserve to be released on bail.

7. This Court has considered the rival submissions.

8. The petitioner was the lodger of DDR No.17 dated 10.07.2024. In the cross case i.e. DDR No.20 entered on the basis of statement of Angrej Singh, the petitioner had fired a gun shot upon him. As per the SIT report also, he was seen while carrying firearm. He has been linked to the acts attributed with the aid of Section 190 of BNS. The ingredients of this offence are that there must be an unlawful assembly; the commission of offence may be by any member of the assembly and such offence must be such as the members of the assembly knew to be likely to be committed. The allegations prima facie show the clear involvement/participation of the petitioner in the occurrence. While having knowledge that such offences are likely to be committed in prosecution of common object since he was found armed with a weapon and it is firearm injury that has been attributed to him though he too had sustained injuries at the hands of members of the opposite party. The petitioner along with the co-accused stands accused of heinous crime which is punishable with life imprisonment or capital punishment.

The length of incarceration cannot overshadow the gravity of the accusations



of offences as alleged to be committed by him. The trial has commenced and there is nothing on record to show that there would be any undue delay in conclusion of the same. It is well settled proposition of law that grant of bail is a discretionary relief to be granted or denied based on specific facts and circumstance of each case and there cannot be any exhaustive parameters set out for considering the application for grant of bail. The factors such as nature of accusations, severity of punishment if the accusations entail a conviction and nature of evidence in support of accusations are to be seen. That apart, reasonable apprehension of tampering with evidence or threatening the material witnesses are also to be weighed. Frivolity of prosecution should always be considered.

9. In light of the foregoing legal principles and other circumstances as discussed above, this Court finds no compelling ground to allow this petition. Accordingly, the petition is dismissed.

10. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

27.02.2026
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No