

CRM-M-7451-2025

307 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7451-2025
Decided on: 06.03.2025

Tarsem Singh ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Aniket Aggarwal, Legal aid counsel
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
85	27.07.2024	Khuian Sarwar	127(2), 309(2) of BNS and 25/27 of Arms Act

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

2. In paragraph 5(ii) of the petition as well as para 7 of the status report, the accused has the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	13	27.03.2012	399, 402 IPC	Kot Bhai
2	113	15.04.2019	379 IPC	Division No.5, Ludhiana
3	39	24.04.2019	379, 411 IPC	City Fazilka
4	242	19.08.2020	379, 379-B, 411 IPC	City Malout

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“...Initially, the FIR in question was registered against two accused by name i.e. (1) Jagjit Singh @ Tinna son of Harchand Singh (2) Raman @ Ramni son of Kharaiti Lal and unknown person on the statement of Dharampal son of Hari Ram, on the allegations that the accused took away Rs.43500/- cash amount kept in the petrol pump, by pointing revolvers towards the complainant Dharampal and his associates. It was stated by the complainant that he is working as Salesman in Petrol Pump

CRM-M-7451-2025

New Taj Filling Station, Village Usman Khera, the owner of which is Amarvir Singh. On 26.07.2024, the complainant and other salesmen namely Sandeep Kumar son of Rajinder Kumar, Raj Kumar son of Natha Ram and Ravi Kumar son of Surjeet Singh were on night duty. In the morning at about 4.50AM on dated 27.07.2024, after putting fuel to a vehicle, the complainant lay down cot kept in the petrol pump. Then, the accused persons (with muffled faces) armed with revolvers came there on Pulsar Motor Cycle and they took away cash amount of Rs.43500/- lying in the petrol pump by pointing revolvers towards them.

(ii). During the investigation, the name of Tarsem Singh son of Kartar Singh (present petitioner) was nominated in the FIR in question vide DDR No.04 dated 09.08.2024.

(iii) All the accused including the petitioner was arrested on 09.08.2024.”

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. It would be appropriate to refer to the following portions of the reply, which read as follows:

“4. That during the investigation, the incriminating evidence came on file against all the accused including the petitioner. After completing the investigation, the challan in the FIR in question was filed in the learned court on 08.10.2024 and the charges were framed on 07.01.2025 and now the case is pending before the learned court of Addl. Sessions Judge, Fazilka and the next date of hearing is fixed for 04.03.2025 for prosecution evidence. Out of total 12 witnesses, no witness has been examined so far:

x x x x

6. That it is denied that the petitioner has been falsely implicated in the FIR in question. There is sufficient evidence against the petitioner to prove his guilt. The case of the prosecution stands on sound footing. In view of heinous nature of crime committed by the petitioner, the petitioner is not entitled to the concession of regular bail. No ground is made out for grant of regular bail to the petitioner. If the petitioner is released on bail, he will abscond and it will be difficult for the police to procure his presence before the learned trial Court and he will also indulge in illegal activities of similar nature. As such, no cause of action has accrued to the petitioner to file the present petition.”

CRM-M-7451-2025

REASONING:

7. Petitioner is a habitual offender and four cases which are pending against the petitioner, are of similar nature. 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.

8. The petitioner's custody of around 07 months cannot be termed prolonged, given the minimum sentence prescribed for the offense.

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

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

(ANOOP CHITKARA)
JUDGE

06.03.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.