

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

CRM-M-26331-2022

Date of decision: 11.07.2022

VINOD KUMAR

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. P.S. Sekhon, Advocate
for the petitioner.

Mr. Harpreet Singh Multani, AAG, Punjab

SURESHWAR THAKUR, J. (ORAL)

1. The instant application has been filed under Section 439 Cr.P.C. FIR No.23 of 17.03.2022, constitutes therein offences under Sections 307, 506 of IPC, and, under Section 25 of Arms Act, and, is lodged at Police Station Mukandpur, District SBS Nagar, therein, the incriminatory offences are attributed to be committed by the bail petitioner.

2. In the petition FIR, the present bail petitioner, is assigned an incriminatory role qua his, along with two other co-accused, and, with each sharing a common *mens-rea*, attempting to causing a life endangering assault upon the person of the victim. However, only the present bail petitioner is alleged to, through wielding, at the crime site, an incriminatory gun, rather fired two gunshots therefrom. The above gunshots, as become fired from the

incriminatory gun, however did not strike, the person of the victim.

3. The learned State counsel, on instructions given to him, by ASI Nirmal Singh submits, that during the course of the present bail petitioner being put to custodial interrogation, he had caused the recovery, of the incriminatory weapon of offence, to the investigating officer concerned. If so, and, since in sequel to the gunshots being allegedly fired from the recovered gun, rather they did not strike the person of the victim. Thereupon, neither it is deemed imperative for this Court to ask the learned State counsel, to make an intimation to this Court, whether the condition of the victim is stable, nor also it is deemed fit to decline the craved for indulgence of regular bail, to the petitioner, on the ground, qua whether the victim's condition is completely stable.

4. Be that as it may, since the investigations into the petition FIR are complete, and, the investigating officer concerned, has filed a report under Section 173 of Cr.P.C., before the learned Committal Court, therefore, when the judicial incarceration of the present bail petitioner has commenced since 23.03.2022, hence it is not deemed fit, and, appropriate to prolong it any further, as, thereupon, his personal liberty would become unnecessary fettered, and, curtailed.

5. Consequently, this Court deems it fit to grant the benefit of regular bail to him. The instant petition is allowed, and, the petitioner-bail applicant is ordered to be released from judicial custody. However, subject to his furnishing personal, and, surety bonds in the sum of ₹50,000/- each, before the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned, and, also subject to his not tampering with prosecution evidence, and, his not influencing prosecution witnesses, and, besides also his

appearing before the trial Court concerned, as and when directed to make his personal appearances, unless validly exempted.

6. Copy dasti.

11.07.2022

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(SURESHWAR THAKUR)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether reportable:	Yes/No