

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

245

2023:PHHC:159038

CRM-M-51530-2023

Date of decision: December 12th, 2023

Vikram Singh alias Billa

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Vipin Mahajan, Advocate
for the petitioner.

Mr. Sandeep Kumar, Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

Petitioner is seeking the concession of bail under Section 439 of the Code of Criminal Procedure, 1973 in case FIR No.79 dated 23.04.2023 under Sections 307, 120-B of the IPC and Sections 25/27 of the Arms Act registered at Police Station Gate Hakima, Amritsar.

2. Learned counsel for the petitioner, *inter alia*, contends that as per the allegations levelled in the FIR itself, there was only one person, who came armed with a firearm and fired at the complainant. He further submits that a mere suspicion was raised by the complainant that the crime may have been committed at the behest of the petitioner and one Akhil as he had been dissuading them from doing wrong acts. Learned counsel submits that it is thus, evident that the petitioner has been roped in the present case on mere suspicion and without there being any cogent evidence much less any allegation of even having supplied the weapon of offence to the accused, who allegedly shot at injured/complainant-Surjit Singh.

3. *Per contra*, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has not disputed that the only allegation levelled against the petitioner is of having conspired with the alleged assailant, who fired at the left bicep of injured Surjit Singh. However, he submits that the injured while getting his statement recorded, had categorically expressed suspicion qua the involvement of the petitioner and one other person Akhil, from whom weapon of offence was subsequently recovered.

4. On a pointed query put to the learned State counsel as to whether any other evidence had been collected qua the involvement of the petitioner in the crime in question, he on instructions from S.I. Tarlok singh, has replied in the negative. On a further query, it has also not been disputed that the petitioner is not involved in any other criminal case, though during his custody period, he has been involved in following cases:-

1.	FIR No.201 dated 15.06.2023 under Section 21-A of the NDPS Act and Sections 42/52-A of Prisons Act, P.S. Islamabad.
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5. Learned State counsel, on further instructions, has apprised the Court that the investigation in the case in hand is complete as challan stands presented, however, the case has not yet been committed to the Court of Sessions.

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

7. In the facts and circumstances as enumerated hereinabove, since the investigation in the case in hand is complete and there is no likelihood of the trial concluding in the near future as 19 prosecution witnesses have been cited, further incarceration of the petitioner would

serve no useful purpose. The instant petition is allowed. The petitioner be admitted to bail to the satisfaction of the trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

December 12th, 2023
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No