

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 1314 of 2016

Charanjeet Singh @ Joban S/o. Shri Harjinder Singh, aged about 25 years, R/o. Saiflabad, Thana Kapurthala, District Kapurthala, Punjab

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Arang, Police Station Arang District Raipur (C.G.)

---- Respondent

For Applicant	:- Mr. Astha Shukla, Advocate
For Respondent/State	:- Mr. Anupam Dubey, Deputy . Government Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

01/03/2016

1. This is the second bail application filed under section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 332/2015 registered at Police Station Arang, District Raipur (C.G.) for the offence punishable under sections 307, 394 and 34 of Indian Penal Code and section 25 of Arms Act. The first bail application of the applicant was dismissed as withdrawn with liberty to move again after the charge sheet is filed on 30.11.2015 in M.Cr.C. No. 6399 of 2015 on 30.11.2015.

2. Case of the prosecution, in brief, is that on 14.10.2015 the applicant along with the other co-accused namely Sukhjinder Singh and Tirath Singh reached to a place near national/. highway at Village Lakhali, at that time, a truck which was driven by Keshave Prasad, the driver along with his cleaner Anil, was stopped by Sukhjinder Singh. It was further stated

that by the applicant and other co-accused that their vehicle is on break down and as such, on such pretext lift was available. After traveling some time Sukhjinder Singh in order to attend the nature's call requested the complainant to stop the vehicle. Thereafter, Sukhjinder Singh assaulted the driver. The complainant and Anil forced to get down from the vehicle, Sukhjinder then occupied the driver seat and started driving the vehicle and this applicant sat beside him. Subsequently, near Arang village the applicant got down from the vehicle and joined Tirath Singh who was travelling in motorcycle. Thereby, the offence is committed.

3. Counsel for the applicant submits that the entire act was done by Sukhjinder Singh and he was only co-passenger in the truck and the assault was also made by Sukhjinder Singh, therefore, taking the role played by this applicant, he may be enlarged on bail.

4. Per contra, state counsel opposes the prayer for grant of bail.

5. Perused the statement of Keshav Prasad which show that the truck was looted by Sukhjinder Singh along-with this applicant and Sukhjinder Singh boarded as driver of the vehicle and the applicant boarded from the other of the truck to the seat of conductor, considering such statement made by Keshav Prasad, I am not inclined to release the applicant on bail.

6. Accordingly, the bail application filed under section 439 of Cr.P.C. is rejected.

Sd/-

(Goutam Bhaduri)

JUDGE