

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4039 of 2016

Sukhjinder Singh, S/o. Sukhdeo Singh, Aged About 27 Years, R/o. Dhariwal Soya (Soniya), Police Station Hargovindpur, District Gurdaspur, Punjab.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Arang, District Raipur, Chhattisgarh .

---- Respondent

For Applicant : Mr. C.R.Sahu with Mr. Brijesh Singh, Advocates

For Respondent : Ms. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

08.08.2016

1. This is the first 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 Section 394, 307, 34 of Indian Penal Code.
2. As per the prosecution case, on 14.10.2015 a report was made by Keshav Prasad that while he was coming back with the container vehicle, at that time, the applicant stopped him and took lift on the ground that they have suffered with the breakdown of their vehicle and after traveling some distance, the applicant took out a knife and thereafter looted the Truck and also assaulted Keshav Prasad; thereby the offence is committed.
3. Learned counsel for the applicant would submit that Keshav Prasad and Anil Kumar Verma who was Driver & Conductor of the Truck have been examined and they have not supported the case of the

prosecution, therefore, no case is made out; so taking into such fact the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail, however, she do not dispute the fact that the main witness Keshav Prasad & Anil Kumar Verma have turned hostile.
5. Perused the statement of the victim as also the seizure witness, prima facie, they have not supported the case of the prosecution. Considering such statement, without any observation of merit, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge