

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5203 of 2016

Charanjeet Singh @ Joban S/o Harjinder Singh, Aged About 25
Years, R/o Saiflabad, Thana Kapurthala, District Kapurthala, Panjab

---- Applicant

Versus

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

---- Respondent

For applicant - Shri Brijesh Kumar Singh, Advocate.
For Respondent/State – Shri Neeraj Sharma, Dy. G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

26/09/2016

1. This is the third bail application under Section 439 of Cr.P.C. The first bail application was dismissed as withdrawn on 30/11/2015 vide M.Cr.C. No.6399 of 2015 with liberty to repeat the bail application after filing of the charge sheet. The second bail application was dismissed on merits on 1/03/2016 vide M.Cr.C. No.1314 of 2016.
2. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.332/2015 registered in Police Station Arang District Raipur (C.G.) for offence punishable under sections 307, 394/34 of Indian Penal Code and Section 25 of Arms Act.
3. As per the prosecution case, a report was made by one Keshav Prasad that he was going by his container vehicle bearing No. MH 40 AK 1166 from Nagpur to Calcutta. At that time, two persons stopped the vehicle by showing signal on the ground that there has been break down of their vehicle and boarded the truck before Arang. They asked to stop the vehicle to answer call of nature. When vehicle was stopped, both the persons went out and at that time one person came from the other side and on the point of knife looted the truck. When complainant wanted to

ran away, he was assaulted on his thigh.

4. Learned counsel for the applicant submits that Keshav Prasad and Anil Kumar Verma both have been examined, they have not identified the present applicant and they have turned hostile. He referred to the statement of Keshav Prasad and Anil Kumar Verma and submit that other witness also not supported the case of the prosecution. Therefore, learned counsel submits that the applicant may be released on bail.

5. Learned State counsel is not able to dispute the fact that Keshav Prasad and Anil Kumar Verma have not supported the case of the prosecution.

6. Considering the fact that main complainant and other victim has not supported the case of the prosecution, without further observation, this court is inclined to release the applicant on bail.

7. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE