

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4915 of 2017

- Yadvendra Chand Singh S/o Late Shri D.C. Singh Aged About 36 Years R/o Balaji Nagar Zone - li Gandhi Chowk, Khursipar Bhlai, P.S. Khursiparr, District- Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Khursipar, District Durg, Chhattisgarh

---- Respondent

For Applicant : Mr. Amiyakant Tiwari, Advocate.

For Respondent/State : Mr. Neeraj Sharma, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

25/08/2017

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. 31/2016, registered at Police Station- Khursipar, District – Durg(C.G.) for the offence punishable under Section 307 of Indian Penal Code (for short 'IPC') and Sections 25, 27 of Arms Act.
2. It is submitted by counsel for applicant that as per FIR lodged by complainant Saranjeet Singh on 26.1.2017, the incident took place on 25.1.2016 at about 10 in the night when some unknown person fired a round of shot from firearm causing injury to the complainant. The name of the assailant was not mentioned in this report. A dying declaration of complainant was recorded on 26.1.2016, in which, he

made a similar statement. It is stated that after a lapse of 11 months another statement of complainant Saranjeet Singh was recorded on 7.12.2016 in which he has stated that the person shooting from firearm was applicant Yadvendra Chand Singh and similar statement of witnesses have been recorded on the same date and thereafter.

3. It is submitted that complainant has not suffered injury of such nature endangering his life. His injury was operated on 28.1.2016 in Chandulal Chandrakar Memorial hospital and thereafter he was discharged. It is further submitted that applicant has been falsely implicated in the case after due deliberation. He has been taken into custody on 25.5.2016 and since then he is in jail. His application for grant of bail before the trial Court has been rejected. Hence, prayed that applicant be enlarged on bail.
4. Learned counsel for the State has opposed the grounds in application and the submission made in this behalf. It is submitted that the witnesses of the incident have given statement before the police that it was applicant, who fired a shot from the revolver in his possession. It is also submitted that on the memorandum statement given by the applicant one revolver has been seized from his possession on 25.5.2017 along with one live cartridge, hence, prosecution has a good case against the applicant and applicant is not entitled for grant of bail.
5. Heard the submissions of both the parties and perused the case diary.
6. Considering all the material in case diary which is proposed to be presented as evidence in trial and also considering on the submissions made by both the parties, this appears to be a fit case in which the applicant should be enlarged on bail.

7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha