

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4667 of 2018

- Mandip @ Palwinder Singh S/o Shivdev Singh Vansh Aged About 30 Years R/o- Rajamandi Jalandher, Kemp Padav, P.S. Mangal Shamar, District- Jalandhar (Panjab) Presently Residing at Bhilai, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station- Dharsiwa, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

----Non-applicant

For Applicant – Shri N. Naha Roy, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

24-07-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 30-10-2017 in connection with Crime No.533/2017 registered at P.S. - Dharsiwa, Raipur, Chhattisgarh for the offence under Section 307 of the Indian Penal Code, 1860, 25(1)(1-b)(b) and 27 of the Arms Act, 1959.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 30-10-2017. No case is made out against him. The incident was a sudden quarrel without any premeditation and the applicant was not having intention to cause death of the injured person as he had no previous enmity with the injured person. The trial against this applicant is still pending. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application.

4. Heard learned counsel for the parties and perused the case diary.

5. On the date of incident a dispute arose between the accused and some other person, in which, the complainant came to intervene and it was during this time that the applicant assaulted the complainant with his sword and caused injury to him on left side of his chest. Hence, this case.

6. Considered on the entire material present in the case diary. There is no any specific report about gravity of the injury caused to the complainant although the complainant had to remain admitted in the hospital for about 10 days before he was discharged. Hence, after due consideration on the material present in the case diary and also taking into consideration the fact that the trial of this case is getting prolonged, I feel inclined to grant regular bail to this applicant.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. 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 Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge