

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No.7764 of 2018**

Baljeet Singh Alias Saba, S/o Gurmeet Singh, aged about 22 years, R/o Village Indrjit Bauli, Police Station City Batala, Gurdashpur, Punjab. PIN 143505.

---- Applicant**Versus**

State of Chhattisgarh, through Police Station Bhilai Bhatti, District Durg (CG).

---- Non-applicant**AND****MCRC No.9431 of 2018**

Deep Singh @ Deepak, S/o late Sulakhan Singh, aged about 21 years, R/o Gurdaspur (Punjab).

---- Applicant**Versus**

State of Chhattisgarh, through District Magistrate, Durg (CG).

---- Non-applicant

For Applicants : Mr. Tarun Dansena and Mr. Vijay Kumar Sahu, Advocates
For Non-applicant : Mr. Ashok Kumar Swarnkar, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****2.1.2019**

1. Above mentioned two bail applications arise out of a common Crime No.70/2018 registered at Police Station Bhilai Bhatthi, District Durg for the offence punishable under Sections 394, 397, 120(B) of Indian Penal Code, therefore, they are being heard analogously and decided by this common order. All the two are first bail applications filed under Section 439 of the CrPC.
2. Prosecution story in brief is that on 16.05.2018, the two unknown persons had booked the car bearing Registration No.08-A.A./3268 of the complainant Sandeep Rangari for travelling from Rajnandgaon to Powerhouse. One person sat on front seat whereas another person on rear seat of the car. When they reached near "Majdoor Chowk" Sector-1, Bhilai, Behind 'A' Market, then third person reached there and stopped the car. At that time, one person who was sitting on rear seat assaulted the complainant by knife on his neck and another person caught hold his hand. First person again caused blow by knife on head and back of the complainant and, thereafter, both the persons

fled away from the spot taking the complainant's car. As per Test Identification Parade, complainant had identified both the applicants namely Baljeet Singh Alias Saba and Deep Singh @ Deepak. As per MLC report of the complainant, one penetrating wound size 1.5 cm x 0.5 cm x muscle deep was found on scapular region, one cut wound size 2 cm x 1 cm x muscle deep on throat, two others lacerated wound were also found on the body of the complainant. Injury No.1 was found grievous in nature.

3. Counsel for the applicants submit that the applicants have not committed any offence. They are innocent and have been falsely implicated in the present case, therefore, they may be released on bail.
4. On the other hand, counsel for the State opposes the prayer for grant of bail to the applicants. He further submits that no criminal antecedent reported against the applicants in police case diary.
5. Mr. Tarun Dansena, counsel appearing on behalf of the applicant-Baljeet Singh Alias Saba submitted that it is not a clear that who was sitting on front seat and who was sitting on rear seat.
6. Mr. Vijay Kumar Sahu, counsel appearing on behalf of the applicant-Deep Singh @ Deepak submitted that there is no seizure from accused Deep Singh @ Deepak. He further submitted that applicant Deep Singh has not caused any injury to the complainant.
7. Both the counsel jointly submitted that one co-accused Vishwjeet @ Lali has already been granted bail by co-ordinate Bench of this Court on 04.10.2018 passed in M.Cr.C. No.6466/2018.
8. The case of the co-accused Vishwjeet is totally different from the present applicants. The complainant has already identified both the present applicants as they were sitten on his car. One accused caused injury on the body of the complainant and another accused caught hold his hand. The case of the applicants is severe than co-accused Vishwjeet @ Lali.
9. Looking to these facts and circumstances of the case, looking to the seriousness of the offence; and looking to the impact of granting bail to the applicants on society, this Court is not inclined to give benefit of Section 439 of CrPC to the applicants. Consequently, the bail applications (M.Cr.C. No.7764/2018 & M.Cr.C. No.9431/2018) are rejected.
10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE

L/-