

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9498 of 2018

- Lakhvindar Singh @ Lucky S/o Mr. Dilbag Singh Aged About 40 Years R/o Shankar Nagar, Vip Karishma B-1, H. No. 203, P. S. Pandri, District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Kabir Nagar District Raipur Chhattisgarh

---- Respondent

For Applicant : Mr. Surendra Singh Senior Advocate along
with Mr. Ankur Agrawal, Advocate.
For Respondent/State : Mr. Bhaskar Payashi, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

21/01/2019

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 195/2018, registered at Police Station – Kabir Nagar, District- Raipur (C.G.) for the offence punishable under Sections 302/34, 212 of the IPC and Section 30 of the Arms Act, 1959.
2. As per prosecution story, at mid night of 14.09.2018 the deceased namely Alok along with his friends went for dinner at Dhaba, where the main accused namely Balbir Singh along with the present applicant came there and as the deceased and the main accused Balbir were known to each other therefore he along with the present applicant sat together with the deceased

and his friends. During the conversation, one friend of deceased namely Shyam has spotted the pistol in possession of the main accused Balbir and asked him to show the pistol and to fire the pistol. On the request of Shyam, the main accused Balbir walked away from the table and fired a bullet from the pistol on the ground thereafter he again fired from the pistol and hit the deceased, due to which deceased Alok sustained injury on his stomach. Thereafter, the applicant along with main accused Balbir Singh fled away from the spot. The matter was reported by deceased friend namely Sachin. On the basis of said report, offence has been registered. The applicant is in custody since 15.09.2018.

3. Shri Surendra Singh, learned Senior Counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that in this case the main accused is Balbir Singh who fired the gun shot to the deceased Alok. The allegation against the present applicant is only that at the time of incident he was present with the co-accused Balbir Singh on the spot, except this, no other allegations have been made against the present applicant, he is in custody since 15.09.2018, charge-sheet has already filed and trial will take some time. Therefore, in these circumstances, the applicant may be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the allegation against the present applicant is only that

at the time of incident he was along with his friend/co-accused Balbir Singh. The applicant is in custody since 15.09.2018, charge-sheet has already filed and trial will likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant on bail.

7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge