

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7500 of 2019**

- Harish Paswan, S/o Shri Indradev Paswan, Aged About 35 Years, R/o Village Babubel Thana Haldi, Civil And Revenue District- Balia, Uttar Pradesh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Station Bango, District- Korba, Chhattisgarh.

---- Respondent

For Petitioner	:	Shri Sunil Sahu, Advocate
For Respondents/ State	:	Shri Kunal Das, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****06/12/2019**

1. Heard.
2. This is second 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. 02/2016 registered at Police Station- Bango, District Korba (C.G.) for the offence punishable under Section 302, 201/34 of Indian Penal Code.
3. As per the prosecution case, the applicant along with other co-accused were going back in their vehicle from Bilaspur to Banaras and in the half-way, the present applicant committed murder of Pappu Singh @ Chandrashekhar by a Gun shot. Thereafter, the co-accused also tried to make disappearance of the evidence and fled away.

4. Learned counsel for the applicant would submit that the entire case is based on statement of memorandum witness i.e. Subhash Mourya and one of the co-accused and the memorandum witness Bhola Goswami (PW-5) has also turned hostile. Therefore, the applicant may be enlarged on bail.
5. Considering the nature of allegation against this applicant that the main allegation of firing gun shot is on the applicant, then it would not be proper for this Court to evaluate the same, as it would amount to holding the trial and any observation made at this stage would amount to influence the trial. Consequently I am not inclined to grant bail.
6. Accordingly, the bail application is dismissed. However, the trial court is directed to expedite the trial.

Sd/-

Goutam Bhaduri
Judge

Jyoti