

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7495 of 2019**

- Baljeet Singh Alias Saba S/o Gurmeet Singh Aged About 22 Years R/o Village Indrajit Bauli, Police Station City Batala, Gurudaspur, Punjab Pin 143505

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Bhilai Bhatti, District Durg Chhattisgarh

---- Non Applicant

For the Applicant : Shri Vijay Kumar Sahu, Advocate

For Non Applicant : Shri D. C. Verma, Govt. Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****12.12.2019**

1. This is second bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court. No other bail application is pending before any other Court.
2. Earlier, the first bail application of the applicant was rejected by this Court on 02.01.2019 passed in MCRC No.7764 of 2018 considering prima facie case against him.
3. Perused the case diary provided by the learned counsel for the State in connection with Crime No.70/2018 registered at Police Station- Bhilai Bhatthi, District- Durg (C.G.) for the offence punishable under Sections 394, 397, 120(B) of Indian Penal Code.
4. 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 the applicant. 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. On the memorandum of applicant one knife was seized from him and one T-shirt was also seized from him.

5. Counsel for the applicant submits that complainant Sandeep Rangari has been examined in trial Court he turned hostile thus applicant may be released on bail.
6. On the other hand, counsel for the State opposes the prayer for grant of bail to the applicant. He further submits that no criminal antecedent reported against the applicant in police case diary.
7. As per the certified copy of the statement of P.W.-5 complainant Sandeep Rangari which is the part of the bail application, he stated in Para 5 that he cannot say that he had identified or not some person during the Test Identification Parade. He stated in Para 9 during his examination that it is wrong that he had identified applicant. Moreover, as per the alleged seizure no blood stain was found on either knife or shirt. These circumstances are sufficient to enlarge the applicant on bail in second round of litigation.
8. Consequently, the second bail application is allowed, it is directed that if applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond of Rs.25,000/- to the satisfaction of the concerned Court with the condition that he will appear before the Concerned Court at 11:00 am as and when directed till trial and he would cooperate during the trial, he be released on bail.
9. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
Judge