

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6501 of 2020**

- Harish Paswan S/o Shri Indradev Paswan Aged About 35 Years
R/o Village Babubel, Police Station Haldi, Civil And Revenue
District Balia Uttarpradesh

---- Applicant**Versus**

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

---- Respondent

For Applicant	:	Mr. Awadh Tripathi, Advocate
For State	:	Mrs. Sunita Jain, G.A.

Hon'ble Shri Justice Goutam Bhaduri**Order****09.10.2020**

Heard

1. This is the third bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 02/2016 registered at Police Station Bango District Korba (C.G.) for the offences punishable under Sections 302, 201/34 of IPC.
2. The first bail application bearing M.Cr.C. No.347 of 2017 was dismissed on 31.01.2017. Second bail application bearing

M.Cr.C. No.7500 of 2019 was dismissed on 06.12.2019.

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 @ Chandrasheklhar 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 submits that the present applicant was not released taking into the allegations on the applicant that he had fired a gun shot however the doctors since have been examined and the statement of the doctor would show that the he had admitted the fact that there was no gun shot injury. He would further submit that therefore after the statement of the doctor no merit exist in the case for the prosecution and no evidence exists that the applicant has fired the gun shot. He would further submit that thereafter the case was fixed for accused statement on 04.03.2020 and subsequent thereto on 07.03.2020. It is stated that the prosecution had filed an application for examination and production of ballistic expert & report. It is stated that subsequent to that the case could not be heard for reasons of pandemic lockdown. Therefore, he prays that the applicant may be released on bail.
5. Perused the documents. The statement of the doctor at this stage cannot be appreciated in isolation. It is for the trial Court to

adjudicate the same after evaluating the evidence. With respect to the hearing which have not been taken place during pandemic. Considering the situation as of now, release cannot be claimed as a matter of right as in the cases of the heinous crime and in the offences of the like-nature number of accused are in jail and during pandemic and lockdown the cases could not be heard. The pandemic situation and limited functioning of the Court is applicable to all the people at large even to the person who are accused in jail. The nature of allegation against the applicant is not minor offence, therefore, because of only pandemic situation since hearing of the case is being deferred for the time being, bail cannot be granted. Considering the nature of allegations and also taking into the entirety the facts of this case, I do not find any change of circumstances to grant bail on merits. Accordingly, the bail application is dismissed. After the restoration of the normal functioning of the courts, the trial court may expedite the trial as early as possible in a short time.

sd/-
(Goutam Bhaduri)
Judge