

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 3995 of 2021

1. China @ Deepak Pandey S/o Late Rakesh Pandey Aged About 30 Years R/o Purani Basti Brahman Para, Korba Thana City Kotwali, Korba District Korba Chhattisgarh

---- Applicant

Versus

1. State Of Chhattisgarh Through Police Station Panduka, District Gariyaband Chhattisgarh

---- Respondent

For Applicant :	Shri Sachin Singh Rajput, Advocate
For Respondent/State	Shri Vikram Sharma, Dy. Govt. Adv.

(Proceedings through Video Conferencing)Order On BoardByPrashant Kumar Mishra, Ag. CJ27-7-2021

1. The applicant has preferred this bail application under Section 439 of CrPC, as he is arrested in connection with Crime No.125/2020 registered at Police Station Panduka, District Gariyaband (CG), for the offence punishable under Sections 307, 212, 213, 34 of the Indian Penal Code and Sections 25 & 27 of the Arms Act.
2. Applicant has allegedly shot gun fire over chest of the injured namely; Sunny Sharma at about 11.00 am – 12.00 noon on 29-11-2020.
3. Learned counsel for the applicant would submit that the applicant has been falsely implicated. The Armourer report has not found

that the pistol recovered from the applicant was used for causing gun shot injury to the injured. He would further submit that there is no eyewitness to the incident and the case diary statements of witnesses have been recorded after one month of incident.

4. Learned counsel for the State, *per contra*, would submit that the applicant is a habitual hardened criminal. The ballistic report proves that the revolver recovered from the applicant has been used for causing gun shot injury to the injured.
5. Case diary reveals that there are as many as 24 previous criminal cases against the applicant involving murder, attempt to murder, Arms Act, extortion, etc. In his diary statement, injured Sunny Sharma has named the present applicant as the person who has fired on him. Similarly, Rajendra Sharma, father of injured Sunny Sharma, has also seen the incident.
6. Considering the nature of allegations and the material available on record, I am of the opinion that present is not a fit case to release the applicant on regular bail.
7. Accordingly, the bail application is rejected.

Sd/-

(Prashant Kumar Mishra)
Acting Chief Justice

Gowri