

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4785 of 2021**

Surendra Singh Kanwar, son of Balbhadra Singh Kanwar, aged about 32 years, resident of Village- Fateganj, at present Salihabhatha, Nonbirra, Police Station – Kartala, District – Korba (C.G.)

---- Applicant

Versus

State of Chhattisgarh, through : Station House Officer, Police Station -Urga, District Korba (C.G.)

----Non-applicant

For Applicant	:	Mr. Anil Tripathi, Advocate.
For Non-applicant	:	Mr. Dinesh Tiwari, Dy. Govt. Advocate.

Hon'ble Mr. Justice N.K. Chandravanshi**Order On Board****23-11-2021**

1. The accused/applicant has preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail in connection with Crime No. 102/2021 registered at Police Station Urga, District Korba (C.G.) for commission of offence punishable under Sections 302, 201, 120-B & 404 of the Indian Penal Code and Section 25 of the Arms Act.

2. Case of the prosecution, in brief, is that on the pretext of property dispute, main accused – Harbhajan alongwith his wife & daughter hatched conspiracy with his brother-in-law - Parmeshwar, Ramprasad Mannewar and present applicant Surendra Singh Kanwar, thereafter, they committed murder of Harish Kanwar (brother of accused – Harbhajan), his wife Sumitra Kanwar and their four year daughter. Hence, present crime was registered against the applicant and after investigation, charge-sheet under Sections 302, 201, 120-B & 404 of the Indian Penal Code and Section 25 of the Arms Act was filed against the applicant & other co-accused persons.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the crime in question because he is a brother-in-law of main accused Harbhajan but he has not participated in any way for the commission of alleged offence. The applicant has been arrayed as accused only because of motor-cycle, which was used in the commission of offence, has been seized from him. He would next submit that the applicant is languishing in jail since 21.04.2021; charge-sheet has already been filed and conclusion of the trial will likely to take considerable time, hence, he may be enlarged on bail.

4. On the other hand, learned counsel appearing for the State vehemently opposes the submissions made by counsel for the applicant stating that the applicant is one of the persons, who makes conspiracy for alleged triplet murder. Seizure of motor-cycle from his possession, which was used in commission of offence, itself shows his involvement in the crime in question, hence, he is not entitled to be released on bail.

5. I have heard learned counsel appearing for the parties and perused the case diary as well as material available on record.

6. It is a case of triple murder by hatching conspiracy by applicant and other co-accused persons. Considering the material available in the case diary against the applicant; I am not inclined to release the applicant on bail. Thus, the bail application is rejected.

Sd/-

(N.K.Chandravanshi)

Judge

D/-

