

207.

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-37141-2017

Date of decision:10.10.2017.

SHAKTI SINGH

... Petitioner

Versus

UT OF CHANDIGARH

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Anil Kumar Ahluwalia, Advocate,
for the petitioner.

Mr. Gautam Dutt, APP, UT, Chandigarh
with SI Jung Bahadur.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.139 dated 18.06.2017 under Sections 380, 411, 457 IPC, registered at Police Station Industrial Area, Chandigarh.

The aforesaid FIR was registered at the behest of Pankaj that on 15.06.2007, he had returned to his village Dariya along with his family and he had taken ₹1,40,000/- as lease amount of his land in the village. The said amount was kept in red small bag in a trunk in the house for treatment of his mother. The other documents i.e. Aadhar Card, Pan Card, Identity Card, ATM Card, Passbook of PNB and handicapped certificate of CTU Bus of his mother were also kept in the trunk. In the night of 17/18.06.2017 at about 11.30 PM, all the family

members of the complainant were sleeping and the door was unlocked. In the morning of 18.06.2017 at about 3 AM, when the father of the complainant woke up for urine, he noticed that the trunk was missing from the room, which led to registration of the FIR. Along with the petitioner, Rajbir @ Sahib son of Nirmal Singh and Shibu son of Badri Patel, were named as co-accused. The petitioner was arrested and as per his statement, recovery of ₹8,000/- and Pan Card of the complainant was effected from him.

Learned counsel for the petitioner states that so far as the other co-accused, namely, Rajbir @ Sahib and Shibu are concerned, they are already on bail being juvenile. The petitioner is in custody since 30.07.2017 and now the petitioner has sought admission in Longowal Polytechnic & Pharmacy College in Diploma Ist year (Mechanical Engineering) under reserve category in the session 2017-18. The college is affiliated with PSBTE & IT, Chandigarh. Because of the pendency of present case and he being in custody, he is not able to attend his class of Diploma Ist year (Mechanical Engineering), for which, he has sought admission on 14.08.2017.

Learned counsel for UT, Chandigarh does not dispute that the other co-accused, namely, Rajbir @ Sahib and Shibu, who are juvenile, are already on bail, but submits that there is a recovery of ₹8,000/- and Pan Card from the petitioner. He further states that the challan in the case has also been presented.

I have heard learned counsel for the parties.

The petitioner is a young boy of about 19 years of age and has sought admission in Longowal Polytechnic & Pharmacy College, Derabassi, District Mohali, and in case, he is not admitted on bail, his educational carrier will spoil, particularly when the trial is yet to commence. Thus trial will take sufficient time and petitioner is not at a stage where he cannot reform himself.

Accordingly, without observing anything on the merits of the case, but strictly noticing the fact that no other case has been pointed out against the petitioner and he has sought admission in Diploma Ist year (Mechanical Engineering), he is admitted on bail, subject to his furnishing adequate bail/surety bonds to the satisfaction of the trial Court.

In view of above, present petition is allowed.

(HARI PAL VERMA)
JUDGE

10.10.2017
sanjeev

Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No