

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

CRM No.M-39082 of 2016 (O&M)

Date of decision:19.01.2017

Vinay Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Raman Mohinder Sharma, Advocate for the petitioner.

Mr. Varun Sharma, AAG, Punjab.

...

TEJINDER SINGH DHINDSA, J.

Petitioner seeks benefit of regular bail pending trial in case FIR No.0046, dated 03.06.2016, under Sections 458/395 IPC and Sections 25/27/54/59 of the Arms Act, registered at Police Station City 2 Abohar, District Fazilka.

Counsel for the parties have been heard.

FIR came to be registered on the complaint of Nageshwar Ranade, who claimed himself to be serving as Professor in DAV College, Abohar. Allegations are that on the intervening night of 2/3-06-2016, five young boys made a forcible entry into the residential house of the complainant by scaling the wall and have committed dacoity of two tolas of gold, one pair of earrings, Rs.12,000/- cash and two mobile phones under the threat of weapons. Complainant has further alleged that the five young boys were clean shaven and were conversing amongst each other and calling each other certain names in which Vinay Kumar i.e. the name of the present petitioner also cropped up. As per complainant, further inquiries had

been made and he learnt that certain youngsters are from the State of Uttar Pradesh and who were in the business of catering and have been seen wandering around the house and who all are of bad character. Against such factual backdrop, the FIR had been registered.

Present petitioner was arrested on 03.06.2016 itself.

The contention raised by learned counsel appearing for the petitioner is that the story of the complainant on the face of it is improbable. Counsel has produced a character certificate to be in the name of the petitioner which would show that Vinay Kumar S/o Sanjay Kumar is graduate from the same very college i.e. DAV College, Abohar where the complainant is a Professor in the session 2015-16 itself. It is argued that under such circumstances, the petitioner, who was a B.Com graduate would not be so foolhardy so as to enter the premises of a Professor of the same college and that too, without having his face muffled. The contentions and submissions raised on behalf of the petitioner cannot be said to be without merit.

Petitioner has faced incarceration for the last 7 ½ months approximately.

Learned State counsel informs the Court that the investigation in the case is already complete and the challan has been presented. The trial is stated to be at the very initial stage and would take some time to conclude.

Learned State counsel further submitted that the petitioner is not involved in any other criminal case.

Without making any observations on merits, prayer made in the present petition is accepted.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the trial Court/Duty Magistrate, Abohar.

Disposed of.

19.01.2017

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | No |