

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

**CRM-M No.3947 of 2021
Date of Decision: 06.04.2021**

AJAY KUMAR

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr.G.P.S Pathania, Advocate,
for the petitioner.

Mr. Dhruv Dayal, Sr. DAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of regular bail in case bearing FIR No.0238 dated 17.11.2020 under Sections 454, 380 IPC registered at Police Station Sujanpur, District Pathankot.

FIR was registered by Sunita Kundal with the allegations that on 29.10.2020, her husband was on duty and she was present in the house all alone. At about 2:30 PM, she had gone to the house of her Jeth Joginderpal for some work after locking the gate of the house. The house of her Jeth was situated at some distance. When she was coming back from the house of her Jeth, she found that Ajay Kumar @ Tun

(petitioner) and Arun Kumar resident of Sujanpur were passing through and they were known to the complainant. When the complainant went to her house, then she saw that lock of the door was broken and articles were lying scattered therein. The locks of Godrej almirah were also broken and she found that one kitty set gold weight 2/2 and half tolas, one small white purse containing $\frac{3}{4}$ grams gold ear rings and an amount of Rs.25,000/- were missing. With these allegations, the FIR came to be registered against the petitioner.

It is not in dispute that after investigation of the case, challan has been presented before the competent Court. One pair of gold ear rings has been allegedly recovered from the petitioner. Petitioner is in judicial custody since 18.11.2020.

Learned counsel for the petitioner submits that the alleged recovery from the petitioner would remain debatable as to whether the recovery is of the same pair of ear rings or otherwise.

Learned State counsel on instructions from ASI Naresh Kumar submits that the petitioner is also accused in three more cases in which he is on bail.

Challan has been presented and charges have been framed but no prosecution witness has been examined so far.

The petitioner is in judicial custody and the offence is triable by the Magistrate.

In view of the aforesaid facts and circumstances, it would be just and appropriate to release the petitioner on regular bail.

In view of above, without adverting to the merits of the case, I deem it appropriate to enlarge the petitioner on regular bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of concerned trial Court/Duty Magistrate.

Nothing observed hereinabove, shall be construed to be an expression of opinion on the merits of the case.

06.04.2021
Amandeep

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No