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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-945-2024
Date of decision : 15.01.2024

Onkar Singh Petitioner

versus

State of Punjab Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Davinder Singh Saini, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab
with ASI Raghbir Singh.

PANKAJ JAIN, J. (Oral)

1. Present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.89 dated 05.10.2023, registered for the offences punishable under Sections 379-B and 34 of IPC, 1860 (Sections 411 and 201 of IPC, 1860 added later on) at Police Station Sadar Banga, District SBS Nagar.
2. As per the allegations levelled in the FIR, it has been alleged as under:-

“Statement of Mandeep Singh son of Ram Krishan resident of Gunachaur, P.S. Mukandpur, District Shaheed Bhagat Singh Nagar aged about 33 years, Mobile No. 73409-06321. Stated that I am resident of above stated address, I am working on contractual basis at Post Office Banga since Two Years. I am taking the post from Main Post Office Banga same is distributed the post in Sub Post Offices in Village Heon, Kalaran, Chak Kalal,

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Mallu Pota and Jandiala. On 30.09.2023, I was coming from Village Kalaran to Bahrowal after performing my duty, taking Post from main Post Office Banga and distributed the Post in different Post Offices on my Motorcycle bearing No.PB-32-D-6266, Mark Hero Honda CD Dawn, colour red. At about 12.30 PM, when I was about 300 meters ahead from Village Kalaran towards the side of Village Bahrowal, then from the side of Kalaran, one Motorcycle (Mark Honda Shine) came, was riding by two clean shaven men, their face was opened, the person sitting on pillion was wearing a black coloured cap in reverse fashion, both of them were aged about 25/26 years. I can identify them on seeing them. They brought their Motorcycle in front of my motor-cycle and stopped me and made me to alight from the Motorcycle, they threatened me, they took my mobile phone, mark Redmi Note 12 Pro, having two SIM Nos. 73409-06321 and 8528957179. They also snatched one Puma Kit, colour Blue from me which was containing some letters of Heon Branch. They snatched from me and going towards the Village Bahrowal. I could not read the registration Number of their Motorcycle. I tried my level best to search my Mobile and accused persons but now I came to know that on 30.09.2023, the unknown persons who snatched my Mobile phone, mark Redmi Note 12 Pro, having two SIM Nos. 73409-06321 and 8528957179. They also snatched one Puma Kit, colour Blue from me which was containing some letters of Heon Branch i.e. Onkar Singh son of Jaswinder Singh resident of Khushalpur, P.S. Mahilpur, District Hoshiarpur and Didar Singh alias Gogi son of Harjinder Singh

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resident of Khera, P.S. Mahilpur, District Hoshiarpur because these persons were usually visiting in Banga City that is why I have been able to find out that on 30.09.2023, these persons were snatched my Mobile, mark Redmi Note 12 Pro and one Puma Kit, colour Blue containing some letters of Heon Branch. Today, I came present in Police Station and recorded my statement, heard it and found to be correct. I am responsible. Take legal action against Onkar Singh son of Jaswinder Singh resident of Khushalpur, P.S. Mahilpur, District Hoshiarpur and Didar Singh alias Gogi son of Harjinder Singh resident of Khera, P.S. Mahilpur, District Hoshiarpur. Sd/- Mandeep Singh.xxx”

3. The incident is of 13.09.2013. FIR was registered on 05.10.2023 after an unexplained delay of 21 days.
4. Counsel for the petitioner submits that the petitioner is behind bars for more than 03 months and 07 days and has clean antecedents. There is no recovery effected from the petitioner. Challan stands presented and thus there cannot be any apprehension that the petitioner shall tamper with the evidence.
5. Counsel for the State does not dispute the factual assertions made by counsel for the petitioner borne out from the records.
6. Keeping in view the fact that challan stands presented and the petitioner has already suffered the incarceration, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. Trial Court/Duty Magistrate, concerned.

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7. Needless to say nothing recorded herein shall be construed to be an expression of an opinion on the merits of the case.

(PANKAJ JAIN)
JUDGE

15.01.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No