



CRM-M-46827-2024

-1-

(213)
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-46827-2024
Date of Decision: 04.12.2024

RAHUL KHAN

... Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Saleem Ahmed, Advocate
for the petitioner.

Mr. A.S. Chaudhary, Addl. A.G., Haryana.

JASJIT SINGH BEDI, J.

The prayer in this 2nd petition under Section 483 BNSS, 2023 is for the grant of regular bail in case bearing FIR No.430 dated 11.11.2021 registered under Sections 365, 395 IPC and Section 25 Arms Act (Sections 397, 120-B IPC added later on) at Police Station Bilaspur, District Gurugram.

2. The present FIR came to be registered at the instance of Ashish Kaushik son of Kuldeep Kaushik and the same reads as under:-

“12. To SHO Sahib, Police Station Bilaspur, Gurgaon. Respected Sir, it is submitted that I Ashish Kaushik son of Sh. Kuldeep Kaushik resident of village Jharsha, Police Station Sadar Gurgaon, District Gurgaon and I am working in delivery company Pathradi. On 10/11/2021 at about 11.pm I was going to home after completing duty. At about 10:30 pm I was standing near Bilaspur Chowk and waiting for passengers. After some time a white colour swift car came and stopped near me and asked me where are you



CRM-M-46827-2024

-2-

going? I said I have to go Gurgaon. When I was come close to car I saw therein 6 boys were sitting. I was not sitting in that car and then two boys came outside and forcibly took me inside of car and said whatever things you have given us. In the meanwhile, a boy took out the pistol and put on my chest. I have given my purse to them. In my purse therein Rs.400/- cash, Debit Card of Axis Bank, IDFC First Bank, DBS Bank and my mobile Honar Play in which therein two Sims were inserted those number as 7011703276 and 9810871996. Thereafter, they asked me about my Debit Card number, Phone Password, my Google Pay, Phone Pay pin number and I have honestly tell them everything. After covering my face, they driving car here there and said that you call more money from somewhere and they dropped me in a deserted place of village Sunari Tauru. Thereafter, I reached at shop which was near the petrol pump and where I took mobile phone of shop owner and I called in my house. Thereafter, my uncle (Mausa Ji) came there and from there he took me with him. That my phone's IMEI number is 869409030135837, 869409030335833 and I checked my account statement where in it was found that Rs.58498/- were withdrawn. Hence, legal action may kindly be taken against unknown persons. I could not see swift car's number due to covering of my face. I along with my family member have given complaint in the police station. Applicant- Ashish SD-Ashish Kaushik.”

3. During the course of investigation, Taufia was arrested on 04.12.2021 and on interrogation admitted his involvement along with Abbas, Ajru, Jahul and 3/4 other persons. He also got recovered a mobile phone linked to the fake bank account along with the SIM thereof.

On 08.12.2021, on receipt of secret information, Hakmuddin (granted bail vide order dated 17.05.2022 Annexure P-3), Zeeshan (granted

**CRM-M-46827-2024****-3-**

bail vide order dated 13.05.2022 Annexure P-2) and Sanjay were apprehended. On interrogation, Hakmuddin got recovered a Hyundai car I20 bearing Registration No.HR-74A-8729 whereas co-accused Sanjay got recovered an amount of Rs. 3500/-. During the course of a test identification parade, the complainant identified Hakmuddin and Sanjay. Hakmuddin, Zeeshan and Sanjay disclosed the names of Samim Khan (granted anticipatory bail vide order dated 11.11.2022 Annexure P-4), Salim, Nazir and the present petitioner.

The report under Section 173(2) Cr.P.C. was submitted qua Taufiq, Hakmuddin, Zeeshan and Sanjay.

On 07.06.2022, the petitioner along with Salim, Samim and Nasir were declared proclaimed offenders. The petitioner was arrested later on 06.02.2024.

4. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. The accused who named the petitioner namely, Hakmuddin, Zeeshan and Sanjay have been granted the concession of bail. As the petitioner was in custody since 06.02.2024 but only 11 of the 24 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon and therefore, he was entitled to the concession of bail.

5. A status report dated 25.11.2024 by way of an affidavit of Sukhbir Singh, HPS, Asstt. Commissioner of Police, Pataudi, Gurugram has been filed on behalf of the State by the learned counsel for the State. The

**CRM-M-46827-2024****-4-**

same is taken on record. While referring to the reply, he contends that the nature of the allegations levelled against the petitioner did not entitle him to the concession of bail moreso as he had been declared a proclaimed offender. He, however does not deny the fact that the co-accused of the petitioner had been granted the concession of bail that the petitioner was now in custody since 06.02.2024 and that only 11 of the prosecution witnesses had been examined so far.

6. I have heard the learned counsel for the parties.

7. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is in custody since 06.02.2024 and only 11 of the 24 prosecution witnesses have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. The co-accused of the petitioner have been granted the concession of bail. In this situation the further incarceration of the petitioner is not required.

8. Thus without commenting on the merits of the case, the present petition is allowed and the petitioner-Rahul Khan son of Harun is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

9. The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the Trial and inform in writing each time that he is not involved in any other crime other than the present case.



CRM-M-46827-2024

-5-

10. If the petitioner or his family members/associates make any attempt to contact/threaten/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted vide this order.
11. The petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.
12. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

04.12.2024
JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No