

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

234/3
CRM-M-21272-2024 (O&M)
Date of Decision:- 24.02.2025

RABBI KHAN
....Petitioner(s)
Versus
STATE OF PUNJAB AND ANOTHER
...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

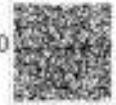
Present : Mr. Pankaj Bali, Advocate for the petitioner.
Mr. Jatinder Pal Singh, Sr. DAG Punjab.

SANJIV BERRY, J. (ORAL)

The instant petition has been preferred by the petitioner under Section 439 CrPC for grant of regular bail to the petitioner in the following case :-

FIR No.	Dated	Sections	Police Station
144	20.08.2023	379-B IPC; (392, 394, 398, 411, 201 and 34 IPC added later on)	City-2 Khanna, Police District Khanna, Ludhiana

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He submits that the petitioner is in custody since 25.08.2023 and consequent upon his arrest, recovery of one gold bangle and one set of gold earring has been allegedly effected from the petitioner. He contends that as per the case of prosecution, the petitioner was waiting outside the house of the



complainant and has not caused any injury to the complainant. He further contends that after the completion of investigation, challan has been presented in Court, where it is pending trial and the alleged recovery has also been effected from the petitioner, therefore, he is not required for further investigation. Thus, prays for grant of concession of bail to the petitioner.

3. *Per contra*, learned State counsel while referring to the status report filed by the State has assailed these arguments and submitted that the petitioner along with his accomplices committed robbery at the house of the complainant, therefore, the petitioner does not deserve the concession of bail and prays for dismissal of the petition.

4. Heard learned counsel for the parties and perused the record.

5. After considering the rival contentions and perusing the record, it transpires that the instant FIR was registered on the statement of the complainant that on 20.08.2023, when she was alone in her house then at about 04:15 PM, two unidentified persons with muffled faces entered her room and threatened the complainant to hand over all the gold and money to them. When the complainant resisted, one of the assailants gave rod blow on the head of the complainant and tried to strangle her. Thereafter, the said assailants took all the gold and cash kept in the almirahs and fled away from the spot. During the course of investigation, on receipt of secret information, the police apprehended the petitioner along with co-accused Rabbi Khan and Harmanjot Singh and recovery of alleged stolen articles were effected from them.



6. Admittedly, after the completion of investigation, challan has been presented in the Court, wherein the prosecution has cited 12 witnesses and none has been examined till date. The alleged recovery has already been effected from the petitioner and the criminal liability, if any, of the petitioner, could only be determined after the conclusion of trial, which may take sufficient long time. In the circumstances, no purpose would be served by detaining the petitioner any longer.

7. Consequently, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Judge on Duty/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

8. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

24.02.2025
S.Sharma(syr)

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