



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
211

CRM-M-33125-2024
Date of Decision: 18.07.2024

Salman Khan

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Akshay Kumar Dahiya, Advocate for
Mr. Kunal Muthreja, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, A.A.G., Haryana.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present petition under Section 483 of Bhartiya Nagarik Suraksha Sanhita, for grant of regular bail in case FIR No. 548 dated 14.10.2023 registered under Section 6 of POCSO Act, 506 IPC and later on added Sections 14 of POCSO Act, 2012, 66C, 66E, 67B of I.T. Act, 2000 at Police Station Adarsh Nagar, Faridabad.

Learned counsel for the petitioner *inter alia* submits that in the present case, FIR was registered on the basis of statement of the mother of the victim, which reads as under:-

“To SHO, P.S I Beena verma w/o Sachin Verma R/o Plot no 101, Garg Colony near Murari ka akhara, Ballabgarh. My Elder daughter Garima is studying in 11th class in DAV School, her DOB is 6.6.2007. I am handicap and use to take singing class at American Montessqui Public School. My husband works in a private company. We had hired a driver named Abid he used to take me to Gurugram every Tuesday for my class and his nephew namely Salman Khan s/o Jaffrudin R/o Sec-3, Purani Masjid used to come along with him and when Abid used to take me to Gurugram. Salman used to come to my house. My Daughter Garima Verma told



me that Salman has raped me number of time in our house without her consent and he also threatened that if you tell anything about this in your house, he will me and also viral my pictures. My daughter Garima Verma also told me that Salman had raped my daughter firstly on 25.12.2022 and lastly on 9.8.2023 in our house. It is requested that Salman has committed rape many times on my minor daughter. Strict legal action be taken against him.”

Learned counsel for the petitioner submits that in actual fact, the petitioner is the nephew of the driver of the victim. The petitioner and the victim were in a consensual relationship. At the time of incident, the victim was about 16 years of age and the petitioner was about 25 years of age. It is stated that the victim and complainant/her mother and her father have been examined as PW1, PW2 and PW3 respectively and all three have turned hostile. Even a Compromise dated 14.10.2023 has been entered into between the parties. Learned counsel for the petitioner further submits that the petitioner has been in custody since 15.10.2023 as undertrial. No useful purpose will be served by further detention of the petitioner in custody. Thus, it is prayed that the present petition may be allowed and the petitioner be released on regular bail.

Learned counsel for the State opposes prayer made on behalf of the petitioner and submits that as per the MLR, it has been recorded that possibility of sexual assault cannot be ruled out. Learned counsel for the State files custody certificate dated 16.07.2024, which is taken on record, as per which the petitioner has been in custody as an undertrial for a period of 9 months and 2 days. Learned counsel, on instructions from SI Vijay Pal, informs that out of 21 witnesses, 3 witnesses have been examined so far.

Having heard learned counsel for the parties, but without commenting on merits of the case, however, keeping in view the totality of the facts and circumstances of the case including: a) the custody period of 9 months and 2 days undergone by the petitioner as an undertrial; b) no other is case pending against the petitioner as evident from the custody certificate placed on record; c) as also the fact that material witnesses i.e. the victim, her mother/complainant and her father stand examined; d) and out of 21 witnesses 3 witnesses have been examined so far and, therefore, the conclusion of trial will take considerable time and no useful purpose would be served by further detention of the petitioner. Thus, the present petition is **allowed**.

The petitioner-Salman Khan S/o Zafruddin, is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, it is made clear that nothing stated above shall be construed as an expression of opinion on the merits of the case.

18.07.2024

Divyanshi

(NIDHI GUPTA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No