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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-62653-2024
Date of decision:-28.01.2025

SALMAN KHAN

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Sunil Kumar Tandon, Advocate, for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

SANJIV BERRY, J.(ORAL)

Reply by way of affidavit dated 20.01.2025 of Deputy Superintendent of Police, Yamuna Nagar-II has been filed in the Registry, the same is taken on record, copy thereof has been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), for grant of regular bail in the following case(Annexure P-1):-

FIR No.	Dated	Sections	Police Station
1011	15.12.2023	406, 420 IPC (379, 506, 201 and 120-B IPC added later on)	Yamuna Nagar City, District Yamuna Nagar

3. Arguments heard.

4. 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 contends that petitioner and complainant have been working as members of an NGO in Yamuna Nagar and when the petitioner in the year 2022 moved to Delhi for his work thereafter some dispute arose between the parties and in this regard a complaint was registered at the instance of the complainant and inquiry was conducted by the Deputy Superintendent of Police, Yamuna Nagar and after recording the statements of both the parties it was found that no evidence regarding commission of cheating was there and complaint was recommended to be consigned (Annexure P-2). He contends that there is nothing substantive against the petitioner and he is in custody since 30.03.2024 and after completion of investigation, challan has already been presented in Court wherein prosecution has cited 14 witnesses and till date none of them have been examined. Hence prayed for grant of bail to the petitioner.

4. *On the other hand*, learned State counsel referring to the reply submitted by the State has opposed the bail petition by arguing that the petitioner alongwith co-accused Nafeesa, Yasmin wife of petitioner, Ahmed Ansari and Talim would do to witch practice & other ostentatious things (tantrik kriya) and by trapping the complainant usurped ₹25,00,000/- from the complainant, by committing fraud, as such, he is not entitled for concession of bail. However he has admitted the factum of presentation of challan wherein 14 prosecution have been cited by the prosecution and till date none of them have been examined.

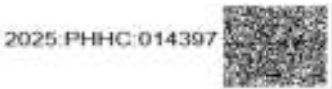
5. After considering the rival contentions and perusing the record,



it transpires that the instant FIR was registered on the complaint of Shalu Chauhan stating that Talim is working in her team in a NGO and showed sympathy to her when she suffered injuries and told her that someone had done witchcraft on her and assured her to remove her difficulties, as his brother is a witch master and prevents untoward incidents by witchcraft. The petitioner, Talim and Ahmed Ansari after reciting, gave cardamom to her and asked to take it with milk or tea and assured that witchcraft done on her and her children will end, and for this work, asked for a sum of ₹1,50,000/- and send Nafeesa, wife of petitioner to her house to eliminate the witchcraft and started witch practice (Tantrik Kriya) and took money from time to time and in all ₹25,00,000/- has been taken by the petitioner through bank transfer and cash. After some time all the accused persons suddenly stopped picking her phone and then she asked them why they cheated on her and demanded her money back to which they refused. Hence FIR was registered.

6. It is evident from record that co-accused Talim and Nafeesa has already been granted concession of bail vide orders dated 05.11.2024 and 15.01.2025 passed in CRM-M-22756-2024 and CRM-M-62314-2024 passed by this Court. Petitioner is in custody since 30.03.2024 and after completion of investigation, challan has already been presented in Court wherein prosecution has cited 14 witnesses and till date none of them have been examined. The conclusion of trial to ascertain criminal liability, if any, of the petitioner in the present case will take sufficient long time.

7. In these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by keeping petitioner



behind bars. Therefore, the present petition is allowed. The petitioner is ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court 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

28.01.2025
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |