



with a middleman namely Sanjeev Kumar, committed breach of trust and cheated the complainant's family.

4. *As per the FIR, accused persons allegedly created an illusion in the minds of the complainant's family regarding 'opraparaya' and black magic (witchcraft), and, on the pretext of performing tantric rituals for the construction of a temple of Baba Bhairav Nath, induced the complainant to part with substantial amounts of money. It is alleged that the complainant, after breaking his FDRs, paid approximately Rs.76 lakhs in cash, transferred around Rs.7 lakhs through online mode, and also handed over 32 tolas of silver and 6 tolas of gold jewellery to the accused.*

It is further alleged that petitioner, along with his family members and complainant's family, visited several religious places, including Mahakal Temple, Ujjain; Mahakali Mandir, Patiala; Bhadrakali Mandir, Kurukshetra; Baglamukhi Temple, Himachal Pradesh; Baba Sabal Singh Bawri, Safidon; Chandi Devi; Naina Devi; Mansa Devi; and Chamunda Devi, where rituals were purportedly performed. During these visits, the accused persons allegedly extracted amounts ranging from Rs.31,000 to Rs.51,000 on each occasion, and even drew blood from the complainant under the pretext of such rituals.

5. *Learned counsel for the petitioner contends that the allegations are vague and inherently improbable, lacking any credible basis. It is submitted that no such allegations have ever been made against the petitioner or his family members in the past.*

Counsel further argues that any loss allegedly suffered by the complainant is attributable to his own conduct, as he admits to having acted under self-induced beliefs or illusions, for which the petitioner cannot be held responsible.

6. *With regard to the online transfer of Rs.7 lakhs, learned counsel submits that an amount of Rs.4,50,000/- has already been returned to the complainant, which reflects that the parties had*



longstanding relations and engaged in regular financial transactions. It is, thus, argued that the matter is essentially of a civil nature, and petitioner deserves the concession of anticipatory bail in the present case.

7. *Notice of motion.*

8. *On advance notice, Mr. Parveen Kumar Aggarwal, Addl. AG, Haryana, puts in appearance on behalf of the respondent - State, and seeks some time to file status report in the matter. Mr. Nitin Bhanwala, Advocate, puts in appearance on behalf of respondent No.2/complainant, and files his vakalatnama in Court today.*

9. *Adjourned to 18.05.2026.*

10. *Meanwhile, petitioner shall not be arrested. However, issue of joining of investigation by the petitioner would be examined on the next date of hearing, after reviewing the status report, which is yet to be filed by learned State counsel.”*

3. Status report by way of an affidavit of Mr. Gurwinder Singh, HPS, DSP, (AEC) Kaithal, on behalf of respondent-State has been filed in Court today which is taken on record.

As per the status report, an amount of Rs.7 lacs was found credited to the account of the petitioner. However, it is not in dispute that prior to registration of the FIR, the petitioner had already returned an amount of Rs. 4,50,000/- through bank transaction. Moreover, criminal proceedings are not amenable to give effect to the recovery process that too when there are financial transactions between the parties. The allegations regarding fraud, cheating, and emotional exploitation attributed to the petitioner are matters to be established by the prosecution or complainant during trial by leading cogent evidence and proving the same beyond reasonable doubt. However, insofar as the issue of recovery of the amount is concerned, and in view of the observations recorded



considered opinion that the petitioner is not required to be subjected to custodial interrogation.

4. In the facts and circumstances of the case, this Court does not find it necessary to keep the present petition pending any further and, accordingly, deems it appropriate to dispose of the same, with the direction to the petitioner to join the investigation within two weeks from today or as and when called by the investigating officer, and in the eventuality of the arrest, petitioner would be released on anticipatory bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The petitioner shall also be abide by all the conditions laid down under Section 482(2) of BNSS, 2023 (earlier Section 438(2) Cr.P.C.).

5. Besides, it is directed that petitioner would hand over his passport to the Investigating Agency or to Court concerned, if he possesses. Otherwise, would submit an affidavit, disclosing the fact that he does not possess any passport.

It is also directed that before leaving country any time during trial, petitioner would seek prior permission of the Court.

6. With the directions recorded here above, present petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

May 18, 2026
ps

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