

ITEM NO.30

COURT NO.1

SECTION II-C

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

**SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 30597/2022**

(Arising out of impugned final judgment and order dated 21-04-2022 in CRLA No. 130/2021 passed by the High Court of Karnataka at Bengaluru)

UNION OF INDIA

Petitioner(s)

VERSUS

SALEEM KHAN

Respondent(s)

(FOR ADMISSION and I.R. and IA No.160399/2022-CONDONATION OF DELAY IN FILING )

Date : 25-11-2022 This petition was called on for hearing today.

**CORAM : HON'BLE THE CHIEF JUSTICE**  
**HON'BLE MS. JUSTICE HIMA KOHLI**

**For Petitioner(s)** Ms. Aishwarya Bhati, ASG  
Ms. Sairica Raju, Adv.  
Mr. B.K. Satija, Adv.  
Mr. Gautam Bharadwaj, Adv.  
Mr. Arvind Kumar Sharma, AOR

**For Respondent(s)**

**UPON hearing the counsel the Court made the following**  
**O R D E R**

- 1 Delay condoned.
- 2 Ms Aishwarya Bhati, Additional Solicitor General submits that while granting bail to the respondent (Saleem Khan, A-11), the High Court has, in paragraph 22 of the impugned judgment misinterpreted the provisions of Sections 15, 18, 18A,

18B and 20 of the Unlawful Activities (Prevention) Act 1967.

- 3 The High Court has observed that in the absence of any allegation in regard to the commission of an offence under Section 15, the offence punishable under Section 18 would not arise.
- 4 In this context, it has been submitted that Section 18 deals with punishment for conspiracy or attempting to commit or advocating, abetting, advising, inciting or facilitating the commission of a terrorist act or any act preparatory to the commission of a terrorist act.
- 5 The submission is that even though there is no specific allegation with reference to the provisions of Section 15 which deals with a terrorist act, Section 18 (punishment for conspiracy, etc.), Section 18A (punishment for organising of terrorist camps), Section 18B (Punishment for recruiting of any person or persons for terrorist act) and Section 20 (punishment for being member of terrorist gang or organisation) would independently apply.
- 6 Moreover, it has been submitted that the High Court has declined to grant bail to A-20. The allegation in the chargesheet is that the respondent (A-11) had recruited A-20.
- 7 On the above premises, it has been submitted that though Al-Hind Organisation is not a banned terrorist organisation, independent of that, the provisions of the statute would be attracted and there is an error on the part of the High Court in interpreting the provisions.
- 8 Issue notice returnable on 6 January 2023.

9 Dasti service, in addition, is permitted.

**(GULSHAN KUMAR ARORA)**  
**AR-CUM-PS**

**(SAROJ KUMARI GAUR)**  
**ASSISTANT REGISTRAR**