IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. CRM-M No.29066 of 2018

Annu

… Petitioner

Versus

State of Haryana

… Respondent

2. CRM-M No.44188 of 2018

Mohit

… Petitioner

Versus

State of Haryana

… Respondent

3. CRM-M No.45709 of 2018

Manoj

… Petitioner

Versus

State of Haryana

… Respondent

Date of decision: 3rd December, 2018

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Abhimanyu Singh, Ms. Divya Mahlawat and
Mr. Raman Chawla, Advocates for the petitioners.

Mr. Baljinder S. Virk, Dy. Advocate General, Haryana
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

The above three regular bail applications under Section 439 Cr.P.C. by accused petitioners Annu, Mohit and Manoj having arisen out of the same very FIR bearing No.81 dated 06.02.2018 under Sections 372, 373, 506, 34, 323, 370, 370-A, 344-, 354-A(2), 376(2)(n), 376-D,

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120-B IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 pertaining to Police Station City Bhiwani, for the sake of brevity are thus being taken up and decided together.

The brief allegations brought to the notice of the Court are that the present case was got registered by accused petitioner Mohit who was living with his mother's brother's family and petitioner Annu happens to be his Mami (maternal aunt) and the latter was in a live-in relationship with one Sanjay. It is alleged by the complainant in his allegations that Annu was running a racket in procuring girls and selling them for flesh trade. On this information, raid was conducted on 06.02.2018 and two girls were recovered from the custody of Annu, one aged between 15 to 18 years and the other above 18 years, both from Uttar Pradesh who were brought and sold to Annu by accused Raju. In their statements under Section 164 Cr.P.C. the girls have alleged that Raju has sold them to Annu accused who on monetary consideration married one of them to Varinder and further sold her to Mukesh and then to accused petitioner Manoj. On the basis of this, petitioner Annu was arrested on 07.02.2018, Manoj on 28.06.2018 and it transpired that Mohit too was in this racket and wanted to keep one of the girls and thus, was also arrested on 28.06.2018.

Learned counsel for the petitioners have sought to make a prayer that the petitioners are in custody since a long time and that there is no semblance of evidence to link them with commission of the offence

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and it is but a personal dispute which has been given a criminal tinge and there is nothing against the accused Mohit and the girls in their statements have turned hostile before the Court of law, and have prayed for grant of bail to the petitioners seeking support from **'Annu vs. State of Haryana' (CRM-M No.25117 of 2018; decided on 17.10.2018)**

Learned State counsel on instructions from ASI Wazir Singh, Police Station City, Bhiwani has opposed the grant of relief on the grounds that the accused petitioners are running a racket into such a nefarious flesh trade and in case they are released on bail they will stifle the investigations, and the heinousness of the offence and seriousness of allegations disentitles them to any relief.

Going through the submissions of the two sides, there are specific allegations levelled by the girls, one of whom is a minor, having been procured from the State of Uttar Pradesh and brought to this State by one of the accused Raju and subsequently, have been sold repeatedly solely for the purpose and object of flesh trade. The fact that while in custody, the accused are wielding such an influence that the investigations are being stifled as is the own stand of the petitioner side that the girls have resiled in the case, are in itself illustrative that if released on bail the petitioners will influence the remaining witnesses as well. Mere incarceration of the accused is no extenuating circumstance for their release on bail. The cited ratio is pertaining to petitioner Annu in another case and is on factual disparity from the case in hand.

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In the light of what has been detailed and discussed above, all the three present petitions stand dismissed.

(FATEH DEEP SINGH)
JUDGE

December 3, 2018
rps

Whether speaking/reasoned Yes/No
Whether reportable Yes/No

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