

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CRM-M-37325-2018

Date of Decision:19.11.2018

Roshni Devi @ Babli

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Kartar Singh Malik-I, Advocate,
for the petitioner.

Mr. Manish Bansal, D.A.G., Haryana.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.351 dated 31.07.2018 under Sections 3, 4 and 5 of Immoral Trafficking Act, 1956, registered at Police Station Urban Estate Rohtak, District Rohtak.

Learned counsel for the petitioner has argued that what has weighed to the mind of learned Additional Sessions Judge, Rohtak, while declining regular bail filed by the petitioner vide order dated 17.08.2018 is that similar other cases are already pending against the petitioner. He has further argued that except the present FIR, no other case is pending against the petitioner under the Human Trafficking, though FIR No.305 dated 09.08.2010 under Sections 3, 4, 5, 8 of the Immoral Trafficking Act and Sections 342, 376(g) IPC, Police Station Urban Estate, Rohtak and FIR

No.436 dated 13.12.2012 under Sections 3, 4, 5 of the Immoral Trafficking

Act, Police Station Shivaji Colony, Rohtak, were registered but in FIR No.305 dated 09.08.2010, petitioner along with other co-accused has been acquitted by learned Additional Sessions Judge, Rohtak, vide judgment dated 06.12.2013. Similarly, in FIR No.436 dated 13.12.2012, she has been acquitted along with other co-accused vide judgment dated 01.02.2016 passed by learned Judicial Magistrate 1st Class, Rohtak. The only case pending against the petitioner is FIR No.20 dated 25.02.2016 under Sections 452, 323, 506, 34 IPC, Police Station Rahadai, Rewari.

Learned State Counsel states that repeated cases registered against the petitioner are sufficient to establish that she is in the habit of indulging in cases under the Immoral Trafficking Act. Merely because the petitioner has been acquitted, cannot lead to disbelieve her involvement in the present case.

I have heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 08.08.2018 and she has been acquitted in FIR No.305 dated 09.08.2010 by learned Additional Sessions Judge, Rohtak, vide judgment dated 06.12.2013 and in FIR No.436 dated 13.12.2012 vide judgment dated 01.02.2016 passed by learned Judicial Magistrate 1st Class, Rohtak, respectively, coupled with the fact that trial in the case will take sufficient long time, I deem it appropriate to admit the petitioner on regular bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of her bail bonds/local heavy surety bonds to the satisfaction of trial Court. The trial Court may also impose any other reasonable condition as may deem it appropriate in the peculiar facts and circumstances of the case.

In case the petitioner is found indulged in any other case of similar offences for which she is an accused in the present case, the prosecution would be at liberty to seek cancellation of her bail.

However, it is made clear that the observations made hereinabove shall not be construed as an expression on the merits of the case.

November 19, 2018

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(HARI PAL VERMA)**JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No