

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Date of decision : March 20, 2019

1. Criminal Misc. No. M-673 of 2019 (O&M)

Pawan KumarPetitioner

versus

State of HaryanaRespondent

2. Criminal Misc. No. M-800 of 2019 (O&M)

TejpalPetitioner

versus

State of HaryanaRespondent

3. Criminal Misc. No. M-7447 of 2019 (O&M)

VikramPetitioner

versus

State of HaryanaRespondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Ramnish Puri, Advocate for petitioner-Pawan Kumar
Mr. Partap Singh, Advocate for petitioner-Tejpal
Mr. PS Sullar, Advocate for petitioner-Vikram
Ms. Dimple Jain, DAG, Haryana for the State

Fateh Deep Singh, J. (Oral)

All these regular bail applications filed by accused Pawan Kumar, Tejpal and Vikram under Section 439 Cr.P.C. in case FIR No. 207 dated 2.7.2018 under Sections 365, 370, 201, 120-B IPC and Section 4 of the POCSO Act, Police Station Mahesh Nagar, Ambala having arisen in the same case are being taken up and disposed of together through this common order.

The facts are that the present case was got registered on the complaint of Mani Ram who belonged to Nepal and happened to reside as a tenant in the area of Ambala Cantt. It is alleged that on 1.7.2018 his daughter aged around 12 years and her friend aged 14 years also a minor girl from Nepal disappeared but could not be traced out inspite of best efforts leading to the registration of the present case. It is four days subsequent thereto the girls were recovered from a car being driven by co-accused non-applicant Krishan Kumar, statements of the girls were recorded alleging that they were taken from Ambala to Ludhiana in the train and were lured on the pretext of job. During the course of investigations it transpired that the accused petitioner Vikram, Pawan Kumar and Tejpal along with their co-accused Mahi Bhatia, Krishan Kumar and Suman Devi were carrying on nefarious trade of child trafficking and who also defiled these girls during their captivity leading to the arrest of the

petitioners on 2.7.2018.

Counsel for the petitioners have argued that the petitioners are behind the bars since a long time and co-accused Krishan Kumar has been allowed regular bail by this Court vide order dated 22.11.2018 and that the petitioners have already undergone substantial incarceration and argued further that there is no evidence of these girls being exploited or there was any game-plan of child trafficking. It is submitted that the trial is not likely to be concluded soon.

Ms. Dimple Jain, learned State counsel assisted by SI Balkar Singh, Police Station Mahesh Nagar, Ambala have vociferously opposed the bail applications on the grounds that while in custody the petitioners have already influenced the trial and if they are allowed bail, there is every likelihood that the remaining prosecution witnesses would too be pressurized. The State counsel has argued that the medical evidence shows that the girls were defiled and being residents of Nepal had been taken away deceptively for throwing them into flesh trade and in view of the heinousness of the offence disentitles them to any relief.

Going through the submissions, the report of Forensic Science Laboratory is illustrative of the fact as to presence of human semen on vaginal swabs so drawn from the victims. Both the victims are young girls aged between 12 to 14 years foreign nationals. The

call details collected during the investigations are further illustrative of this nefarious trade. The fact that part of the trial has been stifled and if the petitioners are allowed bail there is every likelihood that the remaining prosecution witnesses too would meet the same fate.

In view of the seriousness of the allegations, heinousness of the offence and the enormity of the racket impels this Court to decline the relief having no merits and all the three bail petitions stand dismissed.

March 20, 2019
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(Fateh Deep Singh)
Judge

Whether speaking/reasoned ?
Whether Reportable ?

Yes/No
Yes/No