

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.1254 of 2019

Date of decision: 30th January, 2019

Shankar Banjara @ Gevar Ram

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. K.P. Singh, Advocate for the petitioner.

Mr. Rakeshinder S. Sidhu, Asstt. AG, Punjab
for the respondent/State.

FATEH DEEP SINGH, J.

This order shall dispose off first regular bail application of accused petitioner Shankar Banjara alias Gevar Ram under Section 439 Cr.P.C. in case bearing FIR No.133 dated 02.05.2017 under Sections 363, 366, 366-A, 368, 376-D, 120-B IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 pertaining to Police Station A Division, District Amritsar.

Facts of the case are that present case has been got registered by a widow aged around 40 years claiming that she was working as a maid. She stated that one of her daughters aged around 15 years was also working as a maid servant, whom one Sajan wanted to marry and about two months ago he took away her daughter against her wishes and thereafter left her, but on intervention of respectables she did not report the matter and now again about 18/19 days ago Sajan has taken away her

daughter against their wishes with the aid of his co-accused non-applicant Moti, who both have kept the girl in their custody and shown her apprehension that her minor daughter might be pushed into flesh trade. Consequent upon recovery of the girl, she made statement that Sajan and Moti along with the present petitioner and others took her to Kapurthala and then to Rajasthan to sell her and had also been defiling her, leading to arrest of the accused.

Mr. K.P. Singh, Advocate for the petitioner submits that there is no specific role attributed to the petitioner in commission of the offence and that similarly placed co-accused non-applicants namely Parveen and Rajwinder Kaur alias Raj have already been released on bail and that the case of the petitioner is not distinct from that of his co-accused and that the petitioner is behind bars since a long time.

Mr. Rakeshinder Singh Sidhu, learned Assistant Advocate General, Punjab representing the State on instructions from the investigating officer has sought to oppose the grant of bail on the grounds that a minor girl has been kidnapped, taken away to different places and defiled with the sole motive to introduce her into the flesh trade and that the trial is underway and if allowed bail the petitioner might influence the witnesses and stifle the trial.

Appreciating the submissions of the two sides, admittedly the trial is still underway and there are specific allegations against the present petitioner along with his co-accused non-applicants and even as is sought

to be detailed by the learned State counsel before this Court that in her testimony at the trial, the girl has levelled allegations against the present petitioner for enticing/abducting minor girls with the intent to push them into flesh trade which nefarious trade has attained astronomical proportions and the Courts being tools of social justice need to come to the aid of the victims as well as the society at large and curb it with a heavy hand. The apprehension of the State, if allowed bail the petitioner might influence the witnesses and stifle the trial, is not unfounded. In the light of heinousness of the offense and seriousness of allegations, no ground is made out for grant of any relief to the petitioner. Resultantly, the petition being without any merit, stands dismissed.

(FATEH DEEP SINGH)
JUDGE

January 30, 2019
rps

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