

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

1. CRM-M No.25243 of 2019

Rahul Dada @ Inderjeet Roy

... Petitioner

Versus

State of Haryana

... Respondent

2. CRM-M No.33338 of 2019

Khushi

... Petitioner

Versus

State of Haryana

... Respondent

3. CRM-M No.33799 of 2019

Manu @ Narender

... Petitioner

Versus

State of Haryana

... Respondent

Date of decision: 18th September, 2019

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Munish Bahl, Mr. Parveen Sharma and
Mr. Gurpreet Singh, Advocates
for the petitioners.

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

FATEH DEEP SINGH, J.

Since the above detailed anticipatory bail application under
Section 438 Cr.P.C. of accused Rahul Dada alias Inderjeet Roy and
regular bail applications under Section 439 Cr.P.C. filed by accused

petitioners Khushi and Manu alias Narender, have arisen in the same very case got registered by way of FIR No.0383 dated 05.05.2019 under Sections 120-B, 370-A, 376, 506 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 pertaining to Police Station City Panipat, are thus being taken up together for disposal.

Present case has been got registered by a 17 years old girl (though her dental age is 17 to 18 years and ossification test report opines her to be between 18 and 21 years), resident of Bangladesh who is a school drop-out from ninth class. In her allegations, the complainant states that she befriended one boy and who brought her to Delhi on the pretext of marriage and to settle her by training her in a beauty-parlor. It is thereafter, she came in contact with accused non-applicant Sandeep and she stayed at his house for three days who took the prosecutrix to the house of accused Rahul Dada and his wife Khushi, both accused petitioners, on the pretext that Rahul is friend of Sandeep. The girl started residing in the house of Rahul Dada where she was instigated to carry on with the flesh trade. It is on 04.05.2019, accused petitioner Rahul Dada took her from Delhi to Panipat and on the way gave her a mobile phone asking her to remain in touch with him and that he would introduce her to his friends. At Panipat, accused petitioner Manu Sharma took the girl from the bus-stand to his house on a motorbike and send her to co-accused non-applicant Ajay and the latter defiled the girl repeatedly and

thereafter, she managed to escape and narrated her woes leading to registration of the present case.

Mr. Munish Bahl, Mr. Parveen Sharma and Mr. Gurpreet Singh, Advocates representing the present petitioners, have argued that accused petitioner Khushi, who is in custody, is merely wife of accused Rahul Dada and who has a small kid with her and no role is attributed to her in commission of the offence, arguing further that even accused petitioner Rahul Dada alias Inderjeet Roy is not culpable of any offence and that only false accusations have come about by the prosecutrix, who is a major grown-up lady and is trying to blackmail and fleece the petitioners after honey-trapping them, and thus, sought concession of bail. It is further submitted that no specific role is attributed to accused petitioner Manu alias Narender and there is no medical evidence to support the stand of the prosecution that the girl was defiled as she was habitual in the light of medical opinion.

Learned State counsel on instructions from ASI Satish, Police Station City Panipat, has forcefully opposed the grant of bail to the accused petitioners arguing that a minor foreigner girl has been defiled and was being forced into flesh trade. It is submitted that the petitioners if allowed bail, would stifle the trial and intimidate the witnesses and thus, are not entitled to any relief.

Going through the submissions of the two sides, to the specific query of the Court, learned State counsel Mr. Baljinder Singh

Virk, learned Deputy Advocate General, Haryana assisted by ASI Satish from Police Station City Panipat, could not pinpoint any attribution to the accused petitioner Khushi in commission of the offence, being a lady with a kid and in the absence of any specific role to her, merely because she happens to be the wife of one of the accused namely Rahul Dada alias Inderjeet Roy, has been roped in. More so, she is behind bars since a long time and no useful purpose will be served by keeping her in custody. In view thereof, accused petitioner Khushi is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Panipat. However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case. The petition filed by petitioner Khushi viz. CRM-M No.33338 of 2019 stands allowed in those terms.

As far as cases of co-accused petitioners Manu alias Narender and Rahul Dada alias Inderjeet Roy are concerned, there are specific allegations against Rahul Dada alias Inderjeet Roy how he has taken the girl from Delhi to Panipat and introduced her to his co-accused with the intention and motive to force her into this flesh trade. His custodial interrogation certainly is very much essential. Furthermore, in case of petitioner Manu alias Narender, there are allegations that he took the prosecutrix from the bus-stand on his motorcycle and thereafter, sent her with his co-accused non-applicant Ajay and where she was defiled, thus, both these petitioners form the chain and had actively carried on this

nexus with each other to force the girl into this immoral activity. Merely because the petitioner Manu alias Narender is in custody is no extenuating circumstance. Moreover, the claim of the prosecution that as per the school certificate, the victim is a minor and the claim of the petitioners that she happens to be a major, are matters of evidence to be decided at the trial. No case is made out for grant of any relief to these two petitioners. Thus, the petitions filed by Manu alias Narender and Rahul Dada alias Inderjeet Roy are dismissed.

(FATEH DEEP SINGH)
JUDGE

September 18, 2019

rps

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