

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CRM-M-32677-2019

Date of Decision:30.08.2019

Sapna @ Sapna Setia

.....Petitioner

Versus

State of Punjab

.....Respondent

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

Present: Mr. Sandeep Kumar Bakolia, Advocate,
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

HARI PAL VERMA, J.(Oral)

Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner in FIR No.165 dated 11.07.2019 under Section 376 IPC, Sections 3 & 4 of the Immoral Traffic (Prevention) Act, 1956, Sections 3 & 4 of the POCSO Act and Sections 21 & 29 of the NDPS Act, 1985, registered at Police Station City Moga.

The aforesaid FIR was registered at the behest of the prosecutrix who is about 17 years of age. As per FIR, her father is a truck driver, whereas her mother has expired about six years ago. She was thrown out from the house about six years ago and therefore, she came into the contact of the petitioner who is running a beauty parlour. The petitioner took the prosecutrix in her house and started introducing her with some known boys, who forcefully established physical intimacy with the

prosecutrix without her consent. In lieu of this introduction with her (petitioner) known boys, the petitioner used to get money, whereas part of the money was given to the prosecutrix, which led to her drug addiction.

Learned counsel for the petitioner has argued that the allegations so made against the petitioner are false. The mother of the prosecutrix is alive. There was also a compromise between the petitioner and the complainant/prosecutrix dated 22.01.2016 (Annexure P-2). Moreover, the prosecutrix is major.

On the other hand, learned State Counsel, on instructions from ASI Ashok Kumar, submits that the complainant has put the petitioner in drug addiction. Petitioner had introduced the prosecutrix with certain boys, who were known to the petitioner and these boys have sexually exploited the victim despite being a minor of 17 years of age.

Heard learned counsel for the parties.

The allegations against the petitioner are serious. She has introduced the prosecutrix who is minor with some known boys, who forcibly established physical relations with her. In lieu of this introduction with her known boys, the petitioner used to get share in the money, though part of the money used to be given to the victim. The offence being social as well, no ground for grant of anticipatory bail to the petitioner is made out.

Dismissed.

August 30, 2019
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No