

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-43514 of 2019 (O&M)
Date of decision : October 18, 2019

Merool Nisha

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Sumeet Puri, Advocate, for the petitioner
Ms. Sakshi Bakshi, AAG, Punjab for the State

Fateh Deep Singh, J. (Oral)

This first anticipatory bail application under Section 438 Cr.P.C. by accused petitioner Merool Nisha has come about in case FIR No. 142 dated 11.7.2019 under Section 370-A IPC read with Sections 3,4 of the Immoral Traffic Prevention Act, 1956 and Section 17 of the the Protection of Children from Sexual Offences Act, 2012, Police Station City Sangrur.

The office had served advance copy of the petition upon the State as a consequence of which the State counsel along with

the Investigating Officer had appeared.

Heard Mr. Sumeet Puri, Advocate, for the petitioner; Ms. Sakshi Bakshi, AAG, Punjab and perused the records.

The present case has been got registered by a girl aged little above 17 years whose mother is in custody. It is alleged by the prosecutrix that while going to the market she met the petitioner who asked her the cause of her tension and the victim out of innocence disclosed that as her mother is in jail she was desperate to have a job. The petitioner asked the victim to come to her and after few days when she went to the house of the petitioner, she introduced her to two persons who assured to help the girl in securing bail for her mother. It is alleged that at the behest of the petitioner, these two persons defiled her against her wishes and thereafter the petitioner used to threaten the child and forced her to trade in sex for which the petitioner would receive the money. In continuity of this nefarious design in flesh trade the petitioner introduced the victim to her friend one Kamaljit Kaur who too under coercion and threat forced the girl child further into flesh trade and used to charge Rs 5000/- from each person. It is thereafter the present case was got registered.

Learned counsel for the petitioner inter-alia contends that

the girl is more than 18 years of age and was habitual to sexual intercourse and there is no medical evidence to show that the petitioner was instrumental in her defilement and there is no substantial evidence to connect her with the commission of the offence.

Learned State counsel had made forceful submissions opposing the relief arguing that the petitioner is running a flesh trade and whereby she is introducing and hooking into it young girls and in view of the seriousness of the offence disentitles to her any relief.

The prima facie allegations brought to the notice of the Court are reflective of how the petitioner along with her co-accused has forced a minor desperate and desolate girl child into the flesh trade. The averments of the counsel for the petitioner that there is no supportive medical evidence are matters of evidence. The investigations are at crucial stage and if allowed bail, there is every likelihood that the petitioner might stifle the same. In view of the heinousness of crime and seriousness of allegations calls for a thorough investigations into the entire gamut of the allegations which needs to be probed by senior functionary of the police. Finding no merit, the present application stands dismissed. However, directions are issued to the Senior Superintendent of Police, Sangrur to ensure

that the investigations are conducted under direct supervision of Police Officer not below the rank of Superintendent of Police with good career track record and meanwhile, the learned Judicial Magistrate having jurisdiction over Police Station City, Sangrur to ensure that the investigations are duly monitored in terms of Section 156(3) Cr.P.C.

Copy of the order be sent to the learned Chief Judicial Magistrate, Sangrur through learned District & Sessions Judge, Sangrur as well as the Senior Superintendent of Police, Sangrur for due compliance.

October 18, 2019
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(Fateh Deep Singh)
Judge

<i>Whether speaking/reasoned ?</i>	<i>Yes/No</i>
<i>Whether Reportable ?</i>	<i>Yes/No</i>