

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-12077-2020 (O&M)

DATE OF DECISION: MAY 8, 2020

KAMLESH VERMA @ KIRAN MUMMY

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MS. GURSHARAN K. MANN, ADVOCATE FOR THE PETITIONER.
MR. GAURAV DHURIWALA, SR.DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Kamlesh Verma @ Kiran Mummy has filed this petition for grant of regular bail in case FIR No.56 dated 9.5.2019 under Sections 376-D/120-B IPC, Police Station E-Division, District Amritsar. The petitioner is in custody since her arrest on 18.2.2020. The above FIR in question was initially registered at Police Station Padampur, District Sri Ganganagar as Zero FIR and was later on forwarded to District Amritsar where the above FIR was recorded.

As per the allegations, the victims had voluntarily left their house on 31.7.2018 and reached at Amritsar, where they came in contact with two persons, namely, Gagan and Vicky. They both promised a job for them and took them to the house of Vicky, where they raped the victims repeatedly. Later on, the victims were sent to other persons as well and accused Simmi facilitated the illegal sexual activities at her residence. Gagan used to send one of the victims outside the town as well. One of the

victims was sent to Delhi where she was forced to continue with the illegal sexual activities facilitated by Kamlesh Verma, Jyoti Sharma, Anil and Raju. As per the allegations, those two boys confined the girls at their house for 6-7 months where 4-5 other girls were also staying. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner contends that the petitioner is not an accused of rape and the only allegation against her is that when the girls reached at Delhi, she sent them to other persons (customers). According to her, at best, the crime falls within the ambit of The Immoral Traffic (Prevention) Act, 1956. She has pointed out that the accused, namely, Simmi has already been granted the concession of regular bail vide order dated 28.11.2019 passed by this Court in CRM-M-39422-2019. She contends that the petitioner is a senior citizen and is suffering from various ailments and reliance is placed upon the medical record annexed as Annexure P-2. She submits that further custody of the petitioner may not be justified, as the trial is likely to consume considerable time.

On the other hand, Mr. Gaurav Dhuriwala, Sr.DAG, Punjab has opposed the prayer on the ground that the petitioner is named in the FIR and she participated in the crime. It is not disputed by him that the girls initially came in contact with two boys, namely, Gagan and Vicky who committed the alleged offence of rape with the girls and later on forced them to indulge in flesh trade. It is pointed out that the petitioner is based in Delhi and facilitated the crime there. It is not disputed by him that the investigation qua the petitioner is complete and the challan against her was submitted on

9.4.2020.

After hearing learned counsel for the parties, this Court finds that in the present unprecedented situation (spread of COVID-19), the trial is likely to consume considerable time to conclude. The petitioner is stated to be 66 years old who is suffering from various ailments and therefore, her further custody may not be justified, particularly when similarly situated co-accused, namely, Simmi has been released on regular bail by this Court.

Therefore, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail, subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

The petition is allowed.

May 8, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No