

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

CRM-M No.12135 of 2020
Date of decision: 12th May, 2020

Balwinder Kaur @ Sukh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. D.S. Pheruman, Advocate for the petitioner.

FATEH DEEP SINGH, J. (ORAL)

The matter has been taken up through video-conferencing on account of lockdown due to outbreak of pandemic COVID-19.

Mr. Dhruv Dayal, Sr. Deputy Advocate General, Punjab puts in appearance on behalf of the State on his own.

Petitioner Balwinder Kaur alias Sukh has sought first anticipatory bail under Section 438 Cr.P.C. in case bearing FIR No.0067 dated 07.12.2019 under Sections 342, 323, 344, 346, 370, 370-A, 120-B, 376E IPC and sections 3 and 4 of Immoral Traffic (Prevention) Act, 1956 pertaining to Police Station Verka, District Police Commissionerate Amritsar got registered on the statement of prosecutrix, an unmarried girl aged around 23/24 years. In her allegations, the prosecutrix claims that she belongs to Utter Pradesh and had come to the city of Amritsar where she managed to secure a job at the house of the petitioner and who used

to solicit customers for monetary gains and forced the complainant into this trade which carried on against her wishes for a period of 1 ½ years and thereafter the prosecutrix escaped leading to registration of the present case.

Learned counsel for the petitioner Mr. D.S. Pheruman, Advocate inter alia contends that there is no specific allegation against the petitioner and all accusations are general in nature and has sought to displace the stand of the prosecution as to the allegation of rape claiming that there is no medical evidence to substantiate the same.

On behalf of the State Mr. Dhruv Dayal, Sr. Deputy Advocate General, Punjab though has not displaced the facts brought to the notice of this Court but has opposed the grant of bail arguing that the petitioner is instrumental in carrying on the flesh trade and forcing the prosecutrix to this trafficking therefore her custodial interrogation is very much essential.

Appreciating the submissions of the two sides, apparently the prosecutrix is a major and had volunteered into this for a long period of time and there is no medical evidence to substantiate these allegations. In view thereof, culpability, if any, shall be determined at the trial and no useful purpose will be served by sending the petitioner behind bars and her joining the investigations would suffice. Accordingly, the petitioner is

directed to appear before the investigating officer within a period of 15 days from the date of receipt of certified copy of this order and on her doing so the petitioner shall be released on bail to the satisfaction of the arresting/investigating officer till submission of report under Section 173 Cr.P.C. (challan). The petitioner shall continue to join investigation and shall furnish an undertaking that she will abide by the conditions specified under Section 438 (2) Cr.P.C. Thereafter, she will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

May 12, 2020

rps

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No