

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CRM-M-31309-2019 (O&M) along with other connected cases bearing
CRM-M-13577 & 13529-2020 (O&M), CRM-M-13082-2020,
CRM-M-52721, 32970 & 35674-2019**

Reserved on: 08.10.2020

Pronounced on: 13.10.2020

Anjli @ Meena Kumari

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr.G.C.Dhuriwala, Advocate,
for the petitioner in CRM-M-31309-2019, Ms.Anjli @ Meena
Kumari.

Ms.Anupriya Yadav, Advocate,
for the petitioner in CRM-M-13577-2020, Ms.Jyoti Sharma.

Mr.M.K.Dogra, Advocate, for Mr.Vinay Kumar, Advocate,
for the petitioner in CRM-M-52721-2019, Ms.Sukhwinder Kaur
@ Sapna.

Mr.Narinder Lucky, Advocate,
for the petitioner in CRM-M-13529-2020, Mr.Jobanjeet Singh
Chahal @ Shelly.

Mr.Shivender Pal, Advocate, for Mr.B.S.Bhalla, Advocate,
for the petitioner in CRM-M-32970-2019, Mr.Gagandeep Singh
@ Gagan.

Mr.Prateek Sodhi, Advocate,
for the petitioner in CRM-M-35674-2019, Mr.Jagjeet Singh
@ Love @ Ekam Brar.

Mr.Harinder Sharma, Advocate, for Mr.Rahul Jaswal, Advocate,
for the petitioner in CRM-M-13082-2020, Vikram Singh @ Vicky.

Mr.Hittan Nehra, Addl.A.G., Punjab.

Mr.Rajinder Sharma, Advocate, for the complainant.

(The proceedings are being conducted through video
conferencing, as per instructions.)

G.S. SANDHAWALIA, J.

The present order shall dispose of the above-mentioned 2

petitions, filed under Section 438 Cr.P.C., praying for grant of anticipatory bail in FIR No.56 dated 09.05.2019 (Annexure P-1) under Sections 376-D, 120-B IPC registered at Police Station Division E, Amritsar (initially registered zero FIR at Police Station Padampur District Sriganganagar, Rajasthan on 16.03.2019) qua petitioners, Ms.Anjli @ Meena Kumari in CRM-31309-2019 and Ms.Jyoti Sharma in CRM-M-13577-2020. The prayer for regular bails for the other 5 accused in CRM-M-13529-2020, CRM-M-13082-2020, CRM-M-52721, 32970 & 35674-2019 shall also be dealt by the same order since the factual background is the same in all the said cases.

The facts of the present case would go on to show that the girls who shall be referred to as 'D' and 'S', residents of Rajasthan are aged 20/18 years were studying in a college at Rajasthan, the name of which is not being mentioned. They had been dropped by their father in the college and on account of a dispute within the family, both of them went missing and landed up in Punjab. Initially they went to Muktsar by catching a bus and thereafter, to the holy city of Amritsar, where they had lived in Gurudwara for some days.

They had initially taken a room on rent when they were accosted by the petitioners-Gagandeep Singh @ Gagan and Vikram Singh @ Vicky, who had allured 'D' that they would arrange a job for them. Thereafter, they had been introduced to one Joginder Kaur @ Simmi, non-applicant who got them into prostitution. Gagandeep had committed rape with 'D' and made videos of the same and started

blackmailing them and started supplying them for further prostitution through Simmi. 'D' also was sent to Delhi by Gagandeep Singh wherein Kamlesh Verma (non-applicant) and Jyoti Sharma (applicant) with the help of Anil and Raju, facilitated prostitution in farmhouses and at Rajouri Gardens at Delhi and getting done the wrong work from house of Kamlesh Verma. She had remained there for 4 days. S was sent to Joginder Kaur @ Simmi at Jalandhar for the said purpose.

As per the statement of D which was recorded under Section 164 Cr.P.C. on 16.03.2019 before the Addl.Judicial Magistrate, Sri Karanpur, District Sriganganagar, on the basis of which, recommendation had been made by the Rajasthan police for lodging of the FIR which was then lodged on 09.05.2019 at Amritsar. Thereafter, the statement of S was recorded under Section 164 Cr.P.C. after her recovery and during the course of investigation, similarly on 15.05.2019 but before the JMIC, Amritsar. As per the statements made, apart from the earlier allegations made by her sister 'D', Jagjeet Singh @ Love @ Ekam Brar and Jobanjeet Singh Chahal @ Shelly were also alleged to have committed rape with them and kept them for 8 days in a room and made video and threatened them that they would make the video viral and also kept all the documents and ID proofs. Jobanjeet Singh had taken them to the Golden Temple Sri Guru Ramdass Sarai for 8-10 days since somebody had come to his house and thereafter, they had been taken to the house of Jagjeet Singh on 11.08.2019 where more persons had been called and money was accepted from them in lieu of sexual

favours.

Similarly, Sukhwinder Kaur @ Sapna's name surfaced that she also used to call men and they were given beatings on not following their orders. Jyoti Sharma, non-applicant had taken them to her house and also got wrong work done from them and also gave them beatings. Vikram had left her at a house of lady at Jalandhar, namely, Anjali Piplani (applicant) wherein also she was supplied in hotels and money was taken. They were regularly raped by Jobanjeet, Gagan and Vikram. It was alleged that on 03.03.2020, Gagan and Joban left 'D' at Delhi at Jyoti Sharma's house and they used to get the wrong work done and received money. The recovery of S was alleged to be of 13.03.2019 from the house of Simmi at Jalandhar whereas D had been recovered from Amritsar.

In CRM-M-13529-2020, the Assistant Commissioner of Police was directed to file a comprehensive affidavit regarding the role of all the accused. On 24.08.2020, the details had been succinctly put-forth of the 12 accused. It has been mentioned that 3 challans were filed in the said case on 05.07.2019, 05.09.2019 and 09.04.2020. Charges were framed on 14.08.2019 and thereafter, re-framed on 04.12.2019 and charge is yet to be framed against Kamlesh Verma, Anjali Piplani, Raju @ Dundhi Raj.

It is apparent that the hapless father had filed a Habeas Corpus petition bearing No.18/2019 before the High Court of Rajasthan at Jodhpur Bench, on account of his daughters having been gone missing.

On prodding by the Division Bench, the SHO Police Station Padampur took several opportunities to trace the missing girls and to present them in Court. Eventually, 'D' having been recovered on 12.03.2019 from Amritsar, was produced on 14.03.2019 before the Division Bench wherein she had disclosed that some wrong incident had happened to her and resultantly, direction had been issued to get her statement recorded under Section 164 Cr.P.C., by the competent Magistrate and she was allowed to go with her parents. Direction was also issued that efforts be made to trace out her sister.

Resultantly, her statement was recorded on 16.03.2019 under Section 164 Cr.P.C., as noticed above which forms the basis of the FIR. Thereafter, 'S' having been recovered on 13.03.2019 from Jalandhar from the house of Simmy, was produced on 15.03.2019 and was directed to be lodged in Nari Niketan, Bikaner and eventually on 26.03.2019, she was sent with her parents. The Division Bench noticed that the FIR had been lodged and sent to the concerned police station for investigation and the Habeas Corpus petition was then disposed of. 'S' statement was then recorded under Section 164 Cr.P.C. during investigation by JMIC, Amritsar on 15.05.2019. It is, in such circumstances, the petitioners have been nominated as accused.

CRM-M-31309-2019

Mr.G.C.Dhuriwala, counsel for the petitioner in CRM-M-31309-2019 submits that the petitioner has not been named in the FIR and therefore, the benefit of anticipatory bail be granted, more so since

she had joined investigation, in pursuance of interim direction.

From the statement recorded under Section 164 Cr.P.C. on 15.05.2019, a subsequent date, it would be clear that 'S' had named Anjali Piplani as accused and therefore the argument raised that she was not named in the FIR will not take the petitioner a long way. The allegations are serious in nature and it has also been rightly noticed by the Addl.Sessions Judge that though the prosecutrix may be major but they had been submitted to third persons to fulfill their lust and the allegations of gangrape had been made out.

As noticed, the victims belong to Rajasthan and have no axe to grind with the petitioner and she has been specifically named by 'S'. It is also pertinent to notice that directions were issued in this case by the Co-ordinate Bench on 10.09.2020 that efforts be made to examine the prosecutrix and the help of Video-Conferencing be taken. It is not disputed that in pursuance of the said Video-Conferencing, S has been examined on 3 occasions, on 25.09.2020, 28.09.2020 and on 01.10.2020. In her statement on 25.09.2020, she has named Anjali Piplani again being a resident of Urban Estate Phase-II, Jalandhar and alleged that she used to call customers in her house and she had been left by Vicky at hotels for the purpose of prostitution. Money had been charged and Vikramjit Singh used to take money from the said petitioner and also used to commit rape in her house and thus, no case for grant of anticipatory bail to the petitioner is made out.

CRM-M-13577-2020

Ms. Anupriya Yadav, counsel for the petitioner in CRM-13577-2020 has vehemently argued that the petitioner has been granted the benefit of anticipatory bail on 02.06.2020 and it had, thereafter, been noticed that she had been wrongly declared proclaimed offender. She is a resident of Subhash Nagar and proclamation had been done at Rohini. It has been noticed by this Court on 24.07.2020 also that the State had verified that she had been residing in Subhash Nagar from 08.03.2019 onwards and she had been declared proclaimed offender on a proclamation done at Rohini where she was residing earlier. The benefit of interim anticipatory bail had thus been granted because the same had been granted to Anjali Piplani, at that point of time. Counsel has, thus, submitted that as per the FIR, she has been named but there is no allegation of money transaction and there were two persons of the same name, i.e., Jyoti. It is submitted that the girls were travelling alone and were free to approach the police for help and the petitioner has joined investigation and the orders were liable to be confirmed.

The statement of D recorded on 15.05.2019 under Section 164 Cr.P.C. would go on to show that Jyoti Sharma along with Kamlesh Verma, Anil and Raju used to get wrong work done at Delhi in farmhouses and Rajouri Gardens and Gagan was receiving money. Similarly, 'S' had also stated that the present petitioner was based at Delhi where her sister had been left and wrong work has been done. The statement recorded in chief now also by 'S' gives vivid instances of Jyoti

Sharma of Rajouri Gardens and the other Jyoti is of Indira Colony, Majithia Road, Amritsar. It is to be noticed, the complainant's family is from Rajasthan and they have specifically named the petitioner that she has been actively involved in the gangrape and the controversy of supplying the girls inter-state in the 2 different cities of Punjab and also at Delhi. The allegations thus are serious and it is not that it can be said that they have been falsely implicated and therefore, no case is made out for the confirmation of the anticipatory bail orders and the same is, accordingly, dismissed.

CRM-M-52721-2019

Mr.M.K.Dogra, counsel for the petitioner-Sukhwinder Kaur @ Sapna in CRM-M-52721-2019 submits that the petitioner was named on 15.05.2019 by S and allegations are same as pertaining to one Joginder Kaur @ Simmi who has been granted regular bail in CRM-M-39422-2019 on 28.11.2019 (Annexure P-2) and she is in custody since 12.05.2019 and therefore, she should be granted the same benefit.

A perusal of the said order would go on to show that at that stage, no witness had been examined and on account of the fact that trial was not likely to be completed in the near future, the Co-ordinate Bench had granted the regular bail. Therefore, keeping in view the fact that the petitioner is a lady and has been in custody since 12.05.2019 and is in detention for over 1 year and 5 months, she is entitled for the same concession of grant of regular bail, mainly on account of parity, as such. It is also to be noticed that Kamlesh Verma who is a resident of Delhi has

also been granted the benefit of regular bail in CRM-M-12077-2020 on 08.05.2020 by the Co-ordinate Bench while noticing that Simmi had been granted regular bail and the petitioner was 66 years old. Thereafter, this Court in CRM-M-11694-2020 had granted bail to Raju @ Dundhi Raj on 24.07.2020 who was the driver of Kamlesh Verma and it had been noticed that he was just a minnow in the whole controversy and there were no allegations of gangrape against him or of taking money from customers.

CRM-M-13529-2020

Mr.Narinder Lucky, counsel appearing for the petitioner, Jobanjeet Singh Chahal @ Shelly in CRM-M-13529-2020 has vehemently submitted that the petitioner is in custody since 06.03.2019 and therefore, he is entitled for the benefit of regular bail. It is submitted that he is not named in the FIR and the same was on account of the statement improved on 15.05.2019 made by S.

As per the statement of S, specific allegations of rape have been levelled against Jobanjeet Singh Chahal @ Shelly and that he had also made an entry in the Golden Temple Ram Dass Sarai on 09.08.2019 since somebody was coming to his house and girls had to be detained in some other place. In the statement recorded by D in Court also, specific allegations of rape against the petitioner and of recording of obscene videos and blackmailing the girls and they being introduced by the other 2 accused, Vicky and Gagan who handed them over to the petitioner, Jobanjeet have been made. Accordingly, keeping in view the allegations

made and the detention of the victims over such a long time, it cannot be said that the petitioner has been falsely implicated in any manner. It has been specifically alleged in the statement that Joban and Gagan were supplying 'S' in the hotels and that Gagandeep had taken her sister 'D' to Delhi at the house of Jyoti Sharma and Kamlesh Verma. Thus, no case for grant of regular bail is made out.

CRM-M-32970-2019

Mr.Shivender Pal, counsel appearing for the petitioner, Gagandeep Singh @ Gagan in CRM-M-32970-2019 has also argued on the same lines that the girls had left the house on their own and they were travelling between Delhi and Amritsar and therefore, the case was false and fabricated.

The name of the petitioner is specifically mentioned in the FIR itself and apparently, the victims were accosted initially by Gagandeep along with co-accused, Vicky and he had also committed rape on 'S'. Gagandeep had sent her to Delhi for working with the co-accused and did not give the money but used to bring articles, meals and clothes. He also used to receive money from Kamlesh for getting the wrong work done and therefore, no case is made out for grant of regular bail to the petitioner.

CRM-M-35674-2019

Mr.Prateek Sodhi, counsel appearing for the petitioner, Jagjeet Singh @ Love @ Ekam Brar in CRM-M-35674-2019 has argued that petitioner was arrested on 13.05.2019 and has been named in the

statement made on 15.05.2019 and thus, there was as improvement, as such. It is submitted by referring to the orders of the Division Bench of Rajasthan as to how the girls had been making variance in their statements.

The background has already been noticed in detail above that how the girls had been separated at different places and the different statements have come from both of them. Overall, all the petitioners have different roles over the six months the girls were detained. It has specifically been alleged that the girls were handed over to Jagjeet Singh and Jobanjeet and therefore, they are identically situated. Apart from raping the girls, they had also video-graphed the incidents and taken all the documents and ID proofs and had detained them. Even in the statements recorded before the Trial Court, now, Jagjeet Singh has been specifically named and he is stated to have taken them to Sri Guru Ramdass Sarai to keep them detained there and threatened them that the videos would be made viral. In such circumstances, the counsel for the petitioner cannot show that his client has falsely been implicated, in any manner.

CRM-M-13082-2020

Mr.Harinder Sharma, counsel appearing for the petitioner, Vikram Singh @ Vicky in CRM-M-13082-2020 submits that contradictory statements have been made by the victims in Court which are not in consonance with the statements recorded under Section 164 Cr.P.C. and therefore, the benefit of regular bail can be granted and also

on account of the fact that he has been in custody since 13.05.2019.

This Court is not impressed with the said argument. As noticed, Vikram and Gagan are the first 2 persons who had accosted the victims. It has specifically been mentioned in the first statement made on 16.03.2019 of D that the petitioner had committed rape upon 'S' and also made a video and thereafter, supplied them further for wrong work to Simmi. It is also mentioned that Vikram used to come along with the customers and had sent 'S' to Simmi at Jalandhar to get the wrong work done and had detained them. It has also been mentioned that there were 4-5 girls residing with the present victims and the sisters had been kept for around 5-6 months. Thus, serious allegations have been made against the petitioner and mere long custody would not be a ground to grant the petitioner benefit of regular bail, keeping in view the seriousness of allegations and quantum of punishment which is liable to be imposed upon them. The petitioners as such working in tandem would be in a position to threaten the victims and coercing them in order to protect themselves from the ongoing prosecution. The sordid misadventure which has happened with the 2 prosecutrix who are sisters and have been exploited being hapless girls for over 6 months and have been treated as chattels and converted by the petitioners into disposables for money making, not only to satisfy their lust but also to market them for financial gains, without realizing the psychological impacts the victims would have suffered.

Resultantly, this Court is of the opinion that the anticipatory

bail of the petitioners, namely, Anjli @ Meena Kumari and Jyoti Sharma are not liable to be accepted and the same are dismissed as they are not standing at a better footing and parity as other ladies who have been arrested and granted regular bail. It is only by way of custodial interrogation their modus operandi would be revealed and the prosecution would be able to get more evidence and proof of their activities to support their case which cannot be done if they are granted the shield of protection from arrest.

Similarly, the regular bail petitions of Gagandeep Singh @ Gagan, Jobanjeet Singh Chahal @ Shelly, Jagjeet Singh @ Love @ Ekam Brar, Vikram Singh @ Vicky are, accordingly, dismissed. However, petitioner, Sukhwinder Kaur @ Sapna is granted the benefit of regular bail on account of parity and being a lady. Thus, CRM-M-52721-2019 stands allowed whereas CRM-M-31309-2019 (O&M), CRM-M-13577 & 13529-2020 (O&M), CRM-M-13082-2020, CRM-M-32970 & 35674-2019 stand dismissed. Nothing said herein would prejudice the Trial Court in any manner as the said observations are only for the purpose of deciding the bail applications of the petitioners on the basis of materials collected by the investigating agencies.

13.10.2020
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No