

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 208

CRM-M-36489-2020

Date of decision : 17.12.2020

Dimple Goel

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.Sumeet Goel, Advocate, for the petitioner.

Mr.Ashok Kumar Sehrawat, DAG, Haryana.

DEEPAK SIBAL, J. (ORAL)

Case taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.55 dated 30.01.2020, registered under Section 365 IPC (Section 6 of the Protection of Children from Sexual Offences Act, 2012, Sections 328, 343, 366-A, 370, 370-A, 375, 376, 120-B IPC and Sections 3, 4, 5, 6 and 7 of the Immoral Traffic (Prevention) Act, 1956 added later on) at Police Station Sadar Thanesar, district Kurukshetra.

The State seeks to prosecute the petitioner for using his hotel for prostitution.

Seeking regular bail for the petitioner learned counsel submits that the petitioner has been falsely implicated in the present case only for the reason that he owns the hotel where the alleged acts of prostitution have taken place; there is no evidence with the prosecution which would link the petitioner with the crime; the only reliance of the prosecution is upon the confessional statement of co-accused Sandeep Kumar made by him before a police officer which is inadmissible in evidence under Section 25 of the Indian Evidence Act, 1872; even if the above confessional statement is read in evidence, though its admissibility is vehemently opposed, the same does not contain anything which would show that the petitioner was in knowledge of his hotel being used for immoral acts; he is not involved in

any other criminal case; he is in custody since 23.07.2020; report under Section 173 Cr.P.C. has already been filed and therefore the petitioner is not in a position to influence the investigation; for the last about three months no effective proceedings have taken place in his trial due to COVID-19 pandemic for which he cannot be blamed and that since his trial is yet to start the same will take a long time to conclude as there are 53 prosecution witnesses to be examined.

Learned State counsel opposes the grant of bail to the petitioner on the ground that he is accused of using his hotel for immoral acts and that if he is released on bail he may indulge in similar offences.

The effect of admissibility of the confessional statement of co-accused Sandeep Kumar will be considered during the course of the trial. However, the petitioner is not involved in any other criminal case; he has been in custody for the last about five months; report under Section 173 Cr.P.C. has already been filed and therefore the petitioner is not in a position to influence the investigation; for the last about three months no effective proceedings have taken place in his trial due to COVID-19 pandemic for which he cannot be blamed and since his trial is yet to start the same is likely to take a long time to conclude as there are 53 prosecution witnesses to be examined.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Kurukshetra the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

17.12.2020

shamsher

[DEEPAK SIBAL]

JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No