

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

105

**CRM-M-745-2021 (O&M)
Date of decision: 03.03.2021**

Mohit Sadyan

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Harlove Singh Rajput, Advocate for the petitioner.

Mr. Ranvir Singh Arya, Addl. A.G. Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

CRM-335-2021

For the reasons mentioned in the application, the same is allowed and the petitioner is exempted from filing certified copies of Annexures P-1 to P-4, vernacular copy of FIR No.379 dated 10.04.2020 and certified and more legible vernacular copy of report filed under Section 173 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') and true typed copy of impugned order dated 21.12.2020.

CRM-M-745-2021

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.379 dated 10.04.2020 registered under Sections 3, 4, 5(d)(ii), 6 and 7 of the Immoral Traffic (Prevention) Act, 1956; Section 51(b) of the Disaster Management Act, 2005 and Section 188 of the Indian Penal Code, 1860 (for short 'the IPC') in Police Station City Thanesar, District Kurukshetra to which Sections

370(1)(5), 201 and 420 of the IPC and Sections 6, 8 and 17 of the Protection of Children from Sexual Offences Act, 2012 (for short 'the POCSO Act') were added lateron.

The petitioner, who is in custody since 08.09.2020 has filed the present petition for grant of regular bail.

The petition has been opposed by the learned State Counsel in terms of reply filed by way of affidavit of Sh. Ravinder Tomar, HPS, DSP, City Kurukshetra.

I have heard learned Senior Counsel for the petitioner and learned State Counsel and have gone through the relevant record.

Learned Senior Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. Admittedly, the petitioner is not the owner of the hotel. In fact the partnership firm of the petitioner and Ramesh Kumar had taken the said hotel on lease from 01.04.2019 to 28.02.2020 from Gaurav but the said lease deed was never got extended and the possession of the premises was handed over to Gaurav. The petitioner has been implicated on the basis of statement of Baljit Kaur who alleged that lease of the hotel in favour of the partnership firm of the petitioner and Ramesh Kumar was extended for the year 2020-21 and that she had purchased the stamp papers from the Court but the requisite extension deed could not be executed due to Covid-19. No investigation was carried out in this regard. Neither the stamp vendor was examined nor the statement of Notary was recorded. The petitioner has no knowledge regarding indulgence of his co-accused in flesh trade at hotel New Espire. The petitioner was not present at the hotel at the time when the raid was

conducted. Currency notes were allegedly recovered from the co-accused and no recovery was made from the petitioner. As per the prosecution evidence the girls were brought to the hotel by Ravi Kumar son of Gajender, Naveen and Umesh after procuring them from Nisha and Ravi son of Markanda. Khushi and Preeti, who were allegedly forced to indulge in flesh trade have not named the petitioner. There is no allegation against the petitioner regarding any offence under the POCSO Act. Disclosure statement of the co-accused do not constitute substantive evidence against the petitioner. There is no cogent evidence to show involvement of the petitioner in the crime. The trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 and no useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel has submitted that the petitioner indulged in flesh trade. As per call details record of his mobile phone, the petitioner was present at the hotel at the time of the raid but the petitioner managed to escape. The petitioner was actively involved in commission of the alleged offences and in view of nature of accusation and gravity of offences, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioner, the fact that the petitioner was not apprehended on the spot and the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 but without commenting on the merits

of the case, I am inclined to extend the concession of regular bail to the petitioner.

In view of the above, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

03.03.2021
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(ARUN KUMAR TYAGI)
JUDGE

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