

CRM-M-8140-2021 (O&M)
Date of decision: 28.04.2021

Sunny Gill @ Bharat Gill

.....Petitioner

versus

The State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Mr. Vidit Bansal, Advocate
for the petitioner.Mr. S.P.S. Tinna, Addl.A.G., Punjab
for the respondent-State.**FATEH DEEP SINGH, J. (ORAL)**

Due to outbreak of pandemic COVID-19, the instant case
is being taken up for hearing through video conferencing.

CRM-4906-2021

In light of the averments made in the application and in
the interest of justice, the same is allowed.

CRM stands disposed off.

CRM-M-8140-2021

The petitioner-Sunny Gill @ Bharat Gill has come up in
this third regular bail application (the earlier two bail applications
have been declined by this Court on 24.10.2019 and 05.08.2020)

under Section 439 Cr.P.C. in a case bearing FIR No.0028 dated 30.04.2019 under Sections 419, 420, 384, 323, 341, 342, 367, 370-A (2), 376, 506, 201 of the Indian Penal Code and Sections 3, 4, 5, 5-A of the Immoral Traffic (Prevention) Act, registered at Police Station Women Cell, District Police Commissionerate, Jalandhar.

The brief allegations are that the present case was got registered on the complaint of one, Amritpal Kaur, who claims to be running a beauty parlour and has come across the petitioner and his father, Dharminder Gill, co-accused/non-applicant, subsequently, the two sides have talked over the matrimonial alliance, between their close relations, which did not materialize. The co-accused/non-applicant-Dharminder Gill, during one of his visits, offered the complainant an employment and as a ploy, enticed the complainant by administering her with sedatives and forcing her to enter into physical relations with certain boys. The accused is alleged to have expanded their network into this flesh trade which was subsequently joined by the petitioner as well. The allegations against the petitioner are that he, in connivance with his co-accused/father-Dharminder Gill, brother and others, used to impersonate as police official and in the process, used to sexually exploit the complainant leading to the registration of the present case.

Learned counsel for the petitioner has argued that the petitioner is behind the bars for more than 01 year 11 months and 26 days. It is contended that no charges either of criminal conspiracy or

in sharing of common intention have been claimed against the petitioner and there is no semblance of evidence to connect with the commission of the offence.

The learned State counsel has fairly conceded as to the framing of the charges and there being no charge under the head of common intention or criminal conspiracy but has strongly opposed the grant of bail claiming that since, the trial is underway, there is every likelihood that if allowed bail, the petitioner might influence the trial.

Going through the submissions of the two sides, keeping in view the period of incarceration, the petitioner has undergone and the fact that no charge under the head of common intention or criminal conspiracy has been framed against the petitioner together with the prevalent COVID-19 would certainly prolong the trial which impels this Court to decongest the jails and without commenting on the merits of the case to allow the present petition.

Accordingly, the petitioner is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate.

The petition stands disposed off accordingly.

28.04.2021
Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No