

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

229

**CRM-M-10542-2021
Decided on : 06.09.2021**

Sukhpal Kaur

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

(Through Video Conferencing)

PRESENT: Mr. S.S. Gill, Advocate
for the petitioner(s).

Ms. Gaganpreet Kaur, AAG, Haryana
assisted by Inspector Seema.

MANJARI NEHRU KAUL, J. (Oral)

This is the second petition filed under Section 439 Cr.P.C. seeking grant of bail to the petitioner, in case FIR No. 0001, dated 02.01.2019, registered under Sections 323, 370(5), 376(2)(n), 506, 34 of IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Sections 3(1) W, 3(2) V, VI of SC/ST Act, 1989, lodged at Police Station Women Sirsa, District Sirsa.

Learned counsel for the petitioner submits that totally false and fabricated allegations have been levelled in the FIR in question by the prosecutrix, wherein, she alleged that the petitioner after taking her to her house forced her to into prostitution and thereafter earned money by calling customers to the house. Learned counsel further submits that the petitioner has been in custody since 05th January, 2019 and there is no likelihood of the trial concluding anytime in the near future, as only 07 out of the 27 prosecution witnesses cited, have been examined so far. Learned counsel has also invited the attention of this Court to the deposition of the victim,

who appeared as PW-3 before the trial Court. He submits that the prosecutrix failed to support the case of the prosecution and as a result was declared hostile. Learned counsel, therefore, submits that in the circumstances, petitioner be extended the concession of bail.

Per contra, learned State counsel while opposing the prayer and submissions made by learned counsel for the petitioner, on instructions from Inspector Seema, has submitted that there are specific allegations levelled against the petitioner of conniving with the co-accused Rajbala and pushing the victim, aged 16 years into prostitution. Learned State counsel has further submitted that the prosecutrix, both in her statement made under Section 164 Cr.P.C. as well as in her deposition before the trial Court categorically stated that the petitioner would often threaten her not only with dire consequences if she reported against them to anybody, but would also subject her to physical assault.

Learned State counsel has further submitted that the victim has reiterated the allegations that the prosecutrix was pushed into prostitution by the petitioner. Learned State counsel has controverted the submissions made by learned counsel for the petitioner with respect to the victim having turned hostile during deposition. She has submitted that no doubt the victim did not support the case of the prosecution, but it was only qua the two co-accused i.e. Sardara Singh and Manjeet, whereas, *qua* the petitioner, she had stood her ground and supported the case of the prosecution in its entirety during her examination-in-chief.

Heard.

Prima facie, there are serious and specific allegations against the petitioner of having pushed the prosecutrix into the flesh trade having

threatened her with dire consequences in case she dared to report against them. In the circumstances, this Court is not inclined to extend the concession of bail to the petitioner.

Petition stands dismissed accordingly. However, anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

September 06, 2021

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*