

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

223

**CRM-M-25902-2021
Date of decision: 14.09.2021**

Ajeena Bibi @ Meena

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Nipun Vashist, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana
for the respondent-State.

(Through Video Conferencing)

MANJARI NEHRU KAUL, J. (ORAL)

This is the first petition filed under Section 439 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C.") for grant of regular bail to the petitioner in case FIR No.36 dated 16.02.2021 lodged under Sections 6 and 17 of the Protection of Children from Sexual Offences Act, 2012 and Sections 372, 373, 366A and 34 of the Indian Penal Code, 1860 registered at Police Station Sector-56, Gurugram, District Gurugram.

Learned counsel for the petitioner inter alia contends that the petitioner, who is working as a cook in a Hospital at Bhiwadi, has been falsely implicated in the case in hand for allegedly sexually exploiting the victim aged about 16 years, by pushing her into prostitution. He further contends that there was no material on record much less any test identification parade of the petitioner conducted, to connect her with the alleged crime, moreso, since she was not even

named in the FIR in question.

Per contra, learned State counsel while opposing the prayer and submissions made by counsel opposite has submitted on instructions from ASI Inder Singh that all the accused including the petitioner, who also happens to be the sister of the victim's brother's wife, had been making money by pushing the victim into the flesh trade. He further submits that the FIR in question was registered by the maternal aunt of the prosecutrix and not by the prosecutrix herself, hence, if the name of the petitioner did not figure in the FIR in question it would not adversely affect the case of the prosecution since the victim while getting her statement recorded under Section 164 of the Cr.P.C. on 16.02.2021 itself had specifically named the petitioner as the one who would call up potential customers and then make money. He further submits that the hapless victim was continuously sexually exploited for as many as seven months. On noticing that something was amiss, the mother of the victim pestered her as to what was bothering her and it was then that the victim spilled the beans as to how all the accused had been sexually exploiting her.

Learned State counsel has apprised the Court on instructions that only the challan stands presented in the instant case and in case the petitioner is extended the concession of bail, there is every likelihood that she could abscond or even tamper with evidence.

Heard learned counsel for the parties.

Prima facie there are specific and serious allegations levelled against the petitioner of sexually exploiting a minor and pushing her into the flesh trade, for which she does not deserve the

concession of bail.

Dismissed.

However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

14.09.2021

(MANJARI NEHRU KAUL)
JUDGE

Vinay

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