

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

CRM-M-37798-2020
Date of decision: 21.01.2021

Jobanjeet

...Petitioner

Versus

U.T. Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. D.S. Malwai, Advocate
for the petitioner.

Mr. A.M.Punchhi, Public Prosecutor with
Mr. Anupam Bansal, Addl. Public Prosecutor
for the respondent-U.T., Chandigarh.

JITENDRA CHAUHAN, J. (Oral)

The matter has been taken up through video conferencing in the
light of the pandemic COVID-19 situation and as per instructions.

This is second petition has been preferred under Section 439
Cr.P.C. seeking bail in FIR No.145 dated 26.07.2020 registered under
Sections 3, 4, 5, 6, 7 of Immoral Traffic Act and 120-B of Indian Penal
Code at Police Station, Sector-36, Chandigarh.

Custody certificate of the petitioner has been circulated through
e-mail by learned State counsel today in the Court and the same is taken on
record. Copy thereof has already been supplied to the learned counsel
opposite.

Learned counsel for the petitioner states that except the alleged
recovery of currency notes, there is nothing against the petitioner to connect

the petitioner with the alleged offence. The petitioner has been implicated in the present FIR projecting him as Manager of the hotel, whereas, he has nothing to do with the hotel in question. In fact, the petitioner had gone there to have dinner with his guests. He refers to the statements of victims, namely Twinkle @ Simran and Sheetal (Annexures R-1 and R-2), which were sought by this Court vide order dated 25.11.2020, wherein the petitioner had not been named. He further states that case of the petitioner is at par with co-accused, namely, Rahul, Rajesh and Gourav Sharma, who have already been enlarged on bail by this Court.

On the other hand, learned counsel appearing for U.T. Chandigarh informs that the petitioner is Manager of the hotel as emanates from his disclosure statement and he was arrested from the spot.

Heard.

Similarly situated co-accused, namely, Rahul, Rajesh and Gourav Sharma, have already been granted bail. The petitioner is in custody since 26.07.2020; he is not involved in any other FIR; incarceration period and filing of challan are fresh circumstances in favour of the petitioner; challan stands presented; out of 16 witnesses, none has been examined so far; the trial is not likely to be completed in the near future, the Court feels that further incarceration of the petitioner is not warranted.

In view of the above, without advertng to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail during the pendency of the trial, on furnishing bail bonds with two local sureties to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

However, anything noticed hereinabove shall not be construed as an expression of opinion on the merits of the case.

21.01.2021
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(JITENDRA CHAUHAN)
JUDGE

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