

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.216

CRM-M-39627-2020

Date of decision: 25.03.2021

Manjinder Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Amandeep Chhabra, Advocate
for the petitioner.

Mr. H.S. Multani, AAG, Punjab.

* * *

DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.175 dated 28.09.2020 registered under Sections 3, 4, 5 of Immoral Traffic (Prevention) Act, 1956 and Section 4 of the Protection of Children from Sexual Offences (POCSO) Act, 2012 at Police Station Kotwali, District Bathinda.

Briefly stated, the case of the prosecution is that the police received information that flesh trade is taking place in Hotel Paras, Bathinda. Acting on such information, a raid was conducted at the said hotel and out of room no.102, the petitioner and one girl came out. Further enquiries conducted by the police revealed that the girls, including the girl who had came out of the room in which the petitioner was, were being used for prostitution.

Learned counsel for the petitioner submits that the petitioner, who is a young boy aged 20 years, has been falsely implicated in the present case; the petitioner has been in custody since 28.09.2020; there is no other criminal case in which the petitioner is involved; report under Section 173 Cr.P.C. has already been filed and therefore, neither the petitioner is needed for investigation purposes nor is he in a position to influence the investigation; similarly placed co-accused Vishavjit Singh and Gurwinder

Singh have been granted regular bail by the Trial Court; the proprietor of hotel Paras-co-accused Manoj Kumar has been granted regular bail by this Court and that the petitioner's trial which is yet to begin is likely to take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that the petitioner has committed immoral acts.

The petitioner is a young boy aged 20 years; he is not involved in any other criminal case; the petitioner has been in custody since 28.09.2020; report under Section 173 Cr.P.C. has already been filed and therefore, neither the petitioner is needed for investigation purposes nor is he in a position to influence the investigation; similarly placed co-accused Vishavjit Singh and Gurwinder Singh have been granted regular bail by the Trial Court; the proprietor of hotel Paras - co-accused Manoj Kumar has been granted regular bail by this Court and the petitioner's trial which is yet to begin is likely to take a long time to conclude especially in the present circumstances when the world is facing the Covid-19 pandemic.

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Bathinda, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

March 25, 2021
Jyoti 1

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No