

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

CRM-M-40625-2020

Date of decision : 05.02.2021

Neelam Kaur

...Petitioner

Versus

U.T. Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Naveen Kaushik, Advocate
for the petitioner.

Mr. A.M.Punchhi, Public Prosecutor with
Mr. Anupam Bansal, Addl. Public Prosecutor
for 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 the second petition preferred under Section 439 Cr.P.C. seeking bail in FIR No.145 dated 26.07.2020, registered under Sections 3, 4, 5, 6 and 7 of Immoral Traffic (Prevention) Act, 1956 at Police Station Sector 36, Chandigarh.

Learned State counsel has circulated custody certificate of the petitioner through e-mail in the Court today 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 the petitioner is a resident of District Kapurthala and had come to visit her cousin for personal purpose. She had to stay in town and therefore had gone to Hotel Moon

Light for accommodation. The petitioner has been shown arrested from the spot and two currency notes of the denomination of ₹500/- each were allegedly recovered from her. Neither she is the owner nor the partner of the hotel. The petitioner is in custody since 26.07.2020 and nothing is to be recovered from her. The co-accused, namely, Rahul, Rajesh and Gourav have been enlarged on bail. The Challan stands presented but none of the prosecution witnesses so far has been examined.

Learned counsel for the respondent has not been able to controvert the assertions made by learned counsel for the petitioner to the extent of bail to the co-accused, namely, Rahul, Rajesh and Gourav and that the challan has been filed. However, he states that two minor girls were recovered from the spot, who have categorically stated the role of the petitioner. The petitioner in fact is a facilitator in the crime as she lured the victims into prostitution by assuring them employment.

Heard.

Considering the fact that challan stands presented; out of 16 prosecution witnesses, none has been examined; the trial is not likely to be concluded in near future; the case of the petitioner is at par with his co-accused, namely, Rahul, Rajesh and Gourav, who have already been granted bail by this Court; the filing of the challan and period of incarceration are fresh circumstances in favour of the petitioner; therefore, without adverting 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 indemnity bonds with two local sureties in the like amount 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.

05.02.2021
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(JITENDRA CHAUHAN)
JUDGE

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