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

CRM-M-43781-2020

Date of decision : 30.11.2021

Vishal

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. U.K. Agnihotri, Advocate
for the petitioner.

Mr. B.S. Virk, DAG, Haryana.

RAJESH BHARDWAJ, J. (ORAL)

Prayer in the present petition is for grant of regular bail to the petitioner in case FIR No.371 dated 26.10.2020, under Sections 3, 4, 5 of Immoral Traffic (Prevention) Act, 1956 read with Sections 342, 376, 506, 370 and 34 of the Indian Penal Code, registered at Police Station Urban Estate, Rohtak.

As per the factual matrix of the present case, the FIR was registered on the statement of prosecutrix (name withheld). It was alleged that she was resident of Assam and is 28 years of age. She had two children, a son and a daughter and the litigation is going on between her and her husband. She was brought to Rohtak by one Chhamia on pretext of employment but was thrown in flesh trade. Twice, she tried to run away but the owner of the hotel sent her back to the room. Thereafter, she got a phone

and she made a phone call to police control room and ran away after locking the hotel. The statement of the prosecutrix was recorded and the present case under Sections under Sections 3, 4, 5 of Immoral Traffic (Prevention) Act, 1956 read with Sections 342, 376, 506, 370 and 34 of the Indian Penal Code was registered. During investigation, the petitioner was arrested on 27th October, 2020. He approached the learned Special Judge-cum-Additional Sessions Judge, Rohtak for grant of bail which was declined after hearing the parties vide order dated 20th November, 2020. Aggrieved by the same, petitioner approached this Court by way of present petition.

Learned counsel for the petitioner submits that since beginning, it is apparent that the petitioner has been falsely implicated in the FIR. He submits that on a bare reading of the FIR, it is apparent that the petitioner is not even named in the FIR. He submits that the innocence of the petitioner is further affirmed from the fact that now the prosecutrix has been examined before the trial Court wherein she has not supported the case of the prosecution and on the request of the Public Prosecutor, she has been declared hostile. He has placed on record the copy of the depositions of the prosecutrix before the trial Court on 23rd November, 2021. A perusal of the same shows that the prosecutrix deposed before the trial Court that she did not know the accused present in the Court. She has deposed that she has seen him for the first time. Learned counsel for the petitioner further submits that the prosecutrix is of the age of majority and she has not supported the case of the prosecution and thus, the incarceration of the petitioner is totally unwarranted and therefore, he deserves to be enlarged on bail.

Learned State counsel submits that during investigation, it was established that the petitioner has played an active role and he was duly

challaned. He further submits that in all, there are seven accused, out of which, five accused are behind bars. However, he candidly acknowledges that the prosecutrix has not supported the case of the prosecution.

I have heard learned counsel for the parties and perused the records.

Petitioner is behind the bars since 27th October, 2020. The prosecutrix is a major. The veracity of the allegations though would be finally examined by the trial court on the basis of the evidence produced. However, it is apparent that the prosecutrix has not supported the case of the prosecution and has been declared hostile.

In the overall facts and circumstances of the case, it is apparent that the trial of the case will take sufficient time and no useful purpose will be served by keeping the petitioner in custody for such a long time. Keeping in view the abovesaid facts, this Court finds that learned counsel for the petitioner has succeeded in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

30.11.2021
m. sharma

(RAJESH BHARDWAJ)
JUDGE

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