

CRM-M No.3559 of 2021  
CRM-M No.11846 of 2021 (O & M)  
CRM-M No.30871 of 2020 (O & M)

-1-

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

**211**

**CRM-M-3559-2021  
Date of decision:25.01.2022**

Sunita Rani

... Petitioner

Vs.

State of Punjab

... Respondent

**CRM-M-11846-2021 (O & M)**

Rajandeep Singh alias Gagan

... Petitioner

Vs.

State of Punjab

... Respondent

**CRM-M-30871-2020 (O & M)**

Ashish Masih alias Ashu

... Petitioner

Vs.

State of Punjab

... Respondent

**CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present: Mr. Amandeep Singh, Advocate for the petitioner in  
CRM-M-3559-2021.

Mr. Navjeet Singh, Advocate for the petitioner  
in CRM-M-11846-2021.

Mr. Sahil Khunger, Advocate for the petitioner  
in CRM-M-30871-2020

Mr. C.L. Pawar, Senior DAG, Punjab for the respondent-State.

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**SUVIR SEHGAL J.**

**CRM-2323-2022 in CRM-M-11846-2021**

Application is allowed.

Copy of statement of prosecutrix is taken on record as Annexure A-1.

**CRM-2331-2022 in CRM-M-30871-2020**

Application is allowed.

DNA test report and statement of prosecutrix are taken on record as Annexures P-4 and P-5, respectively.

**Main Case**

By this common order, three petitions for grant of regular bail, i.e. CRM-M-3559-2021 titled as 'Sunita Rani vs. State of Punjab', CRM-M-11846-2021 titled as 'Rajandeep Singh alias Gagan vs. State of Punjab' and CRM-M-30871-2020 titled as 'Ashish Masih alias Ashu vs. State of Punjab' arising from FIR No.41 dated 27.02.2020 registered at Police Station Dugri, District Ludhiana for commission of offence under Sections 370, 370-A, 372, 373, 376, 120-B of IPC, 1860 and Section 6 of Protection of Children from Sexual Offences Act, 2012, are being disposed of.

As per the case of the prosecution, FIR has been registered on the statement of a 14 years old girl (hereinafter referred to as - “the victim/prosecutrix”) on the allegation that she and her siblings were staying with their maternal grand parents due to estrangement of her parents. On 10.09.2019, after a fight with her mother, the victim left her home, caught a train and reached Ludhiana railway station. She stayed at

the railway station for 02 days where she came in contact with a girl, who was later identified as Ramandeep alias Simran, aged about 22-23 years, who assured her that she will send her home after talking with her family. She won over the confidence of the victim and took her home where she administered drugs to her after mixing them in her food. The prosecutrix alleges that Ramandeep alias Simran, left home for some work, her friend Gagan (petitioner in CRM-M-11846-2021), who stayed there for 02-03 days to take care of the victim, repeatedly raped her. On coming back, Ramandeep sent her with Ashu (petitioner in CRM-M-30871-2020) to the house of Sunita (petitioner in CRM-M-3559-2021). Sunita kept the victim intoxicated and forced her into trafficking. This continued for number of days and on one particular day, when the victim was not feeling well and did not have food, she realized that she was being exploited and escaped from the clutches of Sunita and reached Ludhiana railway station where after staying for one night, she came in contact with a childline official.

Counsel representing the petitioners have urged that the petitioners have been falsely implicated and the story as put-forth by the prosecutrix is a yarn spun by her. It has been contended that there is no material with the prosecution to connect the petitioners with the crime as no test identification parade was conducted and the age of the prosecutrix is also doubtful. In particular an argument has been raised that there is no allegation of rape against Ashish Masih alias Ashu and that Sunita, who is a young lady of 36 years of age, deserves to be released on bail as the accused have suffered incarceration for the last

more than 1½ years each.

Opposing the petitions, State Counsel upon instructions has refuted the arguments raised by the counsel for the petitioners. He has referred to the statement of the prosecutrix recorded before the Magistrate as well as her examination in the Court to submit that the prosecutrix has levelled serious allegations against the petitioners and has specifically named both Gagan as well as Ashu as sexual perpetrators. He has argued that the petitioners were duly identified by the victim. He submits that insofar as Sunita is concerned, she is running a brothel and forced the victim into immoral activity for around 15 days. He has further submitted that the proof of age of the victim stands established from the Aadhar card, which has been produced by the prosecution and has submitted that the petitioners do not deserve the concession of bail.

I have considered the respective submissions of the counsel for the parties and have gone through the paper books and the documents appended therewith with their able assistance.

From the version of the prosecutrix, it is apparent that she has gone through a harrowing experience and has been subjected to repeated sexual assault by the accused and in a state of intoxication, she has been made a victim of trafficking. The chain of events reveal that all the accused are in all likelihood hand-in-glove with each other and took advantage of a young girl belonging to a broken home. The examination of the victim in Court is consistent with the allegations levelled by her in the FIR and in her statement recorded under Section 164 Cr.P.C. Despite

the fact that she has been extensively cross-examined separately by the counsel for all the accused, her testimony remained consistent. Deposition of the prosecutrix, which is unblemished, of a sterling quality and inspires confidence, does not even require corroboration as has been held by the Supreme Court in various judgments.

Keeping in view the grave nature of allegations of immoral trafficking and sexual exploitation of a minor girl, seriousness of offence and severity of sentence likely to be imposed in case the accused are found guilty, this Court is of the view that the petitioners do not deserve the concession of bail during the pendency of the trial.

All the petitions are accordingly dismissed.

Needless to mention, any observation made by this Court above are confined to the adjudication of the petitions seeking grant of bail and the trial Court shall not be influenced therewith.

25.01.2022  
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(SUVIR SEHGAL)  
JUDGE

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|---------------------------|--------|
| Whether Speaking/Reasoned | Yes/No |
| Whether Reportable        | Yes/No |