

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

210 (2 cases)

1]

CRM-M-7607 of 2022
Date of decision : 05.12.2022

Pinki @ Noorbano

... Petitioner

Versus

State of Haryana

.. Respondent

2]

CRM-M-1914 of 2022
Date of decision : 05.12.2022

Anita @ Geeta

... Petitioner

Versus

State of Haryana

.. Respondent

CORAM : HON'BLE MRS.JUSTICE AMARJOT BHATTI

Present Mr.Pawan Singh Rao, Advocate
for the petitioner in CRM-M-7607 of 2022.

Mr.Pawan Singh, Advocate
for the petitioner in CRM-M-1914 of 2022

Ms.Deepshikha Chauhan, AAG, Haryana.

Mr.Manoj Pundhir, Advocate for the complainant.

Amarjot Bhatti, J.(Oral)

Both bail applications have arisen out of the same FIR No.36 dated 16.02.2021 under Sections 372, 373, 366-A, 34 IPC and Sections 6 and 17 of POCSO Act, 2012 registered at Police Station Sector 56, District Gurugram, Haryana. Therefore, these are taken up together for disposal.

As per the facts of the case, the present FIR has been registered on the complaint of Bimla (complainant), who alleged that her sister-in-law namely Rajwati and her husband Subash had expired about 3 years ago.

They had two children i.e. elder son Aaksh and one daughter i.e. the victim.

The victim is 16-1/2 years of age. Aaksh, his wife Pinki along with victim started residing on rent in village Bahrapur at Gurugram. About 7 days ago, Roshni, sister-in-law of the complainant informed that the victim had come to Tauru and on this, she went to meet the victim alongwith her husband. Victim looked scared and nervous. On inquiry, the victim disclosed to her and her sister-in-law Roshni that she was being physically exploited by her sister-in-law, Pinki @ Noorbano along with Anita @ Geeta for the last 1-1/2 years. She was sent to different places and to different persons. She was forced in flesh trade and in this manner, both Pinki and Anita @ Geeta were earning money. On the basis of these allegations, the present FIR has been registered.

Learned counsel for the petitioner-Pinki @ Noorbano argued that the allegations levelled against her at the instance of the complainant, Bimla and Roshni, are false. In fact, the complainant wants to grab their ancestral property by alluring the victim in this case. The investigation is complete and challan is presented. Statement of material witnesses i.e. victim and complainant have been recorded. The victim has not supported the prosecution version with regard to the other accused facing trial in this case. Version of victim is not reliable. Learned counsel for the petitioner referred to the statement of victim recorded as PW-1 as well as the statement of Bimla (complainant) recorded as PW-2. The petitioner is ready to abide by the conditions of the bail order. It is prayed that regular bail may be allowed.

The counsel for the petitioner, Anita @ Geeta, argued that a false FIR has been registered against her. It is argued that when the

statement of the victim was recorded by the court, she has not identified the other persons and she did not support the prosecution story. She is falsely named along with Pinki who is sister-in-law of the prosecutrix. She was arrested in this case and is in custody since 16.2.2021. Her regular bail application had been wrongly declined by the learned Addl. Session Judge, Gurugram vide order dated 6.7.2021. All the material witnesses have been examined. Therefore, her regular bail application may be allowed.

The bail applications are opposed by the learned counsel representing the State. It is argued that statements of the victim as well as complainant have been recorded in which both of them have fully supported the prosecution version qua both the petitioners. There are specific and serious allegations against them. Therefore, they are not entitled to be released on bail.

I have considered the arguments advanced before me. I have gone through the record carefully.

In this case, challan has been presented against Pinki @ Noorbano and Anita @ Geeta along with other accused. They have been charge-sheeted and the prosecution evidence is under progress. It is also matter of record that statement of the victim has been recorded as PW-1 and the statement of complainant, Bimla has been recorded as PW-2. The minor victim has fully supported the prosecution story pertaining to both the petitioners who are seeking regular bail. Even otherwise, facts of the case indicate that the victim who was only 16-1/2 years old, was pushed to flesh trade for the last about 1-1/2 years by Pinki @ Noorbano who is wife of her brother and Ania @ Geeta, after the death of her both parents.

Considering the above facts and the manner in which offence has been committed, I do not find it to be a fit case for grant of regular bail to the petitioners and the same is accordingly, declined.

Copy of this order be placed on the file of other connected case.

05.12.2022
sd

(AMARJOT BHATTI)
JUDGE

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