

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

Date of order: May 23, 2022

1) CRM-M-16089-2022

Nancy Ghuman

... Petitioner

Versus

State of Punjab

... Respondent

2) CRM-M-17238-2022

Bhupinderjeet Singh

...Petitioner

Versus

State of Punjab

... Respondent

3) CRM-M-18739-2022

Lakshman Kumar

... Petitioner

Versus

State of Punjab

... Respondent

4) CRM-M-18786-2022

Niharika Sharma

... Petitioner

Versus

State of Punjab

... Respondent

5) CRM-M-17339-2022 (O&M)

Rabindra Narayan

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. R.S. Rai, Senior Advocate with

Mr. Karan Pathak and
Ms. Radhika Mehta, Advocates,
for the petitioner in CRM-M-16089-2022.

Mr. P.S. Ahluwalia, Advocate,
for the petitioner in CRM-M-17238-2022.

Mr. Vinod Ghai, Sr. Advocate with
Ms. Kanika Ahuja, Ms. Kirti Ahuja,
Mr. Edward Augustine George and
Ms. Mahima Dogra, Advocates,
for the petitioner in CRM-M-18739-18786-2022.

Mr. R.S. Cheema, Sr. Advocate with
Mr. Arshdeep Singh Cheema,
Ms. Tarannum Cheema,
Mr. Arshdeep Singh Kaler, Mr. Satish Sharma &
Mr. Ashwani Garg, Advocates,
for the petitioner in CRM-M-17339-2022.

Dr. Anmol Rattan Sidhu, Advocate General,
Punjab with Mr. V.G. Jauhar, and
Mr. Rajbir Singh Attri, Sr. DAG, Punjab.

Mr. G.S. Kaura, Mr. Rajiv Goel and
Mr. P.S. Mehrotra, Advocates,
for the complainant.

Vivek Puri, J.

Nancy Ghuman, Bhupinderjeet Singh, Lakshman Kumar and Niharika Sharma-petitioners, are seeking anticipatory bail and Rabindra Narayan-petitioner is seeking regular bail in the case bearing FIR No. 0002, dated 17.03.2022, under Sections 341, 342, 343, 354, 354-A, 354-B, 354-C, 328, 420, 120-B of the Indian Penal Code (for short 'IPC'), registered at Police Station PS Women, District SAS Nagar.

Briefly, the FIR has been registered on the allegations that the complainant is a student of LL.B final

year. P.T.C. Punjab had given an advertisement on television with regard to organizing Miss P.T.C. Punjaban contest and in a good faith, she took permission from her parents and submitted application for participating in the contest. After participating in the audition, the complainant was selected for the contest. Thereafter, she was called at Hotel J.D. Residency, S.C.F. 116, Phase-5, Industrial Area, Sector 58, District S.A.S. Nagar. The other contestants were staying in the said hotel. The complainant left her belongings in room no. 002 and thereafter, made to sit in a vehicle. She was taken to Plot No. 138, where the accused had established their studio. The practice continued upto 11 P.M. and thereafter, the contestants were dropped at the hotel. On the next day, the contestants were made to sit in a grey coloured car along with male members and were taken to the studio. The unknown male members disclosed their fake names and were talking with each other in code words. They touched the complainant and other contestants with evil intention. They were taken to a studio and from there to a secret kothi for the purpose of shooting. The contestants were called to a secret room. They were asked weird questions and also inappropriately touched on the pretext of measurements and asked to remove their clothes. The innocent girls were entrapped with an intention to physically exploit them. Niharika-petitioner told the complainant that if she wants to

be Miss Punjaban, she will have to do lot more compromises. Niharika, Nancy Ghuman and Bhupinder Singh-petitioners along with others in connivance with each other had been supplying girls to highly influential persons. Nude photographs were clicked on the pretext of photo-shoot with an intention to blackmail the contestants. They were also asked to give consent for flesh trade. Niharika-petitioner threatened them either to sleep with the Director and his close friends or the nude/indecent videos will be made viral. Niharika, Nancy Ghuman and Bhupinder Singh are the masterminds of the conspiracy and even tried to physically exploit the complainant. The complainant was told by the accused that she will be allowed to participate in the competition after receiving Rs. 12-15 lakhs otherwise, follow their dictates and sleep with the Director and other office bearers. On the refusal of the complainant, the aforesaid three accused encircled her and locked her in a room. She was made to sign on some blank/printed papers under threat. She was always kept away from other contestants and forcibly locked in the room of the hotel. She was not even allowed to go out and talk to anyone. Niharika and Nancy Ghuman-petitioners kept her locked in a room regularly for 5 days and was not allowed to go out. She was supplied with a water bottle with an open cap and after consuming the same, on many occasions she felt dizziness

which led to the state of partial sleep. The complainant subsequently came to know that some intoxicant substance was mixed in the water being given to the contestants in order to reduce their consciousness and raise sexual desire. The complainant had also clicked one video of such water bottle. Almost all the persons residing in the premises had been consuming intoxicants. They also used to give intoxicant substance to the contestants after mixing the same with eatables and then physically exploit them. The complainant had raised alarm on many occasions, but no one listened to her. The accused are having high links who are running business of flesh trade and drug racket under the garb of this competition. The complainant tried to come out on many occasions but she was kept confined. On finding an opportunity, the complainant called her father who tried his level best to rescue her and even filed a Habeas Corpus petition in this Court. A warrant officer was appointed and the complainant was rescued from the clutches of the accused and she reached back her house during the night hours of 15.03.2022 along with her father in a pitiable condition. The complainant also conducted search on the google and found the accused had not taken any permission from Broadcasting Ministry or from the Government and they had also given incomplete details. Under the garb of the contest, the accused are running the

business of flesh trade and also indulging in drug trafficking. The contestants are being physically exploited. Accordingly, on the basis of the complaint, the FIR has been registered.

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

Mr. R.S. Cheema, learned senior advocate on behalf of Rabindra Narayan-petitioner has argued that the petitioner is a dedicated and respected journalist. He has served as business head of Zee Punjabi and Alpha ETC Punjabi. Thereafter, he became Managing Director of PTC Network, which is one of the leading networks in the regional language and enjoys 80% of the market share. The case has been registered on account of political motives to settle the scores with the shareholders of the said channel. The PTC Network has been running the show by the name of Miss PTC Punjabi (wrongly mentioned as Miss PTC Punjaban contest in the FIR). The show has been going on for more than a decade and no untoward incident or any allegation has been leveled against any person till the registration of the present FIR. The allegations leveled in the FIR including that of wrongful confinement are false. The CCTV footage, screen shots whereof have been placed on record indicate that on 14.03.2022 the complainant had met some people outside the hotel. She was reprimanded for

meeting the boys outside as her safety was responsibility of the persons conducting the contest. An argument had ensued between the Director and the complainant. The complainant had been participating and doing practice from 11.03.2022 to 14.03.2022. She had met a lawyer and another person on 14.03.2022 and handed over some files to him. Even the CCTV footage indicates the complainant entering into an argument with Niharika-petitioner who is working as Assistant Director. The complainant is seen talking on cell phone and roaming in the building without any restrictions. Even at the time of visit of warrant officer, the complainant can be seen taking the video of the entire proceedings from her phone.

The petitioner being Managing Director of PTC Network is in no way responsible for day to day functions of each and every programme. A dedicated team of professionals were incharge of the show. The entire programme was conceived, planned and executed in a professional and transparent manner. None of the remaining contestants withdrew from the contest. Even their family members never raised any objection and the programe continued till its culmination on 16.04.2022 without any untoward incident. The investigating agency has seized the DVRs containing CCTV footage from the hotel as well as PTC

studio. The other contestants were also joined in the investigation and no corroboration was found to the allegations leveled by the complainant. Rather the other contestants have contradicted the allegations leveled by the complainant. No recovery of any contraband or objectionable material was effected during the course of search of the office of PTC, hotel and the premises of PTC in Delhi. The CCTV footage depicts congenial and peaceful atmosphere during the course of event and its preparation. Nancy Ghuman and Bhupinderjeet Singh-petitioners have no concern with PTC channel. Furthermore, the petitioner is suffering from various ailments and even after his arrest, he was provided treatment in PGIMER, Chandigarh. The parents of the participants of the contest had shared their reaction with regard to the working atmosphere and behavior of the PTC team on the social media. Even the participants of the contest of the previous years have also shared their reaction with regard to the working environment on social media. Besides the news/media houses have also commented about healthy working condition, reputation of the PTC Network and antecedents of the petitioner. All the offences except Section 328 IPC are triable by the Court of Magistrate. The offence pertaining to sex racket, prostitution trade, drug trafficking and Information Technology have not been added in the FIR. The

petitioner is having his office in New Delhi and residing in Gurugram. He never visited Chandigarh from 10.03.2022 to 17.03.2022. The FIR has been registered with an oblique motive to defame 23 contestants and the channel. The other 23 contestants do not incriminate the accused in any manner. The agreements between the channel and the participants have been recovered. The petitioner had submitted an application for issuing directions to the Nodal Officer of Bharti Airtel Limited to preserve the call details pertaining to the complainant along with tower location for the period from 10.03.2022 to 15.03.2022. The said call details would have indicated that the complainant had been making frequent calls to her counsel as well as family members and there was no restriction on her movement. The application was allowed in terms of order dated 26.04.2022 passed by the Court of learned Judicial Magistrate First Class, SAS Nagar. The directions were issued to the Investigating Officer/concerned SHO to obtain the call details and tower location for the relevant period. Significantly, no exercise has been done in this regard with an attempt to conceal the material facts which may tend to falsify the version of the complainant.

Mr. Vinod Ghai, learned senior advocate has argued on behalf of Niharika Sharma and Lakshman Kumar and has contended that the allegations as put forth in the

FIR are contradicted by the circumstances appearing on record. All the contestants were roaming free and no one was restrained by anyone at any point of time. Niharika Sharma was working as Assistant Director, whereas Lakshman Kumar was working as Assistant Vice President Programming with PTC Network. The CCTV footage depicts peaceful environment and the demeanour of the participants including the complainant during the relevant period which tends to falsify the version of the prosecution. All the offences except under Section 328 IPC are triable by the Court of Judicial Magistrate. The ingredients of the said offence are not attracted in the instant case and the same has been invoked only to add gravity and seriousness of allegations. None of the remaining 23 contestants have withdrawn from the contest. No recovery of any drugs and intoxicant substance has been effected from the premises of PTC channel as well as hotel. The name of Lakshman Kumar has been mentioned only once in the FIR wherein it has been alleged that Lakshman Kumar along with Niharika Sharma, Nancy Ghuman and Bhupinderjeet Singh had locked the complainant in a room.

Mr. R.S. Rai, learned senior advocate on behalf of Nancy Ghuman-petitioner has argued that the petitioner is a Director of Kohinoor Miss/Mrs. World Punjaban, which is a talent hunting and beauty pageant show organized at

various locations in the State of Punjab to promote new talent and give chance to the deserving and bright contestants. The petitioner has no concern with the other co-accused. She is neither an employee of PTC Network nor associated with it in any manner. Her name has been reflected in the FIR with an ulterior motive. Even PTC Network has written a letter to the Senior Superintendent of Police, SAS Nagar for fair and impartial probe in the matter and it has been clearly mentioned therein that Nancy Ghuman and Bhupinderjeet Singh are not their employees and associated with them in any manner. It appears to be impossible that someone will be held against her will in a public place where many staff members, managers, receptionist etc. were available and the complainant could have raised her grievance in the event she was threatened or confined. The petitioner has been organizing talent shows and beauty pageants in the name of M/s Bandhan Event Planner for the last 15 years and is also running an NGO for the special children namely Rainbow Club since the year 2009. The petitioner is not depicted in any photograph or video and even no recovery of incriminating articles have been effected. In the year 2015, the petitioner had lodged an FIR under Section 376 IPC against a person. Though the said person has been acquitted, but now he has assumed

political significance and consequently, the petitioner has been falsely implicated.

Mr. P.S. Ahluwalia, learned counsel has made submissions on behalf of the Bhupinderjeet Singh. It has been argued that he has been falsely implicated being an ex-husband of Nancy Ghuman. The marriage of the petitioner was solemnized with Nancy Ghuman in the year 2014 and the marriage was dissolved by a decree of divorce by mutual consent under Section 13-B of the Hindu Marriage Act in terms of judgment and decree dated 26.11.2015 passed by the Court of learned District Judge, Patiala. The petitioner subsequently solemnized another marriage and has no concern either with Nancy Ghuman or other accused or with PTC Network or Hotel J.D. Residency. Even the petitioner has not been depicted in any CCTV footage and has no concern with show business. Bhupinderjeet Singh has not been arraigned as a respondent in the Habeas corpus petition.

The learned Advocate General, Punjab has opposed the bail applications and has argued that serious allegations have been leveled in the FIR. Under the garb of conducting the show, the contestants were physically exploited. The petitioners along with the co-accused are indulging in prostitution trade, sex racket and further dealing in narcotic substance. In view of the seriousness of

the allegations, a special investigation team has been constituted for conducting the investigation of the case. A warrant officer was appointed and the complainant was recovered from the office of PTC channel. Even the statement of the complainant was recorded by the warrant officer. After the registration of the FIR, the statement of the complainant has been recorded under Section 164 Cr.P.C. wherein she has re-asserted the allegations as put forth by her. The report of Forensic Science Laboratory with regard to the CCTV footage is yet to be received. The health issues of Rabindra Narayan are being addressed. He is not suffering from any serious ailment and appropriate medical treatment is being provided to him.

24 unmarried girls were participating in the contest. They anticipate bright future and only complainant gained courage and strength to come forward and narrate the allegations against the petitioners and other accused. Rabindra Narayan-petitioner is the head of PTC channel and solely responsible for the illegal activities. 26 agreements of the contestants having been signed with G Next Media (PTC) have been recovered. The PTC team is indulging illegal activities and are working on the instructions of Rabindra Narayan-petitioner. Niharika Sharma and Lakshman Kumar-petitioners are directly working under him. There are serious allegations to the effect that the petitioners in

connivance with each other used to supply girls to high ranking influential persons. There are specific allegations against Niharika Sharma-petitioner to the effect that she has asked the contestants to make compromises and sleep with the Director and others and otherwise the obscene video will be made viral. The petitioners are the mastermind of the entire incident. The LOC of Nancy Ghuman, Niharika Sharma, Lakshman Kumar and Bhupinderjeet Singh have been issued. The arrest of the Dinesh Kumar Arora, who is the owner of the Hotel J.D. Residency has been effected on 25.04.2022. Bhupinderjeet Singh and Nancy Ghuman-petitioners are still residing together and working for Miss PTC Punjaban contest.

Mr. G.S. Kaura, Advocate appearing for the complainant has supported the contentions as put forth by the learned Advocate General and has further argued that the father of the complainant had filed CRWP No. 2380 of 2022 for issuance of writ in the nature of habeas corpus petition. The warrant officer was appointed and the complainant was got recovered, while she was wrongfully confined.

To recapitulate the sequence of events which led to the registration of the FIR, it may be mentioned that PTC had given an advertisement for organizing Miss PTC Punjabi Contest. The complainant participated in the audition and

was selected. Accordingly, she reported at Hotel J.D. Residency on 10.03.2022. There are allegations to the effect that the organizers of the show had been inappropriately touching the contestants and entrapping them with an intention to physically exploit them. The objectionable pictures were taken and threats were hurled to make them viral in the event the contestants do not surrender to the ill design and wishes of organizers. There are also allegations with regard to the consumption and administration of intoxicant substances. The father of the complainant had filed a writ petition in the nature of habeas corpus in this Court. A Warrant officer was appointed, who raided the premises of PTC channel on 16.03.2022. The complainant was recovered. The report of warrant officer also indicates that the complainant was found along with other girls in a room. One more contestant had also stated with regard to the same problems and allegations. Significantly she never turned back when she left to have telephonic talk with her mother, despite the fact that the warrant officer kept on waiting for half an hour. The statement of the complainant was also recorded. Subsequently, in terms of the order dated 17.03.2022, the petition was disposed of and liberty was given to avail remedies in accordance with law for redressal of surviving grievance, if any. Thereafter, on 17.03.2022, the

present FIR has been registered on the basis of the complaint submitted by the complainant.

There is no dispute to the effect that there were 24 contestants including the complainant. The event continued even after the registration of FIR and it concluded without any further hurdle on 16.04.2022. Significantly, none of the 23 other contestants have come forth and imputed any allegation against the organizers of the event. The version of the petitioners is to the effect that they were joined the investigation and have not supported the case of the complainant. All the other contestants continued their participation in the event. Neither any other contestant nor their family members raised any grouse or pointed any accusing finger against the petitioners or organizers of the event. There is nothing to indicate that even the other girl, who had supported the version of the complainant at the time of visit the warrant officer had subsequently supported the allegation as put forth by the complainant.

The learned Advocate General has sought to put forth a version to the effect that as the honour and respect of 23 young unmarried female contestants was at stake and for that reason, their statements under Section 161 Cr.P.C. have not been recorded. However, it has not been disputed that the other 23 contestants were joined in the

investigation and they had not imputed any allegation against the organizers of the show.

Admittedly, the DVR of PTC office and the hotel was taken into possession by the investigating agency. Although it has been alleged that the same have been sent to FSL and the report has not been received, but it is a categoric version of the petitioners that except Niharika, no other petitioner has been depicted in the CCTV footage.

There is categoric and specific version in the FIR that the complainant was confined and forcibly locked in a room and was not allowed to go out. However, the screen shots of CCTV footage indicate that the complainant was never put to any such restraint and was moving freely. Even outside the premises, she has been depicted to be talking to a person in an advocate dress and accompanied with another person. The complainant was carrying the mobile phone throughout with her. Even the report of warrant officer does not indicate that the complainant was kept in a room which was either locked or bolted. It will be a debatable point as to whether any pressure was exerted upon the complainant to restrain her movements at the instance of the organizers of the event. Moreover, a specific order has been passed by the learned Judicial Magistrate First Class, on 26.04.2022 directing the investigating officer/concerned SHO to procure the call detail and tower

location record pertaining to the mobile phone of the complainant. However, no such record is stated to have been procured till date.

Rabindra Narayan, Nancy Ghuman and Bhupinderjeet Singh have not been depicted in the CCTV footage. Nancy Ghuman and Bhupinderjeet Singh are stated to be in no manner concerned with PTC channel and organizing the event. Even a letter in this regard has been written by the PTC channel to the Senior Superintendent of Police, SAS Nagar. So far no recovery of any objectionable photograph, video or drug has been recovered. The offence pertaining to the sex racket, prostitution trade, drug and information technology have not been added in the FIR. All the offences except the offence under Section 328 IPC are triable by the Judicial Magistrate. Barring the bald assertion of the complainant, at this stage, there is nothing to indicate that the complainant or any other contestants were administered any stupefying, intoxicant or unwholesome drug with an intention to commit any offence. The controversy as to whether the offence under Section 328 IPC is made out or not will be a debatable and moot point.

Furthermore, the custody certificate of Rabindra Narayana indicates that his arrest was effected on 11.04.2022 and is now in custody for a period of about 01 month and 10 days. Furthermore, he is not involved in any

other case. His custodial interrogation is over and has been remanded to judicial custody.

In these set of circumstances, the following order is passed in

CRM-M-16089, 17238, 18739 and 18786 of 2022

Adjourned to 11.07.2022.

Meanwhile, it is directed that in the event of arrest of Nancy Ghuman, Bhupinderjeet Singh, Lakshman Kumar and Niharika Sharma, petitioners, they shall be released on bail to the satisfaction of the arresting officer/investigating officer subject to the condition that they join the investigation, make themselves available for interrogation as and when required and further comply with the other provisions of Section 438(2) of the Code of Criminal Procedure.

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The petition is allowed and Rabindra Narayan-petitioner be released on bail on furnishing bail bonds to the satisfaction of the learned Illaqa Magistrate/Duty Magistrate.

However, the aforesaid observations have been circumscribed only for the purpose of the disposal of the present bail applications and are not to be construed as an opinion on the merits of the case.

Photocopy of this order be placed on the files of
the connected matters.

May 23, 2022
vkd

[Vivek Puri]
Judge

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No