

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

221

CRM-M-31158-2022

Date of Decision : **September 06, 2022**

NAZAKAT

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. R.S.Hooda, Advocate
for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

JASGURPREET SINGH PURI. J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No.224 dated 8.7.2021 under Section 370 IPC, Sections 3, 4, 5 and 7 of Immoral Traffic Act, 1956, Section 14 of Foreigners Act, 1956 and Sections 3 and 12 of the Passport Act, 1967, registered at Police Station Murthal, District Sonipat.

It has been submitted by the learned counsel for the petitioner that the petitioner is a foreign national of the age of 27 years and she is in custody from 8.7.2021 which is more than one year. He submitted that it is a case where the police alongwith other State officials have raided three hotels by forming 3 separate teams for detecting immoral trafficking and the petitioner alongwith other ladies and other persons were arrested. He further submitted that thereafter during the course of investigation, it was found that the petitioner and the other

ladies were not involved in the immoral trafficking and they were exonerated under the provisions of Immoral Traffic Act but they have been challaned only under the provisions of the Passport Act and the Foreigners Act. He submitted that similar situated co-accused, namely, Meharbyan @ Merri @ Marry and Anna Jemal have been granted bail by this Court in CRM-M-25928-2022 and CRM-M-16617-2022. He further submitted that infact during the course of investigation, all the females were exonerated under the Immoral Traffic Act and Section 370 IPC and so far as the present petitioner is concerned, she is at parity with the aforesaid co-accused. He submitted that the petitioner is holding valid passport and she is ready and willing to submit and surrender the passport before the learned trial Court/Duty Magistrate.

On the other hand, the learned State counsel has submitted that it is correct that during the course of investigation, the petitioner and all the female accused persons were exonerated by the police under the Immoral Traffic Act and Section 370 IPC but only charged under the Passport Act and Foreigners Act. He submitted that it is also correct that the petitioner is in custody from 8.7.2021 and the challan has already been presented and the other co-accused, namely, co-accused, namely, Meharbyan @ Merri @ Marry and Anna Jemal have been granted bail by this Court subject to the condition that they will submit the passports to the learned trial Court/Duty Magistrate.

I have heard the learned counsels for the parties.

The petitioner is stated to be at parity with the aforesaid two co-accused who have been granted bail by this Court as aforesaid. She

has also faced incarceration for more than one year and has also been exonerated by the police under the Immoral Traffic Act and Section 370 IPC but is facing charges under the Foreigners Act and Passport Act. The learned counsel for the petitioner has also undertaken that the petitioner will submit her passport before the learned trial Court/Duty Magistrate.

Therefore, considering the totality of the circumstances of the present case, this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the petition is allowed. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.

However, there is an added condition for the grant of bail to the petitioner. The petitioner shall be released on bail only subject to her submitting original passport before the learned trial Court/Duty Magistrate.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

September 06, 2022

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