

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-31951-2020 (O&M)
Date of Decision:-11.1.2022

Naina Gill @ Bimla Kumari ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ravi Malhotra, Advocate for the petitioner.

Mr. C.L. Pawar, Sr. DAG, Punjab,
assisted by ASI Harsharandeep Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.268 dated 20.9.2020 at Police Station Civil Lines, District Patiala under Sections 370, 370-A, 342, 323, 506 and 120-B of Indian Penal Code.
2. The FIR was lodged at the instance of Marjina @ Heena d/o Karnail Singh wherein it is alleged that she does the work of orchestra and had been working with orchestra of Sonu Samana @ Om Parkash. It is alleged that Sonu Samana @ Om Parkash used to allure innocent girls on the promise of earning more money and thus used to send them to a woman namely Naina Gill in Kolkata, who used to force the young girls into flesh trade. It is

alleged that the complainant was also left by Sonu Samana in Kolkata in connivance with Naina Gill about 1½ years back where she was kept confined by Naina Gill and whenever the complainant refused to indulge into flesh trade, she used to be given beatings and also was inflicted with burn injuries with a hot pan (*tawa*) and twister (*chimta*).

3. Vide order dated 9.10.2020 the petitioner had been granted interim bail. The order dated 9.10.2020 reads as under:

“All the cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, filed under the provisions of Section 438 of the Cr.P.C, the petitioner seeks the concession of anticipatory bail, upon FIR no.268, dated 20.09.2020, having been registered at Police Station Civil Lines, District Patiala, alleging therein the commission of offences punishable under Sections 370, 370-A, 342, 323, 506 and 120-B of the IPC.

Learned counsel for the petitioner submits that the petitioner is only a singer in Calcutta and came into contact with the complainant in the year 2019 through another singer, with the complainant having sought residence for 2-3 months at the place where the petitioner was living because the complainant herself had been evicted by her landlord, with there being similar allegations against her in an FIR registered in Calcutta.

He further submits that the only complaint admittedly lodged (even as per the FIR) with the Calcutta Police by the complainant, against the petitioner, is with regard to loss of her Aadhaar Card, with no allegations made as are now being made in the present case, in Punjab.

Upon specific query, he submits that there is no other criminal case registered against the petitioner.

Without making any comment at this stage on the contentions raised, though *prima facie* at least it would seem slightly odd to this court that somebody would make absolutely baseless allegations of such an offence, but yet, that being only a *prima facie* observation and further with there stated to be no other criminal case registered against the petitioner, and on the other hand, the complainant herself being an accused in the commission of an offence as is alleged against the present petitioner, notice of motion is issued to the respondent-State, with Mr. Avatar Singh Sandhu, learned Addl. Advocate General, Punjab, accepting notice at the asking of the court.

Adjourned to 26.10.2020.

A gazetted officer is directed to file a reply to the petitioner, also keeping in view the above contentions raised before this court.

In the meanwhile, the petitioner is directed to join investigation and upon her doing so, in case she is sought to be arrested, she would be admitted to interim bail, till the next date of hearing only at this stage, on her furnishing adequate bail and surety bonds to the satisfaction of the arresting officer/Illaqa Magistrate. She shall also abide by the conditions stipulated in Section 438(2) of the Cr.P.C.

If the arresting officer does not join the petitioner in investigation, she would appear before the learned Illaqa Magistrate immediately, who would then summon the arresting officer and direct him to join her in investigation.”

4. Learned State counsel, upon instructions from ASI Harsharandeep Singh, has submitted that pursuant to interim directions, the petitioner has since joined investigation and is not required for any custodial interrogation.
5. Having regard to the aforesaid position, wherein the petitioner is stated to have joined investigation and is not required for any custodial interrogation, the petition is accepted and the interim directions issued by this Court vide

order dated 9.10.2020 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

11.1.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No