

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-52920-2021

DATE OF DECISION: FEBRUARY 4, 2022

RUHI @ SHANTI MAYA

...PETITIONER

VERSUS

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. GAURAV GUPTA, ADVOCATE FOR THE PETITIONER.
MR. BHUPENDER SINGH, DAG, HARYANA.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. For grant of regular bail, pending trial in case FIR No.81 dated 20.02.2021, under Sections 34/370/370(3, 4) IPC and Section 370(5)/371(A)/372/34 IPC and Sections 4/5/6 Immoral Traffic (Prevention) Act, 1956, Police Station, Dabua, District Faridabad, who is in custody since her arrest on 20.2.2021.

The above FIR was registered on the statement of complainant Dulumanni Bada, who stated that she is studying in 1st year class. Her elder sister Rumi is known to Ruhi. On 16.02.2021, Ruhi came to her house and said that she is residing in Delhi and serving at Airport. The complainant asked her for job, on which she told that bad activities are to be done and whether she is ready to do it, on which the complainant refused. She told the complainant to get her a job in a private company and took the complainant along with her at Siligudi. The complainant met Shilpi, Sufia and Ijbul Haq there. Thereafter, on 19.02.2021 at about 11.00 a.m., they came to Faridabad from Siligudi. Ijbul Haq and Ruhi took her in a room where two girls,

namely, Peenu and Mariam met her. Peenu told her that Ijbul Haq took her from Assam on the pretext to visit Delhi and put her in prostitution. They are 6-7 persons, including Ruhi, Ijbul Haq, Chandni, Naushad and Sakir. They took girls from Assam and put them in prostitution. When the complainant came to know about this, she made call to the police and got them released alongwith other girls. On these broad allegations, the above FIR was registered.

Learned counsel for the petitioner has argued that case of prosecution is based upon hearsay information, wherein petitioner has been falsely implicated. He submits that co-accused of the petitioner, namely, Sakir @ Saqir has already been released on bail by this Court vide order dated 16.11.2021, passed in CRM-M-22668-2021. According to him, the investigation of the case is complete as the challan stands filed, therefore, further custody of the petitioner may not be necessary. He prays for bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by PSI Janak, however, it is not disputed by him that the co-accused of the petitioner has been released on bail, and the final report was filed on 17.5.2021.

Considering the above background, the fact that the co-accused has been released on bail and though final report has been presented, but the trial is yet to commence and it would take considerable time to conclude, therefore, further detention of the petitioner may not be necessary for any useful purpose who is confined in judicial custody since 20.2.2021. The material witnesses are either the complainant or the police officials and presently there does not seem to be any possibility of their being won over.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to her furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

February 4, 2022
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No