

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

1. CRM-M-36770-2023 (O&M)

Sandeep Kaur ...Petitioner

Versus

State of Haryana ...Respondent

2. CRM-M-36903-2023 (O&M)

Suman ...Petitioner

Versus

State of Haryana ...Respondent

Date of decision: 23.11.2023

CORAM:- HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Lalit Kumar Narang, Advocate
for the petitioner in CRM-M-36770-2023.

Mr. Kuldeep V. Singh, Advocate
for the petitioner in CRM-M-36903-2023.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. This common order shall dispose of above noted two petitions as they arise out of the same FIR.
2. Prayer in these petitions, filed under Section 439 of the Code of Criminal Procedure, is for grant of regular bail to the petitioners Sandeep

Kaur and Suman in case FIR No. 143 dated 18.04.2023, registered under Sections 366, 370 and 323 read with Section 34 of the IPC and Section 5 of the Immoral Trafficking (Prevention) Act, 1956 at Police Station Meham, District Rohtak.

3. Brief facts of the case relevant for the purpose of disposal of the present petitions are that the aforementioned FIR was registered on the statement made by complainant 'D' (*name withheld*) alleging therein that on 05.04.2023, she was forcibly married to one Dinesh by Sandip (petitioner), Deep, Gagan, Mandip and Suman (petitioner). Prior to that, they had got her married with one Kuldeep and she was thrown into the profession of prostitution. She alleged that she was sent by the aforementioned persons to different youths during night hours and on her resistance, she was infused with injections and was badly thrashed. On the basis of her complaint, the aforesaid FIR was registered. Investigation proceedings were initiated. The petitioners were arrested on 18.04.2023. They were interrogated and suffered disclosure statements that they along with other co-accused used to send young girls to different boys to earn money and also that they used to exploit innocent girls on the pretext of performing their marriage. The statement of the victim was recorded under Section 164 Cr.P.C. before the Magistrate, wherein she also disclosed that the sister of petitioner Sandeep Kaur brought her from Chandigarh for working in a beauty parlour and also on the pretext of solemnizing their marriage. It was also disclosed that co-accused was the kingpin.

4. Learned counsels for the petitioner have argued that the petitioners are in judicial custody since 18.04.2023. Their custodial interrogation is no more required. The conclusion of trial is likely to take a

long time. They have been falsely implicated in this case as the main allegations, as levelled by the prosecutrix, are against co-accused Gagan and not against the petitioners. Therefore, no useful purpose would be served by keeping petitioners in custody. The bail is rule and the jail is an exception. Hence, it is prayed that the petitions deserve to be allowed.

5. Separate status reports have been filed by learned State counsel, which are taken on record. He has argued that there are serious and specific allegations against the petitioners, who are active members of a gang, which used to allure innocent girls and bring them to other cities on the pretext of getting them married and then they would throw the girls into the mud of prostitution. Charges have been framed. The trial may be expedited. Therefore, he argued that the petitioners do not deserve to be extended benefit of bail.

6. I have heard learned counsel for the parties at length and have gone through the material place on record very carefully. The petitioners and other co-accused are alleged to be the members of a gang, which was indulged in illegal trafficking of young girls by kidnapping/abducting and inducing them on the pretext of getting their marriage performed and then by compelling to indulge in the prostitution and are also alleged to have abducted the victim and thrown her into prostitution. The allegations against the petitioners are quite grave and serious in nature. The trial has commenced. There is nothing on record to show that there would be any undue delay in conclusion of the same. Learned State counsel has also expressed a reasonable apprehension that the petitioners may abscond if they are extended benefit of bail.

7. Keeping in view the gravity of the allegations as levelled

against the petitioners, the quantum of sentence which the conviction may entail and the attendant facts and circumstances, this Court is of the considered view that the petitioners do not deserve to be given concession of regular bail. Hence, the petitions stand dismissed.

8. Let a photocopy of this order be placed on the file of connected case.

23.11.2023
Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No