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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(1) CRM-M-37593-2022 (O&M)
Date of Decision:- 05.01.2023

SIMRANPetitioner
Vs.

STATE OF UT CHANDIGARH ...Respondent

AND

(2) CRM-M-49776-2022 (O&M)

HITESH @ HUNNYPetitioner
Vs.

STATE OF UT CHANDIGARH ...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Parminder Singh, Advocate for the petitioner
in CRM-M-49776-2022.
Mr. Premjit Singh Hundal, Advocate for the petitioner
in CRM-M-37593-2022.
Mr. Sumit Jain, Addl.P.P., U.T. with ASI Rajni Bala.

AMARJOT BHATTI, J. (Oral)

The petitioner – Simran in CRM-M-37593-2022 and the
petitioner Hitesh @ Hunny in CRM-M-49776-2022 have filed the separate
petitions under Section 439 Cr.P.C. for grant of regular bail in FIR No.97,
dated 16.07.2022 under Sections 376, 342, 506, 120-B IPC and Sections 3,

4 and 5 of Immoral Traffic Prevention Act, 1956 and Section 6 of POCSO Act (added later on) registered at Mani Majra, U.T. Chandigarh. Both these petitions have arisen out of the same FIR, therefore, are taken up together for disposal.

The facts of the case are that the complainant/victim gave her statement to the police that she is 20 years old and is living with her mother and younger sister. On 03.05.2022 her aunt/tai Simran came to her village and took her to her house in Ambala to visit peer baba. She was kept in her house for 4-5 days. Thereafter, she was brought to a Saloon, Sector-7, Chandigarh and she was introduced with one person namely Amarjeet for working in the saloon. The said person told her aunt that she did not know the work and thereafter on 15.07.2022 she was taken to golden SPA, NAC Mani Majra, Chandigarh where she was introduced with the owner namely Hunny. She was shown to somebody through video call and the customer came and forcibly maintained physical relations with her in a Cabin. She was physically exploited for 3-4 days. Ultimately, the matter was reported to the police on the basis of which present FIR was registered.

Counsel for the petitioner Simran argued that she is falsely involved in this case. She has not committed any offence. Counsel for the the petitioner referred to the statement of complainant recorded in the Court where she has not supported the prosecution story and was declared hostile. The false FIR was got registered due to family dispute. She is ready to face the trial. It is prayed that her regular bail application may be allowed.

Learned counsel for the petitioner - Hitesh @ Hunny also

argued on the same lines by alleging that the complainant/the alleged victim has not levelled any allegations against him when examined as witness before the trial Court. He is in custody since long. He will abide by the terms of bail order. It is prayed that his regular bail application may be allowed.

Both the bail applications are opposed by learned counsel representing the State. It is argued that the petitioner (s) had levelled specific allegations when her statement was recorded by the police as well as when her statement was recorded under Section 164 Cr.P.C. She was medically examined. The trial of this case is under progress. The allegations are specific and serious in nature. Therefore, both the petitioners are not entitled for release on bail. It is prayed that their bail applications may be dismissed.

I have considered the arguments and have gone through the record carefully. As per the status report filed by the learned counsel representing the State in this case, charge is already framed against the accused and the prosecution evidence is under progress. As per the custody certificate of Simran she is behind the bar for the last 5 months 20 days whereas Hitesh is behind bars since 5 months 18 days. They are not involved in any other case. In this case, both the petitioners are facing trial. The learned counsel for both the petitioners have relied upon the attested copy of statement of the complainant recorded as PW3 where she has not supported the prosecution version in her statement. She has disclosed her date of birth as 03.02.2003. She further denied to have levelled allegations against both the petitioners. The complainant was declared hostile but during the cross-examination conducted by learned

APP representing the State she denied all the allegations. The prosecution evidence is still under progress. The trial of this case may take some time. No purpose would be served by keeping them behind the bars for indefinite time period.

Therefore, without expressing my mind on the merits of the case, the regular bail applications filed by Simran and Hitesh @ Hunny are allowed. They are ordered to be released on bail to the satisfaction of trial Court/Duty Judge.

The petitions are disposed of.

Pending application, if any, shall also stands disposed of.

A photocopy of this order be placed on the file of connected case.

05.01.2023
snd

(AMARJOT BHATTI)
JUDGE

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