

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

258

CRM-M No.52951 of 2023
Date of decision: 15.12.2023

Mangal Singh alias Manga

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Rajesh Bhatheja, Advocate,
for the petitioner.

Mr. Gurdial Singh Dhillon, AAG, Punjab,
for the respondent-State.

Ms. Gurwinder Kaur, Advocate,
for the complainant.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner for grant of regular bail in case bearing FIR No.163 dated 16.08.2023 registered under Sections 376 and 370 of IPC and Section 3 and 4 of Immoral Traffic (Prevention) Act, 1956, at Police Station City South Moga, District Moga.

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on 16.08.2023 on the

Neutral Citation No.2023:PHHC:161608

basis of statement recorded by the complainant "G" (name withheld) alleging therein that she had been working in a Saloon at Moga. The petitioner visited the said Saloon for the purpose of hair cutting. A friendship was developed between them. She had asked the petitioner to find out a good job for her. Then the petitioner had introduced him with the co-accused Sukhjit Singh @ Sukha who represented that he needed a domestic help for taking care of his ailing wife and offered her to give salary of Rs.10,000/- per month. She had told him to work in his house after sometime. On 01.07.2023, the petitioner came to the Saloon and by saying that the wife of accused Sukhjit Singh was in a very bad shape, asked her to accompany him to the house of Sukhjit Singh. Believing him the complainant went with the petitioner to the house of Sukhjit Singh wherein the accused Sumanpreet Kaur wife of Sukhjit Singh was also present. She worked in their house for about 3-4 days. Thereafter, the accused Sumanpreet Kaur told her that she could earn money by doing immoral acts. On her refusal, the accused Sukhjit Singh and Sumanpreet Kaur assaulted her during the night time and she was forced to consume some intoxicating substance. Under the influence of the said substance, she was taken by some unknown youth on a motor cycle to some house in Village Kot Ise Khan and was kept confined there for two nights and was ravished by the said youth who thereafter left her at the house of Sukhjit Singh and gave some money to the said Sukhjit Singh.

3. As per the allegations, the accused Sukhjit Singh and Sumanpreet kept on sending her to different persons at different places

wherein she was subjected to rape and was left back in the house of Sukhjit Singh. On 15.08.2023, she managed to flee from the house of accused Sukhjit Singh and went to the house of her acquaintance Raj Rani to whom the entire incident was narrated. After registration of FIR, investigation proceedings were initiated. The victim was medico legally examined. Her statement under Section 164 of Cr.P.C. was also recorded. The petitioner was arrested on 16.08.2023. The investigation has since been completed and challan under Section 173 Cr.P.C. has been presented.

4. The present petition has been filed by the petitioner on the grounds and it has been argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 16.08.2023. The trial is likely to take time. The subject offences are not made out against him. A written compromise has been arrived at between the prosecutrix and himself. He has filed an application before learned trial Court for grant of regular bail which has been dismissed. No useful purpose is going to be served by keeping him in custody any more. Therefore, he has argued that the petition deserves to be allowed.

5. The respondent-State has filed reply/status report as per which, the co-accused Sukhjit Singh and Sumanpreet Kaur are yet to be arrested. The offence under Section 120-B of IPC has been added in the case. It was in connivance with and in pursuance of criminal conspiracy hatched by the petitioner with the co-accused that the victim was sent to the house

of co-accused by him for the purpose of trafficking. Learned State counsel assisted by learned counsel for the complainant has argued that the petitioner had facilitated the commission of offence of rape upon the victim in conspiracy with the co-accused. The complainant is yet to be examined. There are chances of petitioner's intimidating the complainant and other material witnesses, if extended benefit of bail. The offences against the petitioner are serious in nature. No consideration can be given to the written compromise relied upon by the petitioner. Hence, he has argued that the petition does not deserve to be allowed.

6. I have heard learned counsel for the petitioner and learned State counsel as well as learned counsel for the complainant and have perused the record.

7. The petitioner is alleged to have entered into a conspiracy with the co-accused Sukhjit Singh and Sumanpreet Kaur, who are yet to be arrested and in pursuance of that criminal conspiracy, he is alleged to have left the victim at their house for the purpose of trafficking. He is also alleged to have connived the co-accused for throwing the victim to prostitution and her getting ravished at the hands of several persons. There are serious allegations against the petitioner. No consideration can be given to the fact that a compromise has been arrived at between the petitioner and the prosecutrix and the veracity of this compromise has to be looked into by the trial Court.

8. Keeping in view the nature of the allegations as levelled

against the petitioner, the quantum of sentence which the conviction of the petitioner may entail and the attendant facts and circumstances of the case but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition does not deserve to be allowed and hence the same is dismissed.

15.12.2023

manju

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No