

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

209/A

**CRM No. 18082 of 2023 in/and
CRM-M No. 60807 of 2022
Date of Decision : 28.4.2023**

Anita Rai (wrongly mentioned as Amita Rai in the impugned order)

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Sandeep Arora, Advocate, for the petitioner

Mr. Harpreet Singh, Addl. AG, Punjab

TRIBHUVAN DAHIYA J. (ORAL):

For the reasons stated in the application, it is allowed. Testimony of the prosecutrix PW-2 is taken on record as Annexure A-1.

CRM-M No. 60807 of 2022:

This is a petition under Section 439 Cr.P.C. seeking regular bail to the petitioner in case FIR No.332 dated 6.12.2020 under Sections 363, 366-A (Sections 372, 373, 120-B, 376-D, 376-D(A) IPC, Section 6 of POCSO Act and Sections 3, 4 (2) A-5 of the Immoral Traffic (Prevention) Act, 1956 added later on), registered at Police Station Dinanagar, District Gurdaspur.

2. The FIR was lodged on the statement of victim's father, that her daughter, born on 5.3.2005 and studying in 7th Class, was found missing from home on 28.11.2020. He apprehended that some unknown person had enticed her away on the pretext of marriage. On 13.6.2021 her statement under Section 164 Cr.P.C. was recorded, wherein she alleged that the co-accused Hussan Lal had purchased her from Gagandeep *alias* Gaggi *alias* Mehak and her husband Puneet for a sum of Rs.10,000/-. He further sold her to petitioner Anita Rai and her husband Kapil Muni for a sum of Rs.5000/-. Thereafter, petitioner Anita took her to her house, where she was involved in the racket of immoral trafficking. Same allegations were levelled by the victim in her statement under

Section 161 Cr.P.C. also.

3. Learned counsel for the petitioner has contended that the petitioner is in custody since 14.6.2021 and despite the charges having been framed on 9.5.2022, the trial is not progressing. So far, two out of seventeen prosecution witnesses have been examined. The prosecutrix testified as PW-2 on 26.8.2022, and her examination-in-chief was deferred as the prosecution wanted to move an application under Section 319 Cr.P.C.

4. Learned State counsel, on instructions from ASI Davinder Kumar, does not dispute the facts submitted by learned counsel for the petitioner. He submits that the prosecution's application under Section 319 Cr.P.C. is still pending adjudication before the trial Court, and fifteen witnesses remain to be examined. There is no other case against the petitioner.

5. Submissions made by learned counsel for the parties have been considered. Since trial of the case is not progressing, and fifteen prosecution witnesses are still to be examined after decision on the application under Section 319 Cr.P.C. for summoning the additional accused, no useful purpose will be served by confining the petitioner to custody any longer. She has no criminal antecedents. Therefore, it is deemed appropriate to grant her the concession of bail.

6. Accordingly, the petition is allowed. The petitioner is ordered to be released on bail to the satisfaction of the trial Court/Duty Magistrate concerned.

(TRIBHUVAN DAHIYA)
JUDGE

28.4.2023

Ashwani

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No