

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-3366-2024 (O&M)

Reserved on: 14.03.2024

Date of Decision:- 20.03.2024

PUNEET KUMAR

.....Petitioner

Vs.

STATE OF HARYANA

.....Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

(As on the reserved date)

Present: Mr. Omkar Chauhan, Advocate,
for the petitioner.

Mr. Amrik Singh Narwal, D.A.G. Haryana.

HARPREET KAUR JEEWAN, J.

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short '*the Code*') for grant of anticipatory bail to the petitioner in case FIR No. 328 dated 12.10.2023, under Sections 342, 370, 370-A, 376-D and 506 of the Indian Penal Code, 1860 (for short '*the IPC*') read with Section 120-B thereof and Sections 4, 5, 6 and 7 of the Immoral Traffic (Prevention) Act, 1956, (for short '*the Act of 1956*') registered at Police Station Sector-17, HUDA Jagadhri, District Yamuna Nagar.

2. Learned counsel for the *inter alia* contends that initially the FIR was registered against a complaint made by 'U' with the allegations that she was brought her from Delhi to Yamuna Nagar by the co-accused Raj Kumar. She was introduced to co-accused Anjali, wife of Vicky, Vicky

and Muskan. Accused Vicky committed rape upon her against her wishes.

It is further alleged that after recording the statement of the prosecutrix under Section 164 of the Code, the offences under Sections 342, 370 and 370-A of the IPC and Sections 4, 5, 6 and 7 of the Act of 1956 were added.

3. Counsel for the petitioner further contends that the petitioner is not named in the FIR. No overt act has been attributed to the petitioner. The petitioner is being involved only on the basis of a disclosure statement of the co-accused.

4. It is also contended that a dispute is going on between Anil and Preet Pal Singh with the petitioner and who in connivance with the police got involved the petitioner in the present case. No recovery is to be effected from the petitioner and his custodial interrogation is not required. He is ready to join the investigation.

5. Vide order dated 26.02.2024 passed by this Bench, the State counsel sought time to have instructions as to whether the intimation about the pendency of the present petition has been given to the complainant or not?

6. Today, referring to the reply filed by Sh. Randhir Singh, Deputy Superintendent of Police, Shahabad, Kurukshetra, learned State counsel informed that as per Annexure R-1, the complainant has been duly informed about the present petition filed by the petitioner before this Court for grant of anticipatory bail.

7. However, no one has put in appearance on behalf of the complainant.

8. Learned counsel for the State submits that as per the investigation, the present petitioner and his co-accused are running a sex

racket, as such, the custodial interrogation of the petitioner is required.

9. I have heard learned counsel for the parties and have gone through the paper-book carefully.

10. As per the paper-book, initially the FIR was lodged on the basis of a complaint made by the complainant that she was brought from Delhi to Yamuna Nagar, on the pretext of providing a job to her. However, when she was sexually abused by the co-accused of the petitioner, namely Vicky, she disclosed this fact to co-accused Anjali and Raj Kumar who told her that now she will have to do such kind of work.

11. It is further alleged that the complainant was forced into prostitution. She tried to flee but she was badly beaten up, locked up in the room and she was threatened to be burnt alive. As per the status report filed by the State, various mobile phones have been recovered from the accused and they have been sent for examination. The name of the petitioner has been disclosed by co-accused namely Sanjay Kumar @ Mama in his disclosure statement (Annexure R-3). The investigation qua the other accused is complete and the final report under Section 173 of the Code has been prepared against the other co-accused. However, the petitioner has not joined the investigation, as such investigation is pending against him.

12. As per the statement of the victim recorded under Section 164 of the Code (Annexure R-2), she was brought to Yamuna Nagar by a girl namely Nisha. She was made to meet Shunty and thereafter, she was taken to different hotels. She was also sent to the customers in various rooms and wrong act was committed upon her and subsequently, she was kept in a flat for the purpose of the said act.

13. There is a detailed disclosure statement made by the co-accused Sanjay @ Mama (Annexure R-3), whereby he has categorically stated that Puneet Kamboj @ Bhoora (petitioner) along with others are also working with them to supply girls for prostitution work in Yamuna Nagar. Anjali Chopra @ Ishu, Shamsheer Singh @ Deep and Abhinandan Petel @ Lucky are mostly luring innocent girls of Delhi, Chandigarh and Punjab on the pretext of providing jobs and they often take these girls and supply them to the customers in various hotels in the city.

14. Keeping in view the allegations, it is not a fit case to grant the discretionary relief under Section 438 of the Code to the petitioner. The allegations against the petitioner are for commission of act which is against the society at large. No ground for anticipatory bail is made out.

15. Consequently, the present petition stands dismissed.

16. It is made clear that nothing observed hereinabove will be taken to be an observation on the actual merits of the case, which would be gone into by the learned trial Court wholly on the basis of evidence led/gathered before it.

17. Pending miscellaneous applications, if any, also stand disposed of.

March 20, 2024
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(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether Reportable	No