

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

214

CRM-M-8580-2024 (O&M)
Date of decision: 07.05.2024

VIJAY KUMAR

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. B.S. Chahal, Advocate
for the petitioner.

HARPREET KAUR JEEWAN, J.

1. The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.406 dated 12.10.2023 (Annexure P-1) under Sections 3/4/5/7 of Immoral Trafficking Act, 1956 and Section 370 IPC registered at Police Station City Thanesar, Kurukshetra, District Kurukshetra.
2. Notice of motion.
3. On the asking of the Court, Mr. Kirpal Singh Thakur, AAG, Haryana accepts notice on behalf of the respondent-State.
4. Custody certificate dated 06.05.2024 has been filed on behalf of the respondent-State, which is taken on record. As per the custody certificate, the petitioner has undergone 06 months and 06 days of actual custody.
5. As per the prosecution case, a raid was conducted by the police on receiving a secret information and during the said raid, some boys and girls were

found in objectionable condition. Thereafter, the present FIR was registered.

6. Status report by way of an affidavit of Om Parkash HPS, DSP, City Kurukshetra along with statement of 'M' under Section 164 Cr.P.C. (Annexure R-I) and disclosure statement of the petitioner (Annexure R-II) have been filed on behalf of the respondent-State, which are taken on record.

7. As per the status report, during the course of the investigation, Manjit, Sohan Lal and Dara co-accused of the petitioner were arrested. Subsequently, the petitioner was arrested on 31.10.2023. The prosecution has relied upon the disclosure statement of the petitioner, wherein the petitioner has allegedly stated that the petitioner along with his friend Kamal had joined hands to run a hotel and they were also involved in illegal activities.

8. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in this case and he is in custody since 31.10.2023. The co-accused of the petitioner have already been granted bail vide orders dated 07.02.2024 and 13.12.2023 passed in CRM-M-5547-2024 and CRM-M-61840-2023 by the Coordinate Bench of this Court (Annexures P-3 and P-4). He further contends that investigation is complete and final report under Section 173 Cr.P.C. has been presented before the trial Court. The petitioner is ready to face trial. He submits that there are total 17 witnesses out of which only four have been examined so far, as such trial is going to take time to conclude and prayer for releasing the petitioner on bail has been made.

9. On the other hand, learned State counsel on instructions from concerned Investigating Officer has informed that investigation is complete and final report under Section 173 Cr.P.C. has been presented before the trial Court

10. I have considered the contentions raised on behalf of the petitioner

and the State. There are total 17 witnesses out of which four have been examined so far. As per the custody certificate, there is no history of other cases against the petitioner.

11. Investigation is complete and the final report under Section 173 of the Code of Criminal Procedure has been presented before the trial Court. The co-accused of the petitioner have already been granted bail by the Coordinate Bench of this Court (Annexures P-3 and P-4).

12. In view of the above, the petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bonds bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

13. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

14. Pending miscellaneous application (s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

07.05.2024
P.Bhatt

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No