

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CRM-M-10409-2024

Date of decision: 29.02.2024

Nisha Talwar

....Petitioner

V/s

State of Haryana

....Respondent

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present : Mr. Randeep S. Dhull, Advocate for the petitioner.
Ms. Ankita Ahuja, AAG Haryana.

SUMEET GOEL, J. (Oral)

1. The present petition has been filed under Section 439 read with
Section 482 of Cr.P.C. with the following substantial prayer:-

“It is therefore, respectfully prayed that this petition may kindly be allowed and the present petitioner may kindly be release on interim bail in case FIR No.127 dated 26.03.2023 under Sections 370, 201 of IPC, 1860, Sections 4, 5, 7, 8 of Immortal Traffic (Prevention) Act, 1986 and Section 67-A of Information Technology Act, 2008 registered at Police Sation KUK, District Kurukshetra as the husband of the petitioner has passed away on dated 19.02.2024 for which the cremation ahs been organized on dated 20.02.2024 and further rites and rituals are yet to be performed including the Tehravi ceremony for which the presence of the petitioner becomes of paramount importance being the legally wedded wife of the deceased, for which she seeks grant of interim bail for a duration of four weeks, on terms and conditions as this Hon’ble High Court deem fit.”

2. Notice of motion was issued and in response thereto status report by way of an affidavit of Manoj Kumar, DSP, City Thanesar, District Kurukshetra, has been filed by learned State counsel in Court today. The same be kept on record. A copy thereof has been furnished to learned counsel for the petitioner.

3. The above-said status report filed on behalf of State of Haryana specifically states as under:-

“ii) That the present petition/accused is doing illicit business of trafficking women for their sexual exploitation by bringing them from Punjab and inducing them into the business of prostitution and she also taken house on rent in Sector-7 urban Estate Kurukshetra in the name of co-accused, namely Mukhtiar Singh and kept the victims on that house before sending them for the illegal work of prostitution and rent agreement of that house of found in the name of co-accused, namely, Mukhtiar.

iii) That the present petitioner/ accused is doing the illegal work along with other accused persons and co-accused, namely, Rajeev Kumar alias Sanjay operated the web page as mentioned above and the contact no.74046-83105 given on the said web- page which is belongs to co-accused, namely, Rajeev Kumar alias Sanjay.

iv) That the present petitioner/ accused also talking through telephonically with the co-accused of the present case from her mobile phone no.90341-55980.

v) That one more accused, namely, Amit will be joined in investigation of the present case. Further investigation. of the present case is still pending as record regarding the web site and other record relating to present case is still pending.

vi) That in case the present petitioner/ accused is released on bail in that case she may abscond herself from the learned Trial Court or may commit such type of crime again, hence petition of the present petitioner/ accused is liable to be dismissed.

vii) That the challan against the present petitioner/ accused and against co-accused of the present case is submitted before the learned Trial Court on 22.08.2023. Now the matter is pending before the learned Trial Court and same is fixed on 01.09.2023 for appearance. The total prosecution witnesses in the present case are 45 but till date no witnesses is examined. However, total accused persons in the present case are 7 and out of them 6 accused persons including present petitioner/ accused were arrested in the present case.

viii) That the present petitioner/ accused has committed crime of serious nature and act of the present petitioner/ accused is very dangerous for our society, hence petition of the present petitioner/ accused is liable to be dismissed.

12- That in compliance of Order dated 27-02-2024 passed by this Hon'ble court, the Investigating officer recorded the statement of Sumit Talwar son of the present petitioner and found that 02-03- 2024 there is TERAHVI CEREMONY and on 6-03-2024 is SATTARVI CEREMONY (PANDIT BHOJ), further it is found that following family members are there for conducting the last rites of deceased husband of present petitioner: -

- a) Present Petitioner herself.*
- b) One Son namely Sumit Talwar aged about 33 years.*
- c) One married daughter namely Nansy.*
- d) Two Sister in-laws (Nanad) of present petitioner, who are married.”*

4. Keeping in view the entirety of facts and circumstances of the case, this Court is not inclined to release the petitioner on interim bail for a duration of four weeks especially keeping in view her antecedents & the likelihood expressed by the State of her absconding.

5. However, in the interest of justice, it is directed that the concerned Jail Superintendent will have the petitioner taken to attend the *Tehravi* ceremony of her deceased-husband which is slated to be fixed for 02.03.2024 from 09:00 A.M. to 06:00 P.M. on that day i.e. 02.03.2024 under Police Escort. Superintendent of Police, Kurukshetra is directed to provide requisite police support/assistance to the concerned Jail Superintendent for compliance of this order.

6. A copy of this order be furnished under the attestation of the Bench Secretary to learned State counsel, for onward transmission to concerned authority for compliance thereof.

(SUMEET GOEL)
JUDGE

February 29, 2024
Ajay

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