

216 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-11654-2024
Date of decision: 14th May, 2024

Suman

...Petitioner(s)

Versus

State of Haryana and another

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Abhimanyu Batra, Advocate for the petitioner.
Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 439 of Cr.P.C.
seeking regular bail in FIR mentioned below:-

FIR No.	Date	Police Station	Sections
122	10.05.2021	Uchana, District Jind	109, 116, 120-B, 344, 370, 370-A, 376, 511, 376(2)(n), 376(2)(f), 384 and 506 of IPC and Sections 3,4,5,6 of Immoral Traffic Act, 1956 (Section 511 of IPC added in challan later on)

2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of statement recorded by the prosecutrix ‘A’ (name withheld) alleging therein that accused Manoj who is her uncle got solemnized second marriage of her



mother about one and half years back at Sirsa. After some time, he got the marriage of prosecutrix solemnized with one Kapil in connivance with accused Kuldeep at Hisar in 2019. She stayed with the abovesaid Kapil for 2-3 months only as thereafter, she had fallen ill and she was left at her mother's house at Sirsa and from there she was taken by the accused Kuldeep and his wife Suman i.e. the present petitioner to their village and had been residing with them. She alleged that in conspiracy with her uncle Manoj, accused Kuldeep committed rape upon her by extending threats to her and detained her in his house. The accused Kuldeep and the present petitioner-Suman used to call 2-3 youths at their house who used to ravish the prosecutrix after making payment of amount of Rs. 2000/- each to the petitioner and her husband Kuldeep. The plight of the prosecutrix continued for 8-9 months and thereafter she was sent into village Sidhpura, Rajasthan with a person namely Dalbir Singh by the petitioner and her husband after taking an amount of Rs. 60,000/- from him. She was ravished by the said Dalbir Singh while being kept there for 5-6 days and in this manner the petitioner, her husband and uncle Manoj kept on getting her sexually exploited by different persons. Her uncle had brought two more girls from Bihar and had left them at the house of the petitioner and her husband, and they were also used for their sexual exploitation and for their trafficking. She further alleged that one day, she came into contact with one Bittu friend of accused Kuldeep and pleaded with him to help her to get her out of that place and with his help, she managed to flee from the house of the present



petitioner and accused Kuldeep and came with the said Bittu to village Karsindhu and with the help of his friend Satyawan and one Amit, she had managed to come to the police station. She also alleged that the abovesaid Satyawan and Amit, while taking her to police station had told her to take the name of one Rohit and had extended threats to her.

3. After registration of FIR, investigation proceedings were initiated. Medical examination of the victim was conducted. Her statement under Section 164 of Cr.P.C. was recorded. The petitioner and her husband Kuldeep and accused Manoj were arrested on 12.05.2021 and they admitted their involvement in the business of making young girls as hostages and their trafficking as well as sexual exploitation and also the sexual exploitation of the victim and about selling her at Rajasthan. The prosecutrix recorded a supplementary statement on 14.05.2021. Co-accused Dalbir Singh and Amit were also arrested. Accused Amit was found to be innocent. After completion of necessary investigation and usual formalities, challan under Section 173 of Cr.P.C. was presented in the Court against the present petitioner and co-accused Kuldeep, Aklu Sahni, Dalbir, Rambir and Satyawan. Presently, the petitioner along with the co-accused is facing trial for the commission of the aforementioned offences. She had filed an application for grant of regular bail before the learned Additional Sessions Judge, Jind, which was dismissed on 31.03.2022.

3. The present petition has been filed by the petitioner on the grounds and it is argued by her counsel that she has been falsely implicated



in this case. She is in custody since 12.05.2021. The prosecutrix has not supported the prosecution version qua co-accused Manoj, Dalbir, Rambir and Satyawan, though they were specifically named in the FIR and has contradicted her own version. Her testimony is not reliable as she has even been declared a hostile witness. There are no chances of her intimidating the prosecutrix as she already stands examined. She has a permanent abode and therefore, there are no chances of her absconding also. Trial is likely to take time. No useful purpose would be served by keeping her in custody anymore. Therefore, it is argued that the petition deserves to be allowed.

4. Status report has been filed by respondent No.1-State. It is submitted therein and it has been argued by learned State counsel that there are serious and specific allegations as against the petitioner who in connivance with and actively with her husband i.e. co-accused Kuldeep was involved in the business of immoral trafficking of young girls and had even brought the prosecutrix to her house and then by detaining her there, had kept on getting her ravished from different persons. She had kept her as hostage for one and half months. The prosecutrix was even sold to different persons. All this was done with active connivance and abetment of the petitioner. The prosecutrix in her sworn deposition, supported the prosecution version with regard to the involvement of the present petitioner and her husband Kuldeep in the subject offences though she has not involved the co-accused Manoj, Dalbir, Satyawan and Rambir in the commission of subject offences. Allegations against the petitioner are quite



serious in nature. There is nothing on record to show that there would be any undue delay in conclusion of the trial. Therefore, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. As per the allegations, the prosecutrix was got married by her uncle Manoj with one Kapil and sometime thereafter when she was staying with her mother, then as per the conspiracy hatched by her uncle Manoj, the present petitioner and Kuldeep had brought her to Uklana Mandi, wherein, firstly she was ravished by the husband of the petitioner and was kept hostage and then was thrown into flesh trade and was got repeatedly sexually exploited by different persons. The petitioner along with her husband used to charge money for that purpose from those persons. The petitioner along with her husband is even alleged to have sold her to different persons. The allegations against her are quite serious in nature. The prosecutrix already stands examined. Merely, because, in her sworn deposition, she did not support the prosecution version with regard to some other accused and was declared hostile, her statement cannot be discarded. There is nothing to conclude that there would be any undue delay in conclusion of the trial. Keeping in view the gravity of the allegations as levelled against the petitioner, the quantum of sentence which the conviction 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. Accordingly, the same is dismissed.

8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

14th May, 2024
Parveen Sharma

1. Whether speaking/ reasoned

:

Yes
2. Whether reportable

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Yes