

213 (3rd case)

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

**CRM-M No.22812 of 2023 (O&M)
Date of Decision: 09.02.2024**

Mukhtiar Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Rajiv Kumar Saini, Advocate for
Mr. K.L.Saini, Advocate for the petitioner.

Mr. Vikram Singh, AAG, Haryana for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of bail pending trial to the petitioner in FIR No.127 dated 26.03.2023, under Sections 4, 5, 7 & 8 of the Immoral Trafficking Act, 1956; Sections 67 & 67A of the Information Technology Act, 2008 and Section 370 of the Indian Penal Code, 1860, registered at Police Station, Kurukshetra University, District Kurukshetra.

(2) Allegations, in brief, are that on 26.03.2023, Inspector Prateek Kumar, Incharge CIA-2, Kurukshetra received a secret information that co-accused Rajeev @ Sanjay is operating a web-page to supply girls with the help of one Nisha Talwar along with other co-accused from Punjab for prostitution in Haryana. For that purpose, co-accused Nisha Talwar and present petitioner- Mukhtiar Singh had taken separate rooms on rent to keep the girls at

Kurukshetra & Karnal. During investigation, Chand Ram @ Ajay, Rajeev Kumar @ Sanjay, Bharat Bhushan @ Sonu were arrested. Also alleged that petitioner was a driver of co-accused Nisha Talwar, who used to get the victims from Punjab for prostitution in Haryana.

(3) This Court, on 13.07.2023, granted interim bail to the petitioner in following manner:-

“Reply by way of affidavit of Mr. Subhash Chand, HPS, DSP, HQ, Kurukshetra, dated 30.06.2023, already filed, is taken on record.

Copy thereof supplied to the opposite side.

Registry to tag the same at appropriate place.

Contends that after investigation, challan (report under Section 173 Cr.P.C.) has already been submitted and petitioner is in custody. Also contends that there is no other criminal case against the petitioner.

Learned State counsel seeks time to verify the above factual position.

Posted on 04.09.2023.

In the meanwhile, petitioner be released on interim bail in the present case till the next date of hearing on his furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.”

(4) Learned Counsel for the petitioner contends that in compliance of aforesaid order, petitioner is regularly appearing before the Court below and there is no apprehension or allegation that he is likely to misuse the concession of bail in any manner.

(5) Learned State Counsel, on instructions from S.I. Nafe Singh, has acknowledged the above factual position. Also submitted that report under Section 173 Cr.P.C. was presented on 22.06.2023 and charges were framed on

04.10.2023. Further submitted that out of total 45 prosecution witnesses, 06 have been examined and next date before learned trial Court is 04.03.2024.

- (6) Heard both sides and perused the paper-book.
- (7) It is not in dispute that petitioner was granted interim bail and he is regularly appearing before learned trial Court. There is no allegation that in case he is granted bail pending trial, he will misuse the concession in any manner; thus, in such a scenario, sending him in custody at this stage would not serve any purpose.
- (8) Consequently, the present petition is allowed. Interim bail granted to the petitioner, vide order dated 13.07.2023, is made absolute. He shall be admitted to bail on his furnishing bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
- (9) Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.
- (10) The above observations may not be construed as an expression of opinion on the merits of the case.
- (11) It is clarified that in case there is any misuse of concession of bail on the part of petitioner, State would be at liberty to move an appropriate application for recalling of this order.
- (12) Disposed off accordingly.
- (13) Pending application(s), if any, shall also stand disposed off.

9th February, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No