



\$~3

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 530/2025**

BABU LAL

.....Petitioner

Through: Mr. Anoop Kumar Gupta and Mr.
Rohan Gupta, Advocates

versus

STATE (NCT OF DELHI)

.....Respondent

Through: APP for the State.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

29.04.2025

%

1. By way of the present application, the applicant seeks grant of regular bail in FIR No.39/2019, registered at Police Station New Friends Colony, Delhi under Sections 363/370/341/120-B of the Indian Penal Code, 1860 (hereafter '*IPC*') and Section 10 of the Protection of Children from Sexual Offences Act, 2012 (hereafter '*POCSO Act*')

2. The present FIR came to be registered on the complaint of Ms. 'M' regarding her daughter, who is about 16 years of age and her friend who is about 14 years of age, having gone missing. During investigation, one of the victims informed the police that victim 'J' had made a call on his phone number and had told him that they were in Chandigarh. The call detail records and the location chart were examined and it was found that the phone number from which the phone call was received was registered in the name of the present accused/applicant Babu Lal. The investigation also



reveals that both the victims were last seen with their neighbours Nisha and her husband Veeru. On 09.02.2019, the victims were recovered from the custody of the present accused/applicant Babu Lal. They did not give the history of sexual assault. Their statements under Section 164 of Cr.P.C. were recorded where both the victims informed the learned Magistrate that co-accused Nisha and her husband Veeru had taken them to Chandigarh after intoxicating them. In Chandigarh, they had taken them to a hotel where they had met the present accused/applicant Babu Lal and had left. On 11.02.2019 accused Babu Lal was arrested and was sent to judicial custody. The chargesheet in this case stands filed before the concerned court.

3. The learned counsel appearing for the applicant argues that the prosecution witnesses have not supported the prosecution case. The learned counsel further submits that the witnesses are not appearing before the learned Trial Court and the next date fixed before the learned Trial Court is in the month of July, 2025. He also submits that the applicant herein has been in judicial custody for last more than six years. The learned counsel also submits that the victim was not recovered from him. Accordingly, it is prayed that the applicant be granted bail.

4. The learned APP for the State, on the other hand, submits that the prosecution witnesses have supported the prosecution case and the contradictions, which have been pointed by the learned counsel for the applicant, are a matter of trial. He also states that the allegations are serious in nature i.e. of human trafficking. He also submits that the trial in the present case is likely to conclude shortly and, therefore, the applicant be not admitted to bail.

5. This Court has heard arguments addressed by learned counsel for both



the parties and has perused the material available on record.

6. This Court has gone through the testimonies of the witnesses since it was stated that the witnesses have not supported the case of the prosecution. However, a perusal of the case file reveals that the victim has categorically levelled allegations against the co-accused Veeru that he along with his wife had taken the victims to Chandigarh against their will and had taken them to a hotel at Chandigarh, where the present accused/applicant Babu Lal had met them, who had told them that he will be selling the victims to someone. Co-accused Nisha and her husband i.e. the present accused/applicant were also talking to present accused/applicant Babu Lal that “*inko kaam dhande par laga dete hai*”.

7. Considering the same, this Court is of the opinion that the victims herein were minor, who were taken out of the lawful custody of their parents, and were being allegedly sold to present accused/applicant Babu Lal. Therefore, the victims were kidnapped for the purpose of human trafficking, as is clear from the allegations. The victims who have been examined before the learned Trial Court have supported the case of the prosecution and had identified the accused persons to be the same persons who were involved in the offence in question.

8. Therefore, the opinion of this Court is that the allegations are serious in nature and the learned Trial Court has examined five witnesses out of 26 prosecution witnesses. At the same time, this Court is also of the opinion that the accused is in judicial custody since the year 2019, though it is apparent that due to COVID-19 pandemic, the witnesses could not be examined on a few dates of hearing. The learned Trial Court will make every endeavour to examine the rest of the prosecution witnesses



expeditiously as the accused is in judicial custody for the last six years. The Court notes that the charge under Section 370 of IPC attracts punishment upto ten years and fine which have been kept in mind while declining the present bail application.

9. Accordingly, the present application stands dismissed.

10. It is, however, clarified that nothing expressed herein above shall tantamount to an expression of opinion on merits of the case.

11. The order be uploaded on the website forthwith.

APRIL 29, 2025/A

DR. SWARANA KANTA SHARMA, J

Click here to check corrigendum, if any