

**IN THE COURT OF MS. SHAWETA JUDICIAL MAGISTRATE IST
CLASS, SAMANA (UID No. PB0621)**

**Presented on : 19.10.2020
Decided on : 30.07.2026
CNR No. PBPTC10018102020
CHI/188/2020**

State of Punjab

VERSUS

ACCUSED:

1. Mukhtiar Kaur wife of Balvir Singh @ Beera resident of Kheri Nagaian now resident of Chunagara road near Choya Bridge Patran.
2. Mandeep Kaur @ Goldy wife of Late Raju resident of Choankey, P.S.Sadar Rampura, District Bathinda
3. Baljinder Kaur @ Goldy wife of Jaspal Singh resident of Sullar Gharat P.S.Dirba
4. Pamma Rani wife of Jasvir Singh resident of village Aatlan, P.S.Ghagga District Patiala
5. Satgur Singh @ Gagan son of Atma Singh resident of village Dugal Kalan P.S.Patran
6. Ramu son of Satpal Singh resident of Duggal Kalan, P.S.Patran
7. Manjit Singh son of Jarnail Singh resident of P.S.Bhawanigarh village Kakran

FIR No.163, dated 16.07.2019 U/s.3,4,5
Immoral Traffic (Prevention) Act 1956
Police Station: Patran

Present: Sh.Sukhpreet Singh Addl APP for the State.
Accused Satgur Singh on bail with counsel Sh.S.K.Goyal Advocate.
Accused Ramu on bail with counsel Sh.Gurwinder Singh Gollen Advocate.
Accused Mukhtiar Kaur, Mandeep Kaur, Baljinder Kaur, accused Pamma Rani on bail with counsel Sh.Asheen Khan Advocate.
Accused Manjit Singh on bail with counsel Sh.Amarjeet Singh Bajwa Advocate.

Shaweta, PCS, Judicial Magistrate Ist Class, Samana.

JUDGMENT:

1. All the above named accused have been sent to this court by the Station House Officer, Police Station Patran to face a trial for commission of offences punishable under sections 3, 4, 5 of Immoral Traffic (Prevention) Act.

2. Vignette of the prosecution version as stands unfolded from final report submitted under section 173(2) Cr.PC is that on 16.07.2019, Inspector/SHO, Police Station Patran, along with Lady ASI Sandeep Kaur, ASI Parmjit Singh No. 2672, Constable Hardeep Singh No. 756, Constable Didar Singh No. 2297, Constable Mandeep Khan No. 2578, Constable Mithavi Maulabh No. 2332, and Lady Constable Mandeep Kaur No. 1355, was present near the Bus Stand, Chunagra Road, Patran, in connection with patrol duty and checking of suspicious and bad characters. During the patrol, a secret informer approached me, the Inspector/SHO, privately and informed me that Mukhtiar Kaur, wife of Balbir Singh alias Beera, resident of Kheri Nagaiya, Police Station Ghagga, District Patiala, had established a brothel in a house situated near the Choa Bridge, Chunagra Road, Patran. The informer further disclosed that she used to call women from outside along with male customers and was carrying on the business of prostitution at the said premises. The informer also stated that, on that day, the following persons were present in her house: Goldy, wife of late Raju, resident of Chaunke, Tehsil Rampura, District Bathinda, Baljinder Kaur alias Goldy, wife of Jaspal Singh, resident of Sular Gharat, District Sangrur, Pamma Rani, wife of Jasvir Singh, resident of Village Atalan, District Patiala; and Satgur Singh alias Gagan, son of Atma Singh, resident of Village Dugal Kalan. It was revealed that Ramu, son of Sant Pal Singh, resident of Village Dugal Kalan, District Patiala, and Manjit Singh, son of Jarnail Singh, resident of Village Kakra, District Sangrur, had been called by Mukhtiar Kaur, who was allegedly running a prostitution racket from her premises. Due to these activities, the respectable residents of the surrounding area were facing considerable embarrassment and inconvenience. It was further

stated that if an immediate raid was conducted, Mukhtiar Kaur and the other persons present at the premises could be apprehended red-handed. Their acts were alleged to constitute offences punishable under Sections 3, 4 and 5 of the Immoral Traffic (Prevention) Act, 1956. Accordingly, a written report (ruqa) was prepared and sent through Constable Mandeep Khan No. 2578 to the police station for registration of a formal FIR against the accused persons. Thereafter, the Inspector/SHO, along with the accompanying police officials, proceeded to the house of Mukhtiar Kaur, wife of Balbir Singh, son of Beera Singh, resident of Village Kheri Nagaiya, Police Station Ghagga, presently residing on Chunagra Road near the bridge at Patran. Upon reaching the spot, the police party noticed one black Bajaj Platina motorcycle bearing registration No. PB-11AR-1279 and one white Honda Activa scooter bearing registration No. PB-11CB-9396 parked in the street outside the house. On entering the courtyard, they found one black TVS Wego scooter without a registration number parked inside. The police party then proceeded to the verandah, where they found three women and two men sitting on a bed. The men had removed their shirts and were found in an objectionable condition. They were apprehended by the Inspector/SHO with the assistance of the accompanying police officials. Thereafter, the Inspector/SHO, along with the police party, entered a room adjoining the verandah, where they found one woman and one man lying together on a bed in a compromising/objectionable position. On seeing the police party. During the raid, two persons were found standing. The Inspector/SHO directed SI Sandeep Kaur to have the female put on her clothes. After both the woman and the man had dressed, the Inspector/SHO, with the help of the accompanying police officials, apprehended them and inquired about their names and addresses. The male disclosed his name as Satgur Singh @ Gagan, son of Atma Singh, resident of Village Dugal Kalan, Police Station Patran. The female disclosed her name as Mandeep Kaur @ Goldy, wife of Late Raju, resident of Village Chauke, Tehsil Rampura Phul, District Bathinda. Thereafter, the Inspector/SHO inquired about the identities of the women and men who were sitting on the bed in the verandah. The women disclosed their names respectively as Mukhtiar

Kaur, wife of Balbir Singh @ Beera, resident of Kheri Nagaiya, Police Station Ghagga, presently residing at Chunagra Road near Choa Bridge, Patran; Baljinder Kaur @ Goldy, wife of Jaspal Singh, resident of Sular Gharat, Police Station Dirba, District Sangrur; and Pamma Rani, wife of Jasvir Singh, resident of Village Atalan, Police Station Ghagga, District Patiala. The men disclosed their names respectively as: Ramu, son of Satpal Singh, resident of Village Dugal Kalan, Police Station Patran; and Manjit Singh, son of Jarnail Singh, resident of Village Kakra, District Sangrur. The Inspector/SHO then inspected the bed on which accused Satgur Singh @ Gagan and Mandeep Kaur @ Goldy were found lying. Near the bed, used condoms containing semen were found. The used condoms were separately packed in plastic containers, sealed into separate parcels, and taken into possession. The bed was then searched, and ten unused condoms were recovered from a bag kept near the pillow. These were also packed in a plastic container, converted into a sealed parcel, and all three parcels were sealed with the seal bearing impression "RS". The case property was taken into police possession through a separate recovery memo, which was attested by the witnesses. Keeping in view the dignity and modesty of the female accused Mandeep Kaur @ Goldy, her personal search was conducted by SI Sandeep Kaur in accordance with law. During the search, one currency note of Rs.500/- was recovered from inside the blouse beneath her shirt, along with one white Samsung mobile phone containing SIM No. 82646-09638. These articles were taken into police possession through a personal search memo. Thereafter, the Inspector/SHO conducted the personal search of accused Satgur Singh in accordance with law. During the search, Rs.150/- was recovered from the left front pocket of his shirt, along with one Samsung J-7 mobile phone containing SIM No. 77101-87046. These articles were taken into police possession as case property through a personal search memo, which was signed by the witnesses as well as the accused. The Inspector/SHO then conducted the personal search of Ramu, son of Satpal Singh, and Manjit Singh, son of Jarnail Singh, who were sitting in the verandah of the house of Mukhtiar Kaur. From the personal search of Ramu, Rs.600/- was recovered from the rear pocket of his trousers, and unused condoms were

recovered from the right pocket of his trousers. The condoms were packed in a plastic container, converted into a sealed parcel, and taken into possession. From the personal search of Manjit Singh, Rs.400/- was recovered from the rear pocket of his trousers. One unused condom and one black Micromax mobile phone containing SIM Nos. 62804-99029 and 73409-82004 were recovered from the right pocket of his trousers. These articles were separately packed in a plastic container and sealed into a parcel. Both parcels relating to the personal searches were sealed with the seal bearing impression "RS", and a specimen seal impression was prepared separately. Thereafter, keeping in view the dignity and modesty of the female accused Mukhtiar Kaur, Baljinder Kaur @ Goldy and Pamma Rani, their further personal searches were conducted by SI Sandeep Kaur. During the search, Rs. 800/- was recovered from inside the blouse beneath the shirt of Mukhtiar Kaur. From Baljinder Kaur @ Goldy, Rs. 200/- and one Samsung Galaxy J-7 mobile phone containing SIM No. 75279-09586 were recovered. From Pamma Rani, Rs.250/- and one MI mobile phone containing SIM No. 62801-53365 were recovered. All the recovered articles were taken into police possession as case property through separate personal search memos, duly signed by the witnesses and the accused. Thereafter, the Inspector/SHO inspected the place of occurrence and prepared the site plan. Outside the main gate of the house of accused Mukhtiar Kaur, one black Bajaj Platina motorcycle bearing registration No. PB-11AR-1279 and one white Honda Activa scooter bearing registration No. PB-11CB-9396 were found parked. Inside the courtyard, one black TVS scooter without registration number was found parked, having Chassis No. MD626DG49J1F12838 and Engine No. DG4FJIX20080. As none of the vehicles had valid documents, all three vehicles were taken into police possession through a seizure memo. Thereafter, the accused persons were joined in the investigation and interrogated. After completion of interrogation, further proceedings were conducted in accordance with law. The accused were arrested and separate arrest memos, intimation to relatives, and personal search memos were prepared. The recovered case property was taken into possession, brought to Police Station Patran along with the accused, and deposited

with the MHC/Head Moharrir HC Kulwant Singh No. 2073. The accused Satgur Singh @ Gagan, Manjit Singh and Ramu were lodged in the police lock-up, while the female accused Mukhtiar Kaur, Mandeep Kaur @ Goldy, Baljinder Kaur @ Goldy and Pamma Rani were kept under the supervision of Woman Constable Mandeep Kaur No. 1355 and Woman Constable Rajbir Kaur No. 3523. On 17.07.2019, the SHO/Investigating Officer took the accused Satgur Singh @ Gagan, Ramu and Manjit Singh out of the police lock-up and, along with the female accused Mukhtiar Kaur, Mandeep Kaur @ Goldy, Baljinder Kaur @ Goldy and Pamma Rani, took them to the Community Health Centre (CHC), where their medical examination was conducted. Thereafter, all the accused were produced before the Court of Sh. Amarjit Singh, PCS, JMIC, Samana. The learned Magistrate granted 14 days' judicial remand up to 31.07.2019 and ordered that all the accused, namely Mukhtiar Kaur, Mandeep Kaur @ Goldy, Baljinder Kaur @ Goldy, Pamma Rani, Satgur Singh @ Gagan, Ramu and Manjit Singh, be lodged in Central Jail, Patiala. In compliance with the Court's order, they were accordingly sent to Central Jail, Patiala under judicial remand. On 01.08.2019, the ownership of the motorcycle bearing registration No. PB-11AR-1279, make Bajaj Platina, taken into police possession, was verified from the Registration Authority, Patiala. Similarly, the ownership of the scooter bearing registration No. PB-11CB-9396, make Honda Activa, white colour, and another TVS scooter bearing Chassis No. MD626DG49J1F12838 and Engine No. DGAFFJIX20080 was also verified from the concerned Registration Authority. Statements of the concerned clerks were recorded under Section 161 Cr.P.C. After completion of all the formalities challan qua accused persons Satgur Singh @ Gagan, Manjit Singh, Ramu, Mukhtiar Kaur, Mandeep Kaur @ Goldy, Baljinder Kaur @ Goldy and Pamma Rani, under Sections 3, 4 and 5 of the Immoral Traffic (Prevention) Act, 1956 presented in the court.

3. On appearance of accused, copies of challan and other documents relied upon by the prosecution were supplied to them free of costs, as envisaged under section 207 Cr.P.C.

4. From the perusal of the report under section 173 Cr.P.C and the documents on record, a prima-facie case punishable under Section 3,

4, 5 of Immoral trafficking Act was made out against all the accused, who were accordingly charge sheeted thereunder, to which accused pleaded not guilty and claimed trial.

5. In order to prove its case, prosecution examined following witness and relied upon following documents as in tabulated form:

Sr. no.	Name of Witnesses	Document Exhibited
PW5	SI Sandeep Kaur	Rqua Mark-P1, FIR Mark-P2, Endorsement Mark-P3, three parcels vide memo EX-P4, police possession memos Ex.P5 and Ex-P6, arrested memo Ex.P7, searched memo Ex.P8, arrested vide memo Ex.P9, search memo Ex.P10, police possession memo Ex.P11, rough site plan Mark-P12
PW6	DSP Ranvir Singh	Rqua Ex-PW6/A, FIR Ex-PW6/B, endorsement Ex.PW6/C, three parcels vide memo Ex.P4, police possession memo Ex-P5 and Ex-P6, arrested memo Ex.P7, searched memo Ex.P8, arrested memo Ex.P9, search memo Ex-P10, police possession memo Ex.P11, rough site plan Ex-PW6/D, application Ex-PW6/E, case property Ex.MO1 to Ex.MO12
PW7	Rajesh Sharma	Computerized Extract report Ex-PW7/A, attested copy of the report of vehicle bearing no.PB11AR1279 Ex-PW7/B, Computerized Extract report Ex-PW7/C, attested copy of the report of vehicle bearing no.PB11CB9396 Ex-PW7/D, certificate under Section 63 BSA Ex-PW7/E. Computerized Extract report of the vehicle registration

		no.PB13BD1378 Ex.PW7/F
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BRIEF SUMMARY OF PROSECUTION EVIDENCE:

6. In support of its case, the prosecution examined as many as 7 witnesses. Out of the 7 prosecution witnesses PW1 Ex. MC Gurdeep Kaur, PW2 Sushil Kumar, PW3 Kuldeep Kumar and PW4 Ashok Kumar did not supported the case of prosecution and turned hostile and Learned APP for the state requested the court to declare these witnesses hostile.

7. Prosecution further examined PW5 SI Sandeep Kaur who deposed that on 16.07.2019, he was posted at Police Station Patran. On that day, he, along with Inspector Ranbir Singh and other members of the police party, was present near the bus stand on Chunagra Road, Patran. During our presence there, the Investigating Officer received a secret information that Mukhtiar Kaur, wife of Balvir Singh, resident of Kheri Nagaian, had been running a brothel in a house situated near the bridge drain on Chunagra Road, Patran. It was further informed that on that day, Goldy, Baljinder Kaur @ Goldy, Puma Rani, Satgur Singh @ Gagan, Ramu and Manjeet Singh were present there and were engaged in prostitution, due to which the respectable residents of the locality were feeling ashamed. The informer further stated that if a raid was conducted immediately, all of them could be apprehended red-handed. On the basis of the said information, the Investigating Officer prepared a ruqa (Mark P-1) and sent it through Constable Mandeep Khan, on the basis of which FIR (Mark P-2) was registered by ASI Harinder Pal, who also made his endorsement (Mark P-3) on the ruqa. Thereafter, a raid was conducted. We noticed one motorcycle bearing registration No. PB11AR1279, one scooty bearing registration No. PB11CB9396, and one unregistered Vivo scooty parked outside the house. We entered the house and found three women and two men inside. The

two men were not wearing their shirts. All five persons were apprehended. Thereafter, we entered another room where we found one boy and one girl lying on a bed in an objectionable condition. On seeing the police party, both of them immediately stood up. The Investigating Officer directed me to assist the girl in putting on her clothes, while the boy also wore his clothes. Thereafter, both of them were apprehended. On inquiry, the boy disclosed his name as Satgur Singh @ Gagan, while the girl disclosed her name as Mandeep Kaur @ Goldy. The other five persons disclosed their names as Mukhtiar Kaur, Baljinder Kaur @ Goldy, Puma Rani, Ramu son of Satpal Singh, and Manjeet Singh. Thereafter, the Investigating Officer entered the room and recovered two used condoms containing semen. He sealed them separately after placing each in a separate plastic container. The Investigating Officer also searched the bed and recovered ten unused condoms from beneath the pillow, which were also placed in a separate container and sealed into a parcel. He stated that the Investigating Officer (IO) prepared a parcel of the recovered articles and sealed all three parcels with the seal impression "RS". The IO then took all three sealed parcels into police possession vide recovery memo Ex. P4. On the directions of the IO, the witness conducted the personal search of accused Mandeep Kaur @ Goldy. During her search, one currency note of Rs. 500 and one Samsung mobile phone bearing SIM No. 8264609638 were recovered from her blouse. During the personal search of accused Satgur Singh, Rs.150 in currency notes was recovered from the left front pocket of his shirt along with one Samsung J7 mobile phone bearing SIM No. 7710187046. These recovered articles were taken into police possession vide recovery memos Ex. P5 and Ex. P6. Thereafter, all four female accused were arrested vide arrest memos Ex. P7, and their personal search memos were prepared vide Ex. P8. All three male accused were also arrested vide arrest memos Ex. P9, and the remaining two male accused were personally searched. During the personal search of accused Ramu, two unused condoms were

recovered. They were placed in a plastic container, converted into a parcel, sealed by the IO with his seal impression "RS", and taken into police possession. During the personal search of accused Manjeet Singh, one unused condom was recovered, similarly placed in a plastic container, converted into a parcel, sealed with the seal impression "RS", and taken into police possession vide personal search memo Ex. P10. Thereafter, all three vehicles were taken into police possession vide memo Ex. P11. All the aforesaid memos were attested by the witness and ASI Paramjeet Singh. The IO prepared the rough site plan of the place of occurrence, marked as Ex. P12, and recorded the statements of the witnesses. After returning from the spot, the case property was deposited with the MHC, and the accused were lodged in the police lock-up. The witness identified all the accused present in Court except accused Baljinder Kaur @ Goldy, as her counsel had moved an application seeking exemption from personal appearance for that day.

8. In support of its case, the prosecution examined PW6 DSP Ranvir Singh who deposed that on 16.07.2019, he was posted at Police Station Patran. On that day, he, along with SI Sandeep Kaur and other members of the police party, was present in the area of Bus Stop, Chunagra Road, Patran. In the meantime, he received a secret information that Mukhtiar Kaur, wife of Balvir Singh, resident of Kheri Nagaian, had been running a brothel in a house near the bridge over the drain on Chunagra Road, Patran. It was further informed that on that day Goldy, Baljinder Kaur @ Goldy, Puma Rani, Satgur Singh @ Gagan, Ramu, and Manjeet Singh were present there and were indulging in prostitution. The informer also stated that the respectable residents of the locality were ashamed of such activities and that if a raid was conducted immediately, all the above-named persons could be apprehended red-handed. On the basis of the said information, he prepared ruqa as Ex. PW6/A and sent the same through Constable Mandeep Khan. On its basis, FIR as Ex. PW6/B was registered by ASI Harinder Pal, who also made endorsement Ex. PW6/C on the ruqa.

Thereafter, we conducted a raid. We noticed one motorcycle bearing registration No. PB11AR1279, one Scooty bearing registration No. PB11CB9396, and one unnumbered Vivo Scooty parked outside the house. We entered the house and found three ladies and two men, the latter not wearing their shirts. All five persons were apprehended. Thereafter, we entered another room where we found one boy and one girl lying on a bed in an objectionable condition. On seeing the police party, both of them immediately stood up. He directed SI Sandeep Kaur to assist the girl in wearing her clothes, and the boy also put on his clothes. Thereafter, both were apprehended. On inquiry, the boy disclosed his name as Satgur Singh @ Gagan, while the girl disclosed her name as Mandeep Kaur @ Goldy. I also inquired about the names of the other five persons, who disclosed their names as Mukhtiar Kaur, Baljinder Kaur @ Goldy, Puma Rani, Ramu son of Satpal Singh, and Manjeet Singh. Thereafter, he entered the room and recovered two used condoms containing semen. He sealed them separately after placing each in a separate plastic container and prepared two separate sealed parcels. Thereafter, he checked the bed and found. The witness stated that from under the pillow, 10 unused condoms were recovered. The condoms were placed in a separate plastic box, converted into a parcel, and sealed with the seal impression "RS". Thereafter, the said parcel, along with the other two sealed parcels, was taken into police possession vide recovery memo Ex. P4. On the directions of the witness, the personal search of accused Baljinder Kaur @ Goldy was conducted by SI Sandeep Kaur. During the search, one currency note of Rs.500 and one Samsung mobile phone bearing SIM No. 8264609638 were recovered from the blouse of accused Baljinder Kaur @ Goldy. From the personal search of accused Satgur Singh, an amount of Rs.150 was recovered from the left front pocket of his shirt along with one Samsung J7 mobile phone bearing SIM No. 7710187046. These articles were taken into police possession vide recovery memos Ex. P5 and Ex. P6. Thereafter, all four

female accused were arrested vide arrest memo Ex. P7. The personal search of accused Mukhtiar Kaur, Baljinder Kaur and Pamma Rani was conducted vide personal search memos Ex. P8. All three male accused were arrested vide arrest memo Ex. P9, and the personal search of accused Ramu Singh and Manjeet Singh was conducted. During the personal search of accused Ramu Singh, two unused condoms were recovered. The same were placed in a plastic box, converted into a parcel, sample seal was prepared, and the parcel was sealed with the seal impression "RS". During the personal search of accused Manjeet Singh, one unused condom was recovered, which was also placed in a plastic box, converted into a parcel, sample seal was prepared, and sealed with the seal impression "RS". These articles were taken into police possession vide personal search memo Ex. P10. All three vehicles were taken into police possession vide recovery memo Ex. P11. All the aforesaid recovery memos were attested by SI Sandeep Kaur and ASI Paramjeet Singh. The witness prepared the rough site plan of the place of occurrence, Ex. PW6/D, and recorded the statements of the witnesses. After returning from the spot, the case property was deposited with the MHC, and the accused were lodged in the police lock-up. On 01.08.2019, the witness moved an application Ex. PW6/E before the RTA, Patiala, for verification of the ownership of the motorcycle and the Activa. The relevant record was obtained and appended with the challan. After completion of the investigation, the challan was prepared and presented before the Court. Case property I.e three parcels which are sealed bearing impression RS as Ex-MO1 to Ex-MO12

9. In support of its case, the prosecution examined PW7 Rajesh Sharma who deposed that on that day he had brought the summoned official record pertaining to vehicles bearing registration Nos. PB11AR1279 and PB11CB9396. He further stated that, as per the official record brought by him, vehicle No. PB11AR1279 stood registered in the name of Darshan Ram, son of Sikandar Ram, resident of Village Arnetu, District Patiala. He had

seen the computerized extract report of the said vehicle available on the judicial file and found it to be correct and in accordance with the official record brought by him. The said report was exhibited as Ex. PW7/A. The attested copy of the computerized report produced by him in Court was exhibited as Ex. PW7/B. He further stated that, as per the official record brought by him, vehicle No. PB11CB9396 stood registered in the name of Pumma Rani, daughter of Jasvir Singh, resident of Village Attalan, Tehsil Patran, District Patiala. He had seen the computerized extract report of the said vehicle on the judicial file and found it to be correct as per the official record brought by him. The same was exhibited as Ex. PW7/C. The attested copy of the computerized report produced by him in Court was exhibited as Ex. PW7/D. He further stated that his certificate under Section 63 of the Bharatiya Sakshya Adhiniyam (BSA) regarding the genuineness of the record brought by him was exhibited as Ex. PW7/E. He further stated that he had also brought the record pertaining to the vehicle having Chassis No. MD626DG49J1F12838 and Engine No. DG4FJIX20080. As per the online VAHAN report, the said vehicle bearing registration No. PB13BD1378 stood registered in the name of Baljinder Kaur, daughter of Iqbal Singh, resident of Anaj Mandi, Village Sullar Gharat, District Sangrur. The said vehicle was registered with the RTO, Sangrur. The copy of the computerized vehicle extract report was exhibited as Ex. PW7/F.

10. Perusal of the record transpired that after the presentation of challan instead of framing charges upon the accused person Charge after consideration upon charge the case was directly fixed to prosecution evidence on 02.08.2023 however no formal charge was framed inadvertently. Accordingly, vide order dated 14.07.2026 formal charge was framed upon the accused persons and statement of Learned APP for the State as well accused persons were recorded to the effect that they have no objection if evidence already recorded before framing of formal charge be read. Further transpired that the case was fixed for prosecution evidence on 02.08.2023.

Prosecution has failed to conclude entire prosecution evidence despite availing numerous effective opportunities. The Hon'ble Supreme Court of India in case titled as *Sanjay Gandhi Vs. Union of India and others*, further in case titled as *Hussainara Khatton Vs. State of Bihar* and also in case titled as *P. Ramachandra Rao Vs. State of Karnataka* has held *that speedy trial is the gist of entire trial, beginning from accusation and expiring with the final verdict which includes within its ambit investigation, the trial, appeal, revision and retrial etc and a duty is casted upon every Court in this country to ensure that every trial is completed within a reasonable time and no necessary adjournment be given to either side. It was time and again, while granting last opportunities, made clear to prosecution to bring forth on record the entire evidence upon which they rely but they have failed in doing so. Moreover, prosecution witnesss PW1, PW2, PW3, PW4 have already been turned hostile. IO, recovery witness, RTA witness has already been examined and list of prosecution witnessess has already been almost exhausted. No improvement shall be made in the case of prosecution after examining other official witnessess. Hence, the evidence of the prosecution was closed by order vide order dated 21.07.2026*

11. Statement of accused under section 313 Cr.P.C was recorded in which every incriminating circumstance appearing against the accused in evidence of prosecution was put to them, to which they denied and pleaded innocence and false implication in this case. However, accused persons did not lead any defence evidence and closed the same.

12. Learned APP for the State has argued with vehemence that the prosecution has successfully proved its case against the accused by examining PW-6 DSP Ranbir Singh, Investigating Officer and PW-5 SI Sandeep Kaur no. 103'/PR recovery witness. All these witnesses have proved that accused Mukhtiar Kaur being the owner of the house used the house for the purpose of brothel and living on the earning of prostitution. Accused Mukhtiar Kaur alongwith other co-accused indulging in immoral act and accused Mukhtiar Kaur induced/procure girls to customers for immoral purposes for money and indulged in trafficking of girls for

immoral activities. Above said PWs have deposed in one go in favour of prosecution case and no material dent has been cast in their cross-examination, benefit of which may be claimed by the accused. Learned Additional P.P. has strenuously urged that the entire evidence led by prosecution leads to an irresistible conclusion regarding guilt of the above named accused which renders them liable to conviction and maximum sentence under Sections section 3, 4, 5 of the Immoral Traffic Act.

13. Per contra, refuting the contentions raised on behalf of the State, learned defence counsel has submitted that nothing has been proved by the prosecution. It is submitted that no independent witness was joined by the prosecution. It is arduously stated that by the learned defence counsel that no notification regarding the area to be notified for the purpose of immoral traffic has been produced by the prosecution. No document has been produced on the record by the prosecution that Inspector Ranbir Singh was designated as Special Police Officer and Trafficking Police Officer as required under section 13 of the Immoral Traffic Act and which area would be covered by Inspector Jasbinder Singh being a special police officer. There is no incriminating evidence against the accused persons. The evidence available on record is not sufficient to prove the co-existence of essential ingredients to constitute an offence punishable under Section 3, 4 & 5 of Immoral trafficking Act. With these submissions, prayer for acquittal of the accused has been made.

14. This court has considered the contradictory versions of the contesting parties and have deliberated over the arguments advanced in the light of evidence, document, facts and circumstances of the present case. From the arguments advanced by Learned Additional PP for the State, as well as Learned Defence counsel, following points of determination arises for adjudication in this case:

1. ***Whether prosecution is able to prove beyond reasonable doubt that on 16.07.2019 in the area of Chungara accused Mukhtiar Kaur along-with other co-accused being the owner of the house, used the house for the purpose brothel and thereby you have committed an offence under Section 3 of***

Immoral Trafficking Act, 1956?

2. *Whether prosecution is able to prove beyond reasonable doubt that accused Mukhtiar Kaur alongwith other accused being the owner of the house, used the house for the purpose of brothel and for living on the earning of prostitution?*
3. *Whether prosecution is able to prove beyond reasonable doubt that accused Mukhtiar Kaur alongwith other accused being the owner of the house, used the house for the purpose of brothel and induce/procure to other persons for the purpose of prostitution?*

DISCUSSION, REASONING AND FINDINGS ON POINT OF DETERMINATIONS NO. 1, 2 & 3.

15. Being interconnected and interlinked, these points for determination are being taken up together for the purpose of discussion in order to avoid repetition.

16. The much celebrated principle of criminal jurisprudence is that the prosecution must prove the charge against the accused beyond the shadow of reasonable doubt. The onus to prove the guilt of the accused to the hilt is stationary on the prosecution and it never shifts. The prosecution has to stand on its own legs so as to bring home the guilt of the accused conclusively and in an affirmative manner and it cannot take advantage of any weakness in the defence version. Applying these principles to the facts and circumstances of the present case, this court is constrained to hold that the prosecution has miserably failed in its endeavour to slap criminal liability upon the accused, for reasons discussed hereinafter.

17. Case file perused and arguments considered. Present FIR was registered against the accused persons for an offence u/s 3, 4 and 5 for allegedly committing or violating the provisions of Immoral Traffic (Prevention) Act, 1956. In order to prove its case, the prosecution has examined as many as 7 witnesses as described above. It is pertinent to mention here over that prosecution failed to examine all the witnesses

despite provided numerous effective opportunity. Pw's remain failed to appear before the court despite of coercive steps being taken by the court.

18. Out of the 7 prosecution witnesses PW1 Ex. MC Gurdeep Kaur, PW2 Sushil Kumar, PW3 Kuldeep Kumar and PW4 Ashok Kumar did not supported the case of prosecution and turned hostile and Learned APP for the state requested the court to declare these witnesses hostile. They are the star/eye witnesses and happens to be most crucial. From the testimony of PW1 Ex. MC Gurdeep Kaur, PW2 Sushil Kumar, PW3 Kuldeep Kumar and PW4 Ashok Kumar, it transpires that they have not supported the case of the prosecution in any manner. The said witnessess categorically stated before the Court that they could neither identify the accused Mukhtiar Kaur nor they deposes against any of the other accused persons. Though the witnesses were declared hostile and was extensively cross-examined by learned APP for the State, nothing material could be elicited from their cross-examination to support the prosecution version. Even after confrontation with his previous statements, the witnesses denied the allegations levelled against the accused persons and deposed that the earlier statements were made under the influence of police officials. Thus, testimonies of PW1 Ex. MC Gurdeep Kaur, PW2 Sushil Kumar, PW3 Kuldeep Kumar and PW4 Ashok Kumar do not inspire confidence and fails to advance the case of the prosecution.

19. It is well settled law that the testimony of hostile witnesses should not be thrown over board. It is permissible to rely on the testimony of the witness who has been declared as hostile. Where a prosecution witness is cross examined and contradicted with the leave of the Court by the party calling him as a witness, it is for the Court to consider whether as a result of such cross- examination and contradiction, witness stands discredited or can still be believed in regard to any part of his testimony. If in his cross examination his credit has not been completely shaken and if testimony of such witness when read as a whole with care and caution and corroborated by any other evidence satisfies the conscience of the court to act upon his testimony then no embargo can be placed to disbelieve such witness merely on account of the fact that he has been declared hostile. The law to this effect has been laid down by Hon'ble

Supreme Court in case titled **Ram Krishan Versus State Of Maharashtra, 2007(3) RCR(Cr.) 33(SC)**. The same view has been reiterated by Hon'ble Punjab & Haryana High Court in case titled **Mohinder Singh Vs State Of Punjab, 2007(2) RCR(CRL.) 227(P&H)**. However to act upon the statement of a hostile witness, there should be available at least some material on record which supports and corroborates the prosecution version.

20. Remaining prosecution witnesses, PW-6 DSP Ranbir Singh the then Inspector investigating officer who deposed on oath that on 16.07.2019, he was posted at Police Station Patran. On that day, he, along with SI Sandeep Kaur and other members of the police party, was present in the area of Bus Stop, Chunagra Road, Patran. In the meantime, he received a secret information that Mukhtiar Kaur, wife of Balvir Singh, resident of Kheri Nagaian, had been running a brothel in a house near the bridge over the drain on Chunagra Road, Patran. It was further informed that on that day Goldy, Baljinder Kaur @ Goldy, Puma Rani, Satgur Singh @ Gagan, Ramu, and Manjeet Singh were present there and were indulging in prostitution. The informer also stated that the respectable residents of the locality were ashamed of such activities and that if a raid was conducted immediately, all the above-named persons could be apprehended red-handed. On the basis of the said information, he prepared ruqa as Ex. PW6/A and sent the same through Constable Mandeep Khan. On its basis, FIR as Ex. PW6/B was registered by ASI Harinder Pal, who also made endorsement Ex. PW6/C on the ruqa. Thereafter, we conducted a raid. We noticed one motorcycle bearing registration No. PB11AR1279, one Scooty bearing registration No. PB11CB9396, and one unnumbered Vivo Scooty parked outside the house. We entered the house and found three ladies and two men, the latter not wearing their shirts. All five persons were apprehended. Thereafter, we entered another room where we found one boy and one girl lying on a bed in an objectionable condition. On seeing the police party, both of them immediately stood up. He directed SI Sandeep Kaur to assist the girl in wearing her clothes, and the boy also put on his clothes. Thereafter, both were apprehended. On inquiry, the boy disclosed his name

as Satgur Singh @ Gagan, while the girl disclosed her name as Mandeep Kaur @ Goldy. I also inquired about the names of the other five persons, who disclosed their names as Mukhtiar Kaur, Baljinder Kaur @ Goldy, Puma Rani, Ramu son of Satpal Singh, and Manjeet Singh. Thereafter, he entered the room and recovered two used condoms containing semen. He sealed them separately after placing each in a separate plastic container and prepared two separate sealed parcels. Thereafter, he checked the bed and found. The witness stated that from under the pillow, 10 unused condoms were recovered. The condoms were placed in a separate plastic box, converted into a parcel, and sealed with the seal impression "RS". Thereafter, the said parcel, along with the other two sealed parcels, was taken into police possession vide recovery memo Ex. P4. On the directions of the witness, the personal search of accused Baljinder Kaur @ Goldy was conducted by SI Sandeep Kaur. During the search, one currency note of Rs.500/- and one Samsung mobile phone bearing SIM No. 8264609638 were recovered from the blouse of accused Baljinder Kaur @ Goldy. From the personal search of accused Satgur Singh, an amount of Rs.150 was recovered from the left front pocket of his shirt along with one Samsung J7 mobile phone bearing SIM No. 7710187046. These articles were taken into police possession vide recovery memos Ex. P5 and Ex. P6. Thereafter, all four female accused were arrested vide arrest memo Ex. P7. The personal search of accused Mukhtiar Kaur, Baljinder Kaur and Pamma Rani was conducted vide personal search memos Ex. P8. All three male accused were arrested vide arrest memo Ex. P9, and the personal search of accused Ramu Singh and Manjeet Singh was conducted. During the personal search of accused Ramu Singh, two unused condoms were recovered. The same were placed in a plastic box, converted into a parcel, sample seal was prepared, and the parcel was sealed with the seal impression "RS". During the personal search of accused Manjeet Singh, one unused condom was recovered, which was also placed in a plastic box, converted into a parcel, sample seal was prepared, and sealed with the seal impression "RS". These articles were taken into police possession vide personal search memo Ex. P10. All three vehicles were taken into police possession vide recovery memo Ex. P11.

All the aforesaid recovery memos were attested by SI Sandeep Kaur and ASI Paramjeet Singh. The witness prepared the rough site plan of the place of occurrence, Ex. PW6/D, and recorded the statements of the witnesses. After returning from the spot, the case property was deposited with the MHC, and the accused were lodged in the police lock-up. On 01.08.2019, the witness moved an application Ex. PW6/E before the RTA, Patiala, for verification of the ownership of the motorcycle and the Activa. The relevant record was obtained and appended with the challan. After completion of the investigation, the challan was prepared and presented before the Court. Case property I.e three parcels which are sealed bearing impression RS as Ex-MO1 to Ex-MO12

21. DSP Ranbir Singh the then Inspector investigating officer was the star witness of the prosecution . There are some major contraction extracted by the Ld. Defence counsel which casts a dent on the whole story of the prosecution. The whole of the investigation is conducted by Insp Jasbinder Singh. As per settled law, investigation search and raid under Immoral Trafficking Act can not be conducted by a special officer below the rank of Inspector. In his cross-examination, PW-6 stated that he no written complaint has been received. No independent witness joined by him at the spot due to their own grievances. No independent written complaint was moved by any person.

22. Thereafter prosecution examined PW-5 SI Sandeep Kaur witness of memo, who deposed as per the deposition of IO. In her cross-examination, she stated that No independent witness joined by him at the spot due to their own grievances. No independent written complaint was moved by any person.

23. **Section 3 of Immoral Traffic (Prevention) Act, 1956**, clearly provides that Any person who keeps, or manages, or acts, or assists, in the keeping or management of, a brothel shall be punishable under section 3 of the Immoral Traffic Act. No other allegation has been levelled by prosecution qua these accused that she has been a part of management of keeping a brothel along with other co-accused. The word brothel has been defined in Immoral Traffic (Prevention) Act, 1956 which provides that:

“brothel” includes any house, room, conveyance or place, or any portion of any house, room, conveyance or place, which is used for purposes of sexual exploitation or abuse for the gain of another person or for the mutual gain of two or more prostitutes;

24. The definition of brothel is wide enough as only one instance of finding a person in compromising position by no stretch of imagination could be treated as brothel. The prosecution has failed to prove that place raided by the police party was used for purposes of sexual exploitation or abuse for the gain of another person or for the mutual gain of two or more prostitutes. Moreover, prostitute did not examined any witness to prove the possession and ownership of Paramjit Kaur over the house in question. Therefore, the ingredients of section 3 have not been proved by the prosecution.

25. Similarly, it has never been the case of the prosecution that the accused namely Mukhtiar Kaur has been living on the earning of prostitution as required for punishment under section 4 of the Immoral Traffic Act. Not an iota of evidence has been produced by the prosecution to prove that accused persons have been living on the earning of prostitution.

26. Also, the requirement of section 5 of the Immoral Traffic Act has not been proved qua these accused as it has not been the case of the prosecution that these accused have been procuring or inducing or taking any person for the sake of prostitution. The mere allegation of prosecution that accused Manjit Singh, Baljinder Kaur, Pamma Rani, Ramu, Satgur and Mandeep Kaur have been found in the premises of co-accused Mukhtair do not prove that these accused are guilty of committing the offence punishable under section 3, 4 and 5 of Immoral Traffic (Prevention) Act, 1956. The prosecution has failed to prove an iota of evidence as to how these accused are guilty of committing the offence punishable under section 3, 4 and 5 of Immoral Traffic (Prevention) Act, 1956. After going through the entire evidence as well as the provisions of sections 3, 4 and 5 of Immoral Traffic (Prevention) Act, 1956, this court is of the considered opinion that the prosecution has failed to prove their case qua these accused. Further, this court is of the view that accused

namely Mandeep Kaur is the victims as Hon'ble Supreme Court of India in the number of decisions has held that such like persons are to be treated as victims and not the offenders. Even if the version of the prosecution to be taken as a gospel truth even then these three accused cannot be held guilty.

27. Section 15 of the Immoral Traffic Act is also important so far as the search of premises is concerned. Section 15 of the Immoral Traffic Act reads as under:

Section 15- Search without warrant—(1) Notwithstanding anything contained in any other law for the time being in force, whenever the special police officer or the trafficking police officer as the case may be, has reasonable grounds for believing that an offence punishable under this Act has been or is being committed in respect of a person living in any premises, and that search of the premises with warrant cannot be made without undue delay, such officer may, after recording the grounds of his belief, enter and search such premises without a warrant.

(2) Before making a search under sub-section (1), the special police officer or the trafficking police officer, as the case may be shall call upon two or more respectable inhabitants (at least one of whom shall be a woman) of the locality in which the place to be searched is situate, to attend and witness the search and may issue an order in writing to them or any of them so to do:

Provided that the requirement as to the respectable inhabitants being from the locality in which the place to be searched is situate shall not apply to a woman required to attend and witness the search.

(3) Any person who, without reasonable cause, refuses or neglects, to attend and witness a search under this section, when called upon to do so by an order in writing delivered or tendered to him, shall be deemed to have committed an offence under Section 187 of the Indian Penal Code (45 of 1860).

(4) The special police officer or the trafficking police officer, as the case may be, entering any premises under sub-section (1) shall be entitled to remove therefrom all the persons found therein.

(5) The special police officer or the trafficking police officer, as the case may be, after removing person under sub-section (4) shall forthwith produce her before the appropriate Magistrate.

(5-A) Any person who is produced before a Magistrate under sub-section (5), shall be examined by a registered medical practitioner for the purposes of determination of the age of such person, or for the detection of any injuries as a result of sexual abuse or for the presence of any sexually transmitted diseases.

Explanation.—In this sub-section, “registered medical practitioner” has the same meaning as in the Indian Medical Council Act, 1956 (102 of 1956).

(6) The special police officer or the trafficking police officer, as the case may be, and other persons taking part in, or attending, and witnessing a search shall not be liable to any civil or criminal proceeding against them in respect of anything lawfully done in connection with, or for the purpose of, the search.

(6-A) The special police officer or the trafficking police officer, as the case may be, making a search under this section shall be accompanied by at least two women police officers, and where any woman or girl removed under sub-section (4) is required to be interrogated it shall be done by woman police officer and if no woman police officer is available, the interrogation shall be done only in the presence of a lady member of a recognized welfare institution or organization.

Explanation—For the purposes of this sub-section and Section 17-A, “recognized welfare institution or organization” means such institution or organization as may be recognized in this behalf by the State Government.

(7) The provisions of the Code of Criminal Procedure, 1973 (2 of 1974) shall, so far as may be, apply to any search under this section as they apply to any search made under the authority of a warrant issued under 94 of the said Code.

28. Section 15 of the Immoral Traffic Act allows the special Police officer to search the premises without any warrants on the information received by him. The authority of search of premises without

arrest warrants under section 15 of the Immoral Traffic Act vest with special police officer and Trafficking police officer only. He cannot authorize any of his subordinate officer for conducting the search without warrants on his behalf. It is the case of the prosecution that Investigating officer Jasbinder Singh has conducted the search of premises in question. On this ground this court is fortified by the Judgment of Hon'ble Kerala High Court, titled as **Cemocenodee and another Vs. SI of police, 2002(3) R.C.R.(Criminal) 63**, wherein Hon'ble Kerala High Court has held that *Section 15 of the Act is the provision which deals with search without warrants. The above said section shows that not with standing anything contained in any other law for the time being in force, whenever the special police officer or trafficking police officer, as the case may be, has reasonable grounds for believing that an offence punishable under this Act has been or is being committed in respect of a person living in any premises and that search of the premises with warrants cannot be made without undue delay, such officer may, after recording the grounds of his belief, enter and search such premises without a warrants. Special police officer was not authorised to hand over the search to any other police official.*

29. Learned defence counsel has also pointed towards section 15(2) of Immoral Traffic Act whereby it has been provided that *a special police officer before making a search under sub section (1), shall call upon two or more respectable inhabitants (at least one of whom shall be a woman) of the locality in which the place to be searched is situate, to attend and witness the search.* This court agrees with the contention raised by learned defence counsel. The mandate of section 15(2) and section 15(6-A) of the Immoral Traffic Act clearly provides that two or more respectable inhabitants of locality must have been made a part of the team before proceeding for conducting the search. Hon'ble Kerala High Court in Cemocenodee and other Vs. SI of Police (supra) has held that *section 15 (6-A) of the Act shows that The special police officer or the trafficking police officers, as the case may be, making a search under this section shall be accompanied by at least two women police officers. Section 15(2) envisaged before making a search under sub section (1) the special*

police officer or the trafficking police officer, as the case may be, shall call upon two or more respectable inhabitants (at least one of whom shall be a woman) of the locality in which the place to be search is situate, to attend and witness the search.

30. In the present case compliance regarding section 15(2) and section 15(6-A) of the Act remained unsatisfied. Also, no respectable inhabitant of the locality has been called upon by the investigating officer, who headed the search. It is clear violation of section 15(2) and section 15(6-A) of the Act and as such benefit of the same must go to the accused.

31. Apart from this in the present case one thing to be seen is that the complainant in the present case is the investigating officer also, which casts doubts about the veracity of the prosecution case. The police officer who conducted the search and lodged the FIR must not take the investigation in his hand. Such investigation carried by Inspector Ranbir Singh who had initiated the first information report also, was not approved so far as the procedure in the Criminal Jurisprudence is concerned. On this ground this court is fortified by the Judgment pronounced by Hon'ble Supreme Court of India in Megha Singh Vs. State of Haryana, AIR, 1995, Supreme Court, 2339.

32. The prosecution has failed to prove that accused Mukhtiar Kaur was involved in keeping a brothel or allowing his premises to be used as a brothel. The prosecution has also failed to prove the ingredients of section 4 of the Immoral Traffic Act as there is not an iota of evidence that accused **Mukhtiar Kaur, Manjit Singh, Baljinder Kaur, Pamma Rani and Ramu** were living on the earning of prostitution and for this purpose the prosecution has not produced any of the witness as on whose earning accused **Mukhtiar Kaur, Manjit Singh, Baljinder Kaur, Pamma Rani and Ramu**. Accordingly, the prosecution has failed to prove on file any evidence that accused **Mukhtiar Kaur, Manjit Singh, Baljinder Kaur, Pamma Rani and Ramu** were involved in permitting and inducing the girls or women for the purpose of prostitution. As such prosecution has failed to prove its case against accused **Mukhtiar Kaur, Mandeep Kaur @ Goldy, Baljinder Kaur @ Goldy, Pamma Rani, Satgur Singh, Gagan, Ramu, Manjit Singh**. The prosecution was also required to prove the case

beyond shadow of reasonable doubts, but there are number of lapses while conducting the search in the prosecution case. As such benefit of the same must go to the accused.

33. As an upshot of above discussion, this court is of the considered view that the prosecution has failed to prove its case against accused beyond all shadow of reasonable doubt. Consequently, all these accused **Mukhtiar Kaur, Mandeep Kaur @ Goldy, Baljinder Kaur @ Goldy, Pamma Rani, Satgur Singh, Gagan, Ramu, Manjit Singh** are acquitted from the charges framed against them under sections 3, 4 and 5 of Immoral Traffic Act by giving them benefit of doubt. Bail Bonds Surety bonds treated as bail bond and surety bond for the purpose of Section 437-A Cr.P.C. Personal bonds and surety bond of accused and sapurdari bond/ surety bonds if any stand discharged after awaiting the result of appeal or revision if any, as the case may be, case property be disposed of as per rules. Unexhibited documents be returned to the parties concerned under rules after expiry of the period of appeal or revision. Ahlmad is directed to consigned the file in record room complete in all respects.

Pronounced in open court:

Dated: 30.07.2026

(Vinod Kumar, Stenographer-II)

**(Shaweta),
Judicial Magistrate Ist Class,
UID NO.PB-0621,
Samana**

Note:-Certified that judgment is directly dictated on computer