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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Judgment delivered on: 09.09.2025*+ **BAIL APPLN. 1953/2025**

RAJINDER .....Petitioner

Through: Mr. Inderpreet Singh, Advocate

versus

THE STATE NCT OF DELHI .....Respondent

Through: Mr. Naresh Kumar Chahar,  
APP for the State.**CORAM:****HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J**

1. The applicant Rajinder has preferred this application seeking grant of regular bail in FIR bearing no.121/2024, registered at Police Station Begumpur, Delhi for the commission of offences punishable under Sections 370(4), 120B and 34 of the Indian Penal Code, 1860 [hereafter 'IPC'] and Section 81 of the Juvenile Justice (Care and Protection of Children) Act, 2015 [hereafter 'JJ Act'].

2. Brief facts of the case are that a PCR call vide DD No. 74A dated 20.02.2024 was received at P.S. Begumpur regarding alleged trafficking of children and noise of weeping from a neighbour's house. On the statement of the complainant, Laxmi Mehta, the



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present FIR was registered. The complainant stated that in the opposite house, two women, a man and two children were residing, and that she had often seen them with different newborn babies of about 20–25 days, despite none of the women being pregnant, which aroused suspicion. On 20.02.2024 she heard the cries of a child and also overheard a girl talking on the phone mentioning “5.80 or 4.80,” while the child continued crying. She, along with the landlord and neighbours, went upstairs to enquire, where the women gave evasive replies. Thereafter, she called the police, who upon arrival questioned the women, who disclosed their names as Priya and Devki, and further revealed that they were engaged in the business of buying and selling children alongwith co-accused Sangram.

3. As per status report, during investigation, a newborn girl child of about 10-20 days was found in the custody of Priya (aged 24 years) and Devika @ Devki (aged 56 years), both residents of Begumpur, Delhi. They were arrested, and during interrogation, disclosed that they had been engaged in trafficking of newborn babies for the past 3-4 years with the help of present accused Rajinder and co-accused Simranjeet Kaur, who used to supply babies from Punjab for further sale. Subsequently, the present applicant i.e. Rajinder, and other co-accused persons i.e. Piyush Aggarwal, Simranjeet Kaur, Raman, Pooja, Binder Kaur and Paramjeet @ Pamma were also arrested. Co-accused Sangram however could not be arrested and proceedings against him under Section 82 of the Cr.P.C. were initiated.



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4. The prosecution case is that the present applicant Rajinder, along with Simranjeet Kaur (an ASHA worker), Binder Kaur (a nurse), and others used to target parents who were poor, illiterate or vulnerable. They projected themselves as well-settled couples desirous of adoption, and with the assistance of co-accused Raman and Pooja, procured signatures of biological parents on blank notary papers under the pretext of completing adoption formalities. The children were thereafter sold to the highest bidders.

5. During investigation, two couples came forward to claim the recovered girl child and stated that they were assured their child would remain in a nearby town and be raised in a good household. Further, from CDR analysis, the present applicant was found in contact with the co-accused persons. During his arrest, blank notary papers with signatures and mobile phones were recovered from him. Further, with the permission of the Child Welfare Committee (CWC), blood samples were collected for DNA fingerprinting, which confirmed that the biological parents of the recovered child were Lekh Singh and Paramjeet Kaur. Presently, the child is in the custody of CWC and has been named 'Shivangi'.

6. After completion of investigation, chargesheet was filed before the concerned Court on 20.05.2024. Eventually, co-accused Sangram Dass was also arrested and a supplementary chargesheet was filed *qua* him.

7. The learned counsel appearing on behalf of the applicant



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argues that applicant has been falsely implicated in the present case, on the basis of disclosure statements of co-accused persons, and he has been in judicial custody since 22.02.2024. It is contended that the allegations against the applicant do not point out that an offence under Section 370(4) of IPC was committed since the child in question was not sold to any person for ‘*exploitation*’. It is contended that the child was given to a respectable family for the welfare of the child as the biological parents of the child were very poor. He also argues that the biological father of the girl child recovered in this case has also given his no objection in case the bail is granted to the present applicant and to this effect, affidavit of Sh. Lekh Singh has been annexed with the petition.

8. The learned APP for the State, on the other hand, argues that the present applicant along with other co-accused Simranjeet Kaur had posed as a couple, who wanted to adopt a girl child, and had visited the clinic of co-accused Binder Kaur at Giddarbha Village, Punjab on 10.02.2024. Subsequently, the applicant herein along with co-accused Simranjeet Kaur had also visited Jalalabad City Hospital on 15.02.2024 projecting themselves again as a couple from Village Midda and had procured another child and they had thereafter sold the children to co-accused Priya and Sangram Dass to sell the babies to prospective buyers. It is contended that the allegations against the present accused/applicant are very serious in nature and therefore, the application for grant of bail be rejected.

9. This Court has **heard** arguments addressed by the learned



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counsel for the applicant as well as learned APP for the State, and has perused the material placed on record.

10. The present case was registered on receipt of a PCR call dated 20.02.2024 at P.S. Begumpur regarding suspected child trafficking and the continuous crying of an infant from a flat. On the statement of the complainant, Smt. Laxmi Mehta, who reported that she and her neighbours had frequently seen different infants of about 20–25 days being kept in the said flat, and that on 20.02.2024 she heard a child crying while a woman in the balcony was speaking on phone using words like “5.80 or 4.80”, the police reached the spot. Upon questioning, two women, Priya and Devki, were found in the flat and arrested, which led to registration of the present FIR.

11. Broadly speaking, the prosecution case, as reflected in the chargesheet and the record, is that an organised racket of procuring and selling newborn children was being run by the group of accused persons for monetary gains. A total of 10 persons came to be arrested in the course of investigation. As alleged, the roles of all accused persons were defined: Binder Kaur (a nurse/midwife) ran a clinic in Abhor, Punjab, and is alleged to have approached pregnant women/parents of new-borns from poor financial backgrounds; Simranjeet Kaur and Rajinder (applicant herein) posed as a childless, well-settled husband-and-wife couple who purportedly sought to adopt new-born babies; other accused (Raman, Pooja, Priya, Devki, Sangram, Piyush and Paramjeet) played complementary roles, such as procuring signatures on blank notary/stamp papers, receiving



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custody of children, transporting the children and effecting sales to buyers in and outside the State.

12. The present applicant Rajinder is alleged to have been centrally involved in procuring new-born children from Punjab and selling them for consideration. The record set out in the charge-sheet and in statements of witnesses discloses *prima facie* that Rajinder, together with Simranjeet Kaur, used to pose as a childless couple and approach poor/vulnerable parents and offered to adopt their newborn. They then used to procure custody of new-born children by gaining the trust of parents and obtaining their signatures on stamp/notary papers on the pretext of completing adoption formalities.

13. The biological parents of the girl child 'Shivangi' got their statements recorded under Section 161 of the Cr.P.C. wherein they disclosed that they were introduced to the applicant Rajinder and Simranjeet Kaur by Raman; they were told that Rajinder and Simran were a childless, well-settled couple and government employees who wished to adopt; they were given assurances that the child would be kept nearby and that formalities would be completed; their signatures were obtained on stamp papers; thereafter, contact with Rajinder was lost and his phone was switched off when they tried to reach him. It is material to note that during the arrest of the present applicant, blank notary/stamp papers bearing signatures were recovered from him.

14. The charge-sheet records that CCTV footage captures accused



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Simranjeet Kaur and Rajinder visiting the clinic of Binder Kaur on 10.02.2024 at about 07:00 p.m., the presence of the newly-born child and her parents at the clinic, and the subsequent departure of Simranjeet and Rajinder from the clinic with the child – which corroborates the prosecution’s case. This Court also notes that Call Detail Record analysis has been relied upon to prove communication between the present applicant and other accused persons during the relevant period.

15. Most importantly, the prosecution alleges that the children so procured were advertised and offered to prospective buyers by means of WhatsApp video calls/chats and photographs, with bidding and monetary negotiations, the ultimate object being sale to the highest bidder, rather than any legitimate adoption process. Clearly, if such allegations are found true, it would be safe to observe that the welfare of the child was not the object of the transaction; rather, the accused were engaged in trafficking of children for commercial/monetary gains.

16. Annexed to the chargesheet are WhatsApp chats found during investigation in which images of new-born children were circulated to prospective buyers and monetary amounts were quoted. In this Court’s opinion, such communications reflect the advertisement and sale of trafficked children, with negotiation of price and identification of buyers. Moreover, such systematic sending of photographs and the organising of video calls to locate buyers supports the allegation of an organised commercial trafficking enterprise being run by the



accused persons, rather than isolated, *bona fide* adoptions.

17. Thus, the record of the case would indicate that the accused persons were running a well-organised syndicate, involving a midwife/nurse who would identify vulnerable parents, persons who would pose as adoptive parents to procure custody, persons who would obtain signatures on incomplete documentation, and persons who would facilitate sale and transport of the children to buyers in other places (including Delhi). The use of WhatsApp photographs, video-calls and negotiations, the quotation of prices and the derivation of monetary consideration for each transaction *prima facie* show that the trafficking was being conducted commercially and systematically, and there was a common object of earning money through child trafficking.

18. In a bail application such as the present one, the Court must consider whether there exists a *prima facie* case against the accused and whether, having regard to the nature and gravity of the allegations, the evidence available and the conduct of the accused, release on bail would be appropriate. Having carefully perused the entire material on record, this Court is of the considered view that several factors weigh against the grant of bail to the present applicant.

19. The alleged acts of the accused persons have grave social repercussions since such acts involve exploitation of the most vulnerable class of victims i.e. new-born children and poor parents in distress. The alleged commercial character and organised nature of



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the racket run by the accused persons adds to the gravity of offence. Further, the child in this case was only about 15 days old when she was recovered by the police. It is apparent that the newborn child was being treated as a merchandise and her custody was procured from her biological parents, by the present applicant, by fraudulent misrepresentations. The case portrays a grim picture as to how parents who are poor are induced to handing over their new born children from the very place where they are born to the syndicate run by the accused persons, who in turn were deceived with fraudulent misrepresentations in parting with custody of the new born children.

20. The reliance placed on the decision of Kerala High Court in *Prema v. State of Kerala: B.A. No. 5390/2013* by the learned counsel for the applicant, in the facts of the case, is misplaced. In the said case, the accused persons were the biological parents of the child who had themselves sold their infants for money, and the Court held that such sale would not amount to an offence under Section 370 of IPC. In contrast, the present case involves accused persons running a racket of procuring newborn babies through fraud and deception, as the present accused Rajinder along with co-accused Simranjeet Kaur used to represent themselves as a childless couple desirous of adoption, and thereafter sold the babies to co-accused Priya, Sangram and others for profit, who in turn further sold such infants to the highest bidder. Accordingly, the cited judgment does not advance the case of the applicant herein.

21. Further, the contention of the learned counsel for the applicant



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that there was no “exploitation” of the babies in question, as defined under Section 370 of IPC, cannot be accepted at this stage. It is correct that the Explanation I to Section 370 of IPC refers to exploitation in terms of physical exploitation, sexual exploitation, slavery or practices similar to slavery, servitude, or the forced removal of organs. However, it is significant that Explanation 1 employs the term “include” while describing the meaning of exploitation. The Hon’ble Supreme Court in *Bharat Coop. Bank (Mumbai) Ltd. v. Co-Operative Bank Employees Union: (2007) 4 SCC 685* held that where the word “means” is used in a definition clause, it is a hard and fast definition and restrictive in nature; however, when the word “includes” is used, the legislature intends to give the expression a broad, flexible and expansive interpretation, and such a definition is only illustrative and not exhaustive. Similarly, in *P. Kasilingam and Ors. v. P.S.G. College of Technology and Ors.: 1995 Supp (2) SCC 348*, it was held that the word ‘includes’ when used in a definition, enlarges the meaning of the expression defined so as to comprehend not only such things as they signify according to their natural import but also those things which the clause declares that they shall include. Applying this principle to the present case, the acts of the applicant Rajinder and his co-accused clearly fall within the ambit of “exploitation.” Here, the biological parents, who are poor and vulnerable, were misled into believing that their infants would remain in a safe and nurturing environment, as the applicant Rajinder and co-accused Simranjeet



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Kaur projected themselves as a childless couple desirous of adopting a child. This deceitful representation, combined with their acts of obtaining signatures of parents on blank papers, clearly shows manipulation of the trust and vulnerability of such biological parents who are poor and vulnerable. In reality, the infants were not kept in any safe or better environment but were commodified and sold further for monetary gains. The material collected by the prosecution shows that photographs of newborns were circulated on WhatsApp, where prices were quoted and prospective buyers engaged in bidding. The infants were being traded to unknown purchasers, with no certainty as to their fate, or whether they would be subjected to neglect, abuse, forced labour or other unlawful purposes. The very act of reducing newborn children to articles of trade and transferring them for consideration is nothing short of treating them as commodities, which in itself is a form of exploitation, even if it does not fall squarely under physical or sexual exploitation. The uncertainty as to who the buyers are, and for what purpose the children were being purchased, also deepens the concern that the newborn children were being exposed to imminent risks of grave exploitation. Thus, the argument of the applicant that Section 370 of IPC is inapplicable for want of “exploitation” is unmerited and is rejected.

22. Therefore, for the reasons recorded above, in particular, (i) the seriousness and organised nature of the alleged trafficking operation; (ii) the evidence in the form of CCTV footage showing the applicant



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at the point of procurement of newborn babies; (iii) the statements of the biological parents disclosing that the applicant had taken their child and obtained their signatures on stamp papers; (iv) the CDR analysis showing communications between the accused persons; (v) the WhatsApp/chat evidence showing marketing of newborns to prospective buyers; and (vi) the recoveries of mobile phones and blank/stamped papers from the applicant – this Court is satisfied that there exists no ground for grant of bail to the present applicant, at this stage, when material prosecution witnesses are yet to be examined before the learned Trial Court.

23. In view of the above reasons and considering the overall facts and circumstances of the case, the present application for bail filed by the applicant/accused Rajinder is dismissed.

24. **It is, however, clarified** that the observations made herein are solely for the purpose of deciding the present bail application. Detailed findings have been recorded since the learned counsel for the applicant argued the matter at length and specifically emphasized on the issue of applicability of Section 370 of IPC to the facts of the case. The trial, however, shall proceed uninfluenced by any observations contained in this order, which are only *prima facie* in nature.

25. The judgment be uploaded on the website forthwith.

**DR. SWARANA KANTA SHARMA, J**  
**SEPTEMBER 09, 2025/zp**