

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

CRM-M-32983 of 2017.

Decided on:-November 15, 2017.

Sanjay Dhaka.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM: *HON'BLE MR. JUSTICE HARI PAL VERMA.*

Present:- Mr. Suresh Kumar Kaushik, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana
for the respondent-State.

HARI PAL VERMA, J.

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in FIR No.283 dated 11.08.2017 under Sections 3, 4, 5, 7 and 8 of Immoral Traffic (Prevention) Act, 1956 (for short, the Act) registered at Police Station Sector-56, Gurugram.

Briefly stated, on the basis of secret information that immoral activities are going on under the garb of a spa on the first floor of Sushant Tower of Sector-56, Gurugram in Ossam Spa No.166, the FIR in question was registered. Considering the said information as correct, a raiding party was constituted and special investigating officer was permitted by the DCP, East Zone to conduct a raid. After giving information to all the employees and making them understand, Constable Rajbir No.3076 was sent to Ossam Spa in

the civil dress with three currency notes of Rs.500/- each having No.3CW096034, 9CB852539 and 9KP422513. It was explained to him that if there are immoral traffic activities going on, then he would immediately give a missed call. After getting the missed call from Constable Rajbir, the raiding party reached Ossam Spa and found that Constable Rajbir, who was acting as a bogus customer and as a decoy, was present in room No.2 with a girl, who was not in proper dress. She was wearing half of her clothes. She told her name as Meenu daughter of Mokubul, resident of village Bilasipara, Police Station Goverdhan, District Borpatta, Assam to lady Constable Shiksha. The other girl, who was sitting on the counter of the spa, told her name as Navita wife of Sonu, resident of House No.429-A, Gali No.2, Shahdra, Delhi. It was reported that the petitioner is owner of the spa. The recovery of two currency notes of Rs.500/- each bearing No.3CW096034 and 9CB852539 was effected from the counter of the spa. In the same manner, the currency note of Rs.500/- bearing No. 9KP422513 was effected beneath the pillow from room No.1 and the same was taken into possession by the police.

Learned counsel for the petitioner has argued that the petitioner is merely owner of the spa and was not present at the scene of occurrence. He has issued authority letter in the name of Vicky Mandal son of Shankar Mandal to run the said spa and, therefore, the petitioner is not connected with the offence in any manner.

On the other hand, learned State counsel has contended that even if the petitioner has authorised Vicky Mandal to run the spa, but the fact

remains that the petitioner was actively controlling the said spa and, therefore, he is not entitled to the relief of anticipatory bail.

I have heard learned counsel for the parties.

Considering the nature of allegations levelled against the petitioner, this Court finds that the petitioner does not deserve the concession of anticipatory bail. The plea of the petitioner that he is owner of the spa and is not actively running/controlling the same, cannot be accepted at this stage. Once he is found beneficiary from the spa, it cannot be accepted that he was not conversant with the activities running in the spa.

Accordingly, the present petition, being devoid of any merit, is dismissed.

However, the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

November 15, 2017
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No