

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

CRM-M-17338-2020 (O&M)
Date of decision : 15.07.2020

Mohit Sadyan

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Deepak Bhardwaj, D.A.G., Haryana.

JITENDRA CHAUHAN, J. (Oral)

The matter has been taken up through video-conferencing in the light of the pandemic COVID-19 situation and as per instructions.

The instant petition has been filed under Section 438 of the Code of Criminal Procedure, for grant of anticipatory bail to the petitioner in case FIR No. 379 dated 10.04.2020, registered under Sections 3, 4, 5, 6 and 7 ITP Act, Section 188 of Indian Penal Code (for short 'IPC') Section 6 (2A), 8 POCSO Act and Section 51(b) of Disaster Management Act at Police Station City Thanesar, District Kurukshetra.

Learned counsel for the petitioner contends that the petitioner is innocent and has been falsely implicated in the case by the police. Neither he is owner of the Hotel New Espire nor was a tenant on the alleged date of occurrence. He further states that neither the alleged victims have named

the petitioner nor any role has been attributed to him.

On the other hand, learned State counsel states that the petitioner along with his co-accused has committed serious crime. He further states that the statement recorded under Section 161 Cr.P.C. of the owner of the hotel namely Baljeet Kaur, after the expiry of the said tenancy on 28.02.2020, a fresh rent agreement was executed between her and the petitioner. As per rent agreement, the hotel is in possession of the petitioner and he is required for custodial interrogation.

Heard.

As per record, the petitioner is a tenant and running the hotel in question. Earlier agreement was from 01.04.2019 to 28.02.2020. That was further extended for ten months. Thus, he being a tenant is duty bound to ensure that the premises are not used for immoral, illegal and nefarious activities. Moreover, the statement of the one of the victims dated 11.04.2020 recorded under Section 164 Cr.P.C. is on record wherein she has specifically stated that she was forced into prostitution in connivance with co-accused Nisha Talwar. Vide order dated 06.07.2020, the petitioner was directed to join investigation. As per instructions, learned State counsel states that despite repeated efforts made by the Investigating Agency, the petitioner is not cooperating and no recovery could be effected from him. The ultimate money generated in the acts goes to the petitioner.

The ultimate victim in such like cases are young children, who do not have resources to challenge or annoy the might of the persons like the petitioner. Therefore, the Court has to stand for them to protect their body and dignity. If such incidents are ignored and effective steps are not

taken to contain them, it will destroy the social fabric of this country. The conduct of the petitioner in not cooperating with the police is another circumstance against him and also indicative of the fact that he can pressurize the witnesses and frustrate the case of the prosecution.

Considering the nature of crime, the age of the victims i.e. young girls, position of the petitioner and his subsequent conduct, no case for bail is made out at this stage.

Dismissed.

However, nothing noticed hereinabove shall be construed as an expression of opinion on the merits of the case.

15.07.2020
Jyoti-II

(JITENDRA CHAUHAN)
JUDGE

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