

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

Criminal Misc. No.M-665 of 2021(O&M)

Date of Decision: January 08, 2021

Ashok Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.Amit Dudeja, Advocate
for the petitioner.

Ms.Mahima Chaudhary, DAG, Haryana.

HARINDER SINGH SIDHU, J.

The petitioner has filed this petition under Section 438 Cr.P.C for grant of pre-arrest bail in case FIR No.554 dated 26.10.2020 under Sections 370, 420, 465, 468, 471, 120-B, 34 of the Indian Penal Code and Sections 3, 4, 5, 7 of Immoral Traffic (Prevention) Act, 1956 and Section 14 of Foreigners Act, 1946, Police Station Sector-5, Panchkula.

The case of the prosecution is that a secret information was received by ACP Raj Kumar, when he was present on duty at Police Station Sector-5, Panchkula that in H.No.304, Sector-12, Panchkula, near Brilliance World School, one Ashok Chauhan (*petitioner herein*) resident of Saharanpur, now residing at Zirakpur having Mobile Number 78958-03339

indulging in immoral trafficking by bringing the girls from Foreign Countries to India. They are running brothel in H.No.304, Sector-12, Panchkula. After contacting the customers through driver Manmohan Singh @ Raju the girls from foreign countries and India are being supplied in various hotels. The income from the prostitution of these girls is being distributed between Ashok Chauhan, Aditya @ Sunny and Manmohan @ Raju. For this work they have employed other boys also. If raid is conducted then all these persons can be apprehended at the spot.

Believing the information to be the correct this information was forwarded to the Dy. Commissioner of Police, Panchkula. On his instructions various teams were constituted including female police officials. Head Constable Neeraj was sent as decoy customer and handed over Rs.4000/- in Indian Currency. He struck the deal. A girl was handed over to him for the purpose of prostitution. On his giving the pre-arranged signal on phone, the ACP along with other police officials raided the premises. Aditya Goel, Mammohan and some other persons including few girls from foreign countries were arrested from the premises.

Ld. counsel for the petitioner has argued that the petitioner was not present at the spot and no deal has been struck through him by the alleged bogus customer. He argued that the premises in question has been taken on rent by one Sanjay Garg. The petitioner is employed as driver with the said Sanjay Garg on a monthly salary of Rs.15,000/-. He was assigned the duty to drive the Baleno car bearing No.PB-65AR-7598 which is registered in the name of Neelam Garg w/o Sanjay Garg. Sanjay Garg has

Ld. Counsel for the State, on the other hand, contended that the name and mobile number of the petitioner was specifically disclosed in the secret information. His address was also mentioned. The mobile number mentioned in the FIR, has been got issued by the petitioner. His photograph is also there on the CAF (Customer Acquisition Form). The petitioner had also mentioned his alternative mobile number in the application form. As per record, the said alternate mobile number is also of the petitioner. Both the mobile numbers have been got issued in the name of Ashok Kumar s/o Bhopal Singh (petitioner). He further argued that Ashok Chauhan and Ashok Kumar are one and the same person i.e., the petitioner. He stated that outside the house of the petitioner located in Zirakpur there was the name of 'Chauhan Niwas'. When the house of the petitioner in Sharda Nagar, Saharanpur was raided, Sushma (his wife) who was present there disclosed that her husband Ashok Chauhan was residing at Zirakpur. He had deserted her and was living with another woman. Further all the victims as well as the accused have specifically named the petitioner. His mobile number is also mentioned in their statements.

From the above, it is clear that as per the Police investigation the mobile number given in the secret information was in the name of the petitioner. Co-accused Manmohan Singh who was arrested at the spot also disclosed that he was working as driver with Ashok Chauhan (petitioner). Another co-accused Shekhar disclosed that he was employed as a servant by the petitioner and Aditya Goel at the raided premises on a monthly salary of Rs.10,000/- per month. Further, co-accused Ganesh disclosed that he was also employed as Cook by the petitioner. The girls arrested from the

premises also stated that Ashok (petitioner) whose mobile number is 78958-03339 used to call them for the purpose of prostitution.

In view of the above, considering the nature of the allegations, no case is made out for grant of benefit of anticipatory bail to the petitioner.

Dismissed.

January 08, 2021

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**(HARINDER SINGH SIDHU)
JUDGE**

Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No