

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

101

CRM-M-31935-2021(O&M)

Date of Decision : August 10, 2021

RAJENDER KAUSHIK

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Ashit Malik, Advocate for the petitioner.

Through Video Conferencing

JASGURPREET SINGH PURI. J. (Oral)

The present petition is filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.224 dated 8.7.2021 under Sections 3, 4, 5 and 7 of Immoral Traffic (Prevention Act), 1956, Sections 370, 120B IPC, 1860, Section 14 of the Foreigners Act, 1946 and Sections 3 and 12 of the Passport Act, 1967, registered at Police Station, Murthal, District Sonapat.

As per the FIR, a secret information was received by Deputy Superintendent of Police, from the Chief Minister Flying Squad that at the Happy Dhaba, Raja Dhaba and Hotel Westine, Murthal G.T. Road, Murthal a business of prostitution was going on and if an immediate raid is conducted, then the ladies and the pimps involved in the prostitution can be apprehended. Thereafter, from the aforesaid secret information, the SDM, namely, Shashi Vasundra and the District Child Protection Officer, namely, Ritu, were appointed as Duty Magistrates after contacting the Deputy Commissioner, Sonapat. Thereafter, the Inspector/SHO Parmila Sharma, Women Police Station Sonapat, DI/Inspector Dilbagh Singh were made aware of the secret information

and requested to reach at Police Station Murthal. He along with the staff reached Police Station Murthal where SHO Arun Kumar met them. In the meantime, Shashi Vasundra SDM as Duty Magistrate, Women Child Development Officer/Inspector/SHO, Women Police Station, Sonapat and DI/Inspector Dilbagh Singh also came present in the police Station and they made aware of the secret information. Thereafter, three teams were constituted because the raid was to be conducted at three hotels which were adjacent to each other. Team No.1 conducted raid at Happy Dhaba. Team No.2 conducted raid at Raja Dhaba and Team No.3 conducted raid at Westine Hotel. At all the different three places, the decoy witnesses were made and currency was marked by the police officials which were recovered from the accused. In the FIR, the chronological events have been mentioned with respect to all the three hotels.

The petitioner is stated to be the husband of the owner of the two hotels, namely, Raja Dhaba and Westine Hotel. Team No.2 conducted raid at Raja Dhaba and the chronological events as mentioned in the FIR with regard to Raja Dhaba are reproduced as under :-

“Similarly, team No.2 conducted raid at Raja Dhaba and during the raid bogus customer ESI Ram Niwas 438 RTK CM Flying RTK in civil dress gave my initiated Rs.500/- currency note bearing No.8TE339160 as advance to the person sitting on Raja Dhaba and thereafter he made pre fixed signal to DI/INSP Dilbagh Singh, Police Line, Sonapat. Team of DI/INSP Dilbagh Singh under my supervision apprehended one person and three girls under

suspicious circumstances. I, Duty Magistrate Smt. Shashi Vasundhra, SDM and District Child Protection Officer asked the names and address of Women and men and they disclosed their names 1. Raj Kumar son of Bachna Ram son of Bhansa Ram, Village Bukhadi, Ladwa, District Kurukshetra, now resident of House No.B.7.74, Sec. 17, Rohini Near Govt. School, Rohini Delhi and 1. Joya Khan daughter of Gulphan son of Salim, resident of C-Block, Sec.16, Jahangirpuri, Delhi, 2. Moli Dass daughter of Raju Dass, Resident of House No.14/2, Street No.14, Solum Church, Wazirabad, Delhi, 3. Payal Thakur daughter of Shailesh, resident of Puna, Maharastra, now resident of House No. 142, Street No. 14, Solam Church, Wazirabad, Delhi. On search conducted by me from the pocket of Raj Kumar currency note of Rs.500/- bearing No.8TE339160 initiated by me was recovered, which was taken into police possession through a separate recovery as a piece of evidence. During the interrogation Raj Kumar disclosed that this hotel is being run by Rajender Kaushik son of Mool Chand, resident of Malikpur, Police Station Murthal, now resident of Sector 15, Sonapat for the purpose of prostitution and he look after the affairs as a manager. We brought the girls from Delhi etc. and do the business of prostitution. We charge Rs.1500/- to Rs.2000 from each customer, out of which half share was given to the girls.”

A perusal of the aforesaid FIR would show that when Raj Kumar who present at the spot from whose pocket the currency note of Rs.500/- bearing the signatures of the police officials was recovered disclosed that the hotels were being run by the present petitioner, namely,

Rajender Kaushik.

So far as the 3rd team is concerned, the same conducted its raid at Westine Hotel which according to the learned counsel for the petitioner is also owned by the wife of the petitioner. The chronological events qua the raid conducted at Westine Hotel are reproduced hereunder:-

“Similarly, team No.3 conducted raid at Westine Hotel, Murthal and during the raid bogus customer SI Satpal 321 RR, CM Flying RTK in civil dress gave my initiated Rs.500/- currency note as advance to the person sitting on Dhaba and thereafter he made pre fixed signal to INSP/SHO Parmila Women Police Station, Sonapat. Team of INSP/SHO Parmila under my supervision apprehended one person and five women under suspicious circumstances. I, Duty Magistrate Smt. Shashi Vasundra, SDM and District Child Protection Officer asked the names and address of Women and men and they disclosed their names as 1. Ankit son of Subhash son of Rameshwar, Village Malikpur, District Sonapat. 1. Harpreet daughter of Rajeev Kumar, resident of House No.191, N.D. Market, Pritampura, Delhi, 2. Sakshi daughter of Birender, resident of Part-2, Mukandpur, Street No.2, Delhi, 3. Marry daughter of Kammal Muslim, resident of Turkey, now resident of House No.932, Bhagwan Nagar Chowk, Lajpat Nagar, Delhi, 4. Nazakat daughter of Bakhtiyar Muslim, resident of Ujbekistan, now resident of Saket, Delhi, 5. Anna Jamal daughter of Mohammad Chainali, resident of Argabat Ujbekistan, now resident of Ashram Budh

Mandir, Delhi. On search conducted by me from the pocket of Ankit currency note of Rs.500/- bearing No.3FH788287 initiated by me was recovered, which was taken into police possession through a separate recovery as a piece of evidence. During the interrogation Ankit disclosed that he has taken this hotel on rent @ Rs.85,000/- from Raju son of Ved Parkash, resident of Malikpur, Police Station Murthal, Sonapat for the purpose of prostitution. He brought the girls from Delhi etc. and does the business of prostitution. He charges Rs. 2000/- to Rs.4000/- from each customer, out of which half share was to be given to the girls.”

The learned counsel for the petitioner has submitted that in the present case, the petitioner is a 67 years' old person and he had given the hotels on rent to Raj Kumar so far as Raja Dhaba is concerned and to Ankit so far as the hotel Westine is concerned. He referred to Annexure P-1 which according to learned counsel for the petitioner is a rent deed, which was executed between the wife of the petitioner and the aforesaid Ankit and has submitted that he did not know that the business of prostitution was being run at these two hotels and, therefore, has prayed for grant of anticipatory bail

On the other hand, Mr. Deepak Manchanda, learned Addl. Advocate General, Haryana has stated that he had received an advance copy of the present petition and he has also sought instructions from the concerned IO. He submitted that it is a case where large scale prostitution was being conducted at these three hotels including the two belonging to the wife of the petitioner and whether he had given these

hotels on rent to the other person is still to be ascertained. He further submitted that even as per the Annexure P-1, the rent deed is for a period of 10 years whereas it has not been registered and, therefore, it is not valid in the eyes of law. He further submitted that looking at the events which have occurred wherein Flying Squad had made raids on all the three hotels simultaneously and large number of girls were recovered from the spot who were not only Indian Residents but also some of them were Foreign Residents including Nepal and Ujbekistan and, therefore, it was an international racket going on in these two hotels. He also submitted that due process of law was followed by informing the SDM and the other officers and, thereafter, three different teams were constituted for making a raid and decoy witnesses were made for the purpose of conducting the raid. He further submitted that it is a case of high magnitude and very serious in nature and, therefore, custodial investigation of the petitioner is required. He submitted that admittedly the wife of the petitioner is the owner of the properties and there is no document or any other evidence to show that he had actually rented the properties to the persons who were caught on the spot apart from the rent deed which has been annexed as Annexure P-1 and this fact has to be ascertained with regard to the share of the petitioner, if any, in the business of prostitution. He submitted that in the facts and circumstances of the present case, the custodial investigation is imperative.

I have heard learned counsels for the parties.

No doubt the seriousness and magnitude of the case is so high that it becomes a relevant factor for consideration for grant of

anticipatory bail to the petitioner. A perusal of the FIR would show that prima facie due process of law was followed before making the raid simultaneously at three hotels. This Court does not wish to go into the merits of the case because the present case pertains only to the grant of anticipatory bail and this Court has to strike a balance between the liberty of an individual on the one hand and other factors i.e. the seriousness, magnitude of the case, larger public interest, possibility of the petitioner fleeing from justice or from influencing the witnesses etc.

A perusal of the FIR and the submissions made by learned counsel for the parties would disentitle the petitioner for grant of anticipatory bail especially in view of the gravity and magnitude of the case involved where three hotels were raided simultaneously out of which two hotels belonged to the wife of the petitioner and from all the hotels, a large number of girls and customers were recovered and out of which some of them are foreign nationals and, therefore, it is a fit case where custodial investigation would be required.

Therefore, the present petition is devoid of merit and consequently is hereby dismissed.

However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

August 10, 2021
ajay-1

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