

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

205

**CRM-M-26959-2022
Date of decision: 24.06.2022**

JAI KUMAR @ JAI KUWAR

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present : Ms. Malvika Singh, Advocate
for the petitioner.

Mr. Kanwar Sanjiv Kumar, Asstt. A.G. Haryana.

VINOD S. BHARDWAJ. J. (ORAL)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the petitioner in case FIR No. 68 dated 12.04.2022 (Annexure P-1) registered under Sections 3, 4, 5 and 6 of the Immoral Traffic (Prevention) Act, 1956 at Police Station Raipur Rani, District Panchkula.

2. Learned counsel for the petitioner *inter alia* contends that submits that as per the allegations levelled in the FIR that was registered on the basis of a secret information, the double storey house owned by the petitioner Jai Kumar@ Jai Kuwar situated at village Badauni Kalan on Mauli-Raipur Rani road who was being used for Immoral activities. The petitioner is alleged to be running prostitution business along with his partner Kala and that they used to bring girls on

Rs. 500/- to Rs.2,000/- per day and that they had also called 03 girls for indulging in immoral activities. A decoy customer is stated to have been sent and that the marked currency to the tune of Rs.500/- is alleged to have been recovered from the petitioner. 03 ladies were stated to be present at the said premises.

3. Learned counsel appearing on behalf of the petitioner submits that the case of the prosecution is not substantiated by the women that they had been subjected to any immoral trafficking by the petitioner. She further submits that the petitioner is in custody since 12.04.2022. A total of 04 persons were nominated as accused initially in the FIR and that the named partner of the petitioner Kala has been found innocent during the course of investigation. The other two persons have already been granted the concession of regular bail. She further contends that the petitioner does not suffers from any criminal antecedents and is no further required for the purposes of investigation in the matter.

4. Mr. Kanwar Sanjiv Kumar, Asstt. A.G. Haryana submits that the currency was duly recovered from the petitioner reflecting his involvement in running a trade of immoral trafficking in the premises. He however could not controvert the fact that there are no criminal antecedents of the petitioner and that the other co-accused have already been enlarged on bail. It is also not in dispute that the investigation of the case is complete and the petitioner does not suffer any criminal antecedents.

5. Controverting the submission advanced by the learned State counsel, the learned counsel appearing on behalf of the petitioner

recovery of Rs. 500/- note has been effected from the shop. The same would not *ipso facto* establish that the said money had been given towards any immoral trafficking and not for purchasing any product from the shop being run by the petitioner.

6. I have heard learned counsel appearing on behalf of the respective parties and have gone through the record with their assistance.

7. Taking into consideration the circumstances noticed above, the stage of the trial, the clean antecedents, the period of custody as also the concession of regular bail having been extended to the other co-accused, I deem it appropriate to enlarge the petitioner on bail to the satisfaction of the trial Court.

8. The instant petition is allowed and the petitioner is ordered to be released on bail on his furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

9. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

10. The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

The petition is allowed.

(VINOD S. BHARDWAJ)
JUDGE

JUNE 24, 2022
vishal sharma

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*