

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

**CRM-M No.32563 of 2022
Date of Decision: 24.08.2022**

Subhash Duhan

.....Petitioner

Versus

State of Haryana

.....Respondent

BEFORE: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Vivek Singla, Advocate
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana

MEENAKSHI I. MEHTA, J.(Oral)

Apprehending his arrest in the criminal case arisen out of the FIR bearing No.128 dated 14.07.2022 registered at Police Station Women, Jind, under Sections 3, 4, 5 and 7 of the Immoral Trafficking Act, the petitioner has preferred this petition to seek the relief of pre-arrest bail.

2. Bereft of unnecessary details, the allegations, as levelled in the subject FIR, are that on the receipt of a secret information to the effect that some immoral activities were going on in the *Dhabha* (eatery-joint) named and styled as "Lakshdeep Dhaba", SI Geeta prepared a raiding party, including a decoy customer and she instructed him (decoy customer) to strike a deal with the owner of the said *Dhaba* and then, to give the signal to the police party. Thereafter, they proceeded towards the spot and on the receipt of the agreed signal from the decoy customer, the raiding party

entered into the said *Dhaba* and apprehended one young person sitting at the counter who disclosed his name as Gurmeet Singh and during the search of the place, one girl and two boys were found present in a room in an objectionable condition but however, both the boys managed to flee away from there and on being enquired, the girl disclosed her name as Shivani and the petitioner is the owner of the said *Dhaba*.

3. Status-report submitted on behalf of the respondent-State, by way of the affidavit of the Deputy Superintendent of Police, Jind (HQ), is already available on the file and the same is taken on the record.

4. I have heard learned counsel for the petitioner as well as learned State counsel in the present petition and have also perused the file carefully.

5. Learned counsel for the petitioner contends that the petitioner was not even present at the spot at the time of the alleged occurrence and moreover, he had already let out his above-said *Dhaba* to his co-accused Gurmeet vide the rent deed Annexure P-2 and he has, thus, been falsely implicated in this case and in these circumstances, he deserves the relief as prayed for in the instant petition.

6. Per contra, learned State counsel argues that the petitioner is the owner of the said *Dhaba* and the afore-said criminal/immoral activities were being carried out there at his instance and thus, he was the master mind behind the same and it being so, this petition be dismissed.

7. Though the petitioner claims that he was not present at the spot and that he had let out his *Dhaba* to his afore-named co-accused vide

the rent deed Annexure P-2, much prior to the alleged commission of the offence but however, the genuineness and veracity of the said rent-deed can and shall be looked into and adjudicated upon by the trial Court at the appropriate stage after appreciating and evaluating the evidence as would be led on the record during the course of the trial and at the moment, the fact remains that concededly, he (petitioner) is the owner of the said *Dhaba* and in para No.4 of the status-report, it has categorically been deposed that accused Gurmeet had suffered a disclosure statement to the effect that he had been working in the said *Dhaba* for the last six months and had been running the sex racket there at the instance of the owner, i.e the present petitioner, only.

9. Keeping in view the above-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he does not deserve the relief of pre-arrest bail. Resultantly, the petition in hand stands dismissed accordingly.

August 24, 2022

pooja

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned:

Yes

Whether Reportable:

No