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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-59846-2023
Date of Decision: 29.11.2023

Vijay Pal Petitioner
Versus

State of Haryana Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Sandeep Goyat, Advocate,
for the petitioner.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No.613, dated 28.07.2023 under Sections 3(2)(a), 3(2)(b), 4, & 5 of the Immoral Traffic (Prevention) Act, 1956 and Section 34 IPC, registered at Police Station Hisar City, District Hisar.

2. The present FIR was lodged on the basis of a secret information that in a hotel, namely, Artistic Hotel and a party Hall which is run by the present petitioner, namely, Vijay and his partner, namely, Vishnu and one another person, namely, Gurmeet and they are doing the business of prostitution by procuring the girls from outside and they can be arrested in case a raid is conducted. Thereafter, a police team was constituted consisting of a number of policemen and they were made aware of the aforesaid secret information. When the police party reached the aforesaid place, then a police officer dressed up in civil clothes, was made a decoy customer for

conducting the search and two notes of Rs.500 each bearing No.6TV270846 and 6TV270847 and after putting initial signatures were handed over to him totalling Rs.1000/- through memo by giving indication by way of a missed call from his mobile and making him a decoy customer, then he was made aware that after talking with the Manager, namely, Gurmeet, who was sitting on the counter and the aforesaid Manager received the aforesaid money for arranging the girl and produced the girl and he was directed to give the stated indication and then he was told to move towards the Hotel Artistic. After some time the decoy customer gave the stated indication to the police party then the police party reached the hotel then a boy after seeing the police party ran away from the Hotel and after visiting the Hotel, the bogus customer was found standing with a woman in the cabin of the Hotel and then another woman was found sitting in another cabin. Thereafter, the Manager sitting on the counter was caught and asked about his name and address to which he told his name is Gurmeet son of Kulwant and also told the name of a person, who ran away is Vishnu son of Mahavir and when the counter was checked then Rs.1200/- were recovered including the aforesaid two currency notes of Rs.500/- each bearing the same number as aforesaid. A separate recovery memo was prepared and sealed with SS/3 for the purpose of evidence and the same was taken into police custody to memo and remaining amount of Rs.200/- was also taken into police custody by preparing a separate recovery memo. Thereafter, the seal after being used was handed over to ASI. The present petitioner, namely, Vijay is the operator of the aforesaid hotel in which allegedly the aforesaid immoral trafficking was conducted.

3. Learned counsel for the petitioner has argued that the petitioner is innocent and he was not even present on the spot and he was not instrumental in conducting of any such kind of immoral business. He, however, submitted that the aforesaid hotel was on lease with the petitioner and he was the lessor. He further submitted that the petitioner has been falsely implicated in the present case since there was no active role of the present petitioner in the running of the hotel which was run by the Manager, and therefore, he may be considered for grant of anticipatory bail.

4. Mr. Vishal Kashyap, learned DAG, Haryana has stated that he has already received an advance copy of the present petition and he has also sought instructions in this regard. He submitted that the petitioner is the main accused in the present case wherein he was running a hotel and the mere fact that he was not arrested on the spot would not mean that he is not involved in the present case. He further submitted that the petitioner was earlier also involved in a similar offence and against him an FIR bearing No.167 dated 21.03.2023 registered under Sections 3(2)(a), 3(2)(b), 4 & 5 of Immoral Traffic (Prevention) Act, 1956 and Section 34 of Indian Penal Code, 1860 at Police Station Hisar City was also lodged and he again repeated the same offence. He also submitted that it is a case of women trafficking/prostitution and therefore, the petitioner does not deserve the concession of anticipatory bail. He further submitted that it is a fit case where for the purpose of elicitation of truth and for qualitative investigation especially with regard to the source of procurement of girls, his custodial interrogation is required. The learned State Counsel also referred to the judgment passed by the Hon'ble Supreme Court in “*State represented by the*

C.B.I. Vs. Anil Sharma’, (1997) 7 SCC 187 in this regard.

5. I have heard the learned counsels for the parties.
6. The allegations against the petitioner are that he was running a hotel and the police party on the basis of a secret information raided the hotel and a decoy customer was also made and there had been a recovery of currency notes which were handed over to the decoy witness. The petitioner is stated to be involved in one more case of similar nature as aforesaid. The learned counsel for the petitioner has also stated that the hotel was on lease with the present petitioner. Therefore, this Court is of the view that considering the gravity and magnitude of the offence and also morality involved and the arguments raised by learned State Counsel that for qualitative investigation especially for the purpose of ascertaining the source from where the girls were brought, his custodial investigation is required carries weight and cannot be ignored and this Court is also of the view that it is a fit case where the custodial interrogation of the petitioner is required.
7. Consequently, finding no merit in the present petition, the same is hereby dismissed.
8. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

29.11.2023

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |