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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M No.46636 of 2023
Date of Decision:-22.02.2024

ANOOP SINGH

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Arvind Kumar Yadav, Advocate,
for the petitioner.
Mr. Vishal Malik, DAG, Haryana.

SANJIV BERRY, J (ORAL)

By way of the present petition filed under Section 438 Cr.P.C
the petitioner is praying for anticipatory bail in the event of arrest in FIR
detailed as under (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
254	08.08.2023	3,4,5,6,7 of Immoral Traffic Act.	City Rewari, District Rewari

2. Brief facts of the case are that the present FIR was got registered at the instance of complainant-Sanjiv Kumar, who is working in Haryana Police stating that a secret information received regarding illegal prostitution has been going on in the Spa namely Gentle Touch and their owners Anoop Kumar and Anil Kumar are involved in this illegal activity. A team was formed and a decoy was sent with 2 currency notes of ₹500/- and when raid was conducted the currency notes were recovered from the

possession of the girl who was sitting on the reception and another girl was found with decoy customer, on interrogation both the girls disclosed that they are from poor families and are working on the instructions of the spa owners. Hence FIR was registered.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner is innocent and has been falsely implicated in this case. He contends that the petitioner is not owner of the alleged spa center. He further contends that petitioner was earlier running the business of spa center in the name and style The Gentle Touch Spa Men and Women which was carried with due permission and license issued by the government and the petitioner had closed the business of spa center much prior to the registration of the FIR. He contends that the petitioner is neither the owner of the alleged spa center nor he is running any business in the said premises and someone else has been running the business of spa center. He contends that the petitioner is ready to join the investigation, as such he prays for grant of concession of anticipatory bail to the petitioner.

4. On the other hand, learned State counsel has assailed these arguments by referring to the reply dated 04.11.2023 and 07.12.2023 and argued that the petitioner was running the aforementioned spa center without any license or permit and on the pretext of running such business, he infact was carrying out immoral activity in the premises by supplying girls to the customers. He contends that even on getting the information, a decoy was sent along with marked currency notes for that purpose and on getting signal the raid was conducted and one girl was found with decoy customer while the other girl was found in possession of the marked currency notes. He

submits that even the girls recovered from the said spa center have specifically named the petitioner to be running the sex racket on the pretext of spa center. He submits that even the petitioner was not having any valid license for running the spa center.

5. After considering the rival contentions and perusing the record, it is observed that although initially the version putforth by the petitioner was that the petitioner was running spa center after taking valid license but in view of the documents produced by the State, has admitted that the license was issued only provisionally for some time, although the petitioner denied his involvement in the crime but the witnesses including the two girls and one boy apprehended from the said spa center run by the petitioner have categorically stated that the petitioner was infact running the sex racket under the garb of spa center. Taking into consideration the facts and circumstances of the case, the custodial interrogation of the petitioner is required, accordingly, he is not found fit for grant of concession of anticipatory bail.

6. In view of above discussion, considering the serious nature and gravity of offence, it is observed that no case is made out in favour of the petitioner for grant of anticipatory bail, as a consequent, the petition is hereby dismissed.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)

JUDGE

22.02.2024

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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No