

**CRM-M-47576-2024 (O&M)****1****204 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CRM-M-47576-2024 (O&M)****Date of decision: 29.10.2024****ANAND KUMAR GOYAL****...PETITIONER****V/S****STATE OF HARYANA****...RESPONDENT****CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR****Present:** Mr. Anoop Verma, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

**********HARPREET SINGH BRAR J. (ORAL)**

1. The petitioner is seeking grant of regular bail in case bearing FIR No. 315 dated 08.07.2023 registered under Sections 3 and 4 of Immoral Traffic (Prevention) Act 1956 at Police Station Bhiwani City, District Bhiwani.
2. Learned State counsel, at the outset, submits that at the time of presentation of final report under Section 173 Cr.P.C., offence under Section 201 of Indian Penal Code has also been added in the FIR and the said Section has not been mentioned in the headnote and prayer clause of the petition.
3. Faced with the above, learned counsel for the petitioner submits that petitioner was not aware about addition of offence under Section 201 of Indian Penal Code and prays for addition of the said Section in the headnote and prayer clause of the petition.
4. Prayer is allowed. Registry is directed to add the offence under Section 201 of Indian Penal Code in the headnote and prayer clause of petition and carry out necessary correction accordingly.



5. FIR(supra) was registered on the basis of secret information to the effect that in Paris Guest House situated Opposite General Hospital, Bhiwani being run by Jitender and are doing business of prostitution and in case immediate raid is conducted, the girls brought for prostitution can be caught red handed along with customers. On this information, a raid was conducted by the police at Paris Guest House. At the time of raid, one person fled away from the spot along with register and three boys and one girl were apprehended at the reception. On interrogation, one boy told his name as Sonu alias Sandeep and on search, three currency notes of Rs.500/- denomination were recovered from the right pocket of his lower, out of which, one note was that which was given to bogus customer. Second boy told his name as Dinesh and on search, Rs.300/- were recovered from the pocket of his shirt. Besides these two boys, one boy and one girl were found sitting on other side of reception in an objectionable position. On enquiry, the boy told his name as Ravi and on search, Rs.1200/- were recovered from his left pocket of pant. The girl told her name as Geeta and on search, Rs.600/- were recovered. One women was apprehended from Room No.105, who told her name as Habiran Khatun and on search, Rs.1000/- including one currency note of Rs.500/- denomination bearing No. 1CB962070 which was handed over to bogus customer, were recovered from her. The recovered currency notes were taken into police possession vide separate recovery memos. On interrogation, the aforesaid two girls, namely, Habiran Khatun and Geeta Darje told that the managers of Paris Guest House namely Jitender alias Dholia and Anand (petitioner herein), Baba, Santy Jangra and Gabbu get the prostitution work done from them at various hotels. They further told that on that day, they were called by Jitender alias



Dholia and Anand for prostitution work and the person who had fled away along with the register was Anand Baniya (petitioner herein).

6. Learned counsel for the petitioner *inter alia* contends that the offences under which the FIR(supra) has been registered, are triable by Magistrate and the maximum sentence prescribed under the said offences is upto 03 years and petitioner is behind the bars since 29.08.2024 and similarly situated co-accused has been granted the concession of bail by the trial Court and further the case set up by the prosecution indicates that petitioner was not arrested at the spot and now the investigation of the case is complete and final report under Section 173 Cr.P.C. has been submitted before the jurisdictional Court and petitioner is not involved in any other case.

7. Per contra, learned State counsel filed the custody certificate, which is taken on record and opposes the prayer made by learned counsel for the petitioner on the ground that the petitioner ran away with the ledger of the Hotel containing details of their customers and petitioner is the main accused.

8. Having heard the learned counsel for the parties and after perusing the record, it transpires that petitioner is behind the bars since 29.08.2024. Trial in the case is yet to commence as charges have not been framed by the trial Court and the petitioner is not involved in any other case. No useful purpose would be served by keeping the petitioner in further incarceration. Culpability, if any, would be determined at the time of the trial.

9. In view of the above, the present petition is allowed and the petitioner-Anand Kumar Goyal is ordered to be released on regular bail, subject to his furnishing bail bonds/surety bonds to the satisfaction of CJM/Duty Magistrate concerned.

10. Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

October 29, 2024

Ajay Goswami

(HARPREET SINGH BRAR)

JUDGE

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