



CRM-M-48515 of 2024 (O&M) 1

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

222 CRM-M-48515 of 2024 (O&M)  
DATE OF DECISION :- 07.11.2024

Sombir ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Ravi Malik, Advocate for the petitioner.  
Ms. Priyanka Sadar, AAG, Haryana.

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SUMEET GOEL, J. (Oral)

CRM-43628 of 2024

The application is allowed as prayed for. The documents are taken on record.

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1. Present petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.322 dated 18.07.2024, registered for the offences punishable under Sections 3(2) (a), 3(2)(b), 4, 5, 6, 7 of Immoral Traffic (Prevention) Act, 1956 at Police Station Bhiwani City, Bhiwani.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

*"Dispatch Manager Officer Police Station City Bhiwani. Today I in Vehicle no HR16GV1920 Driver EASI Ramniwas 599 and staff ASI Satyavan 229, HC Deepak 921, HC Sukhbir 526 were present at Hansi Gate Bhiwani for official work when a*



*particular person told the Deputy Superintendent of Police that Surya Hotel, Paris Guest House and Galaxy Guest House near Civil Hospital Bhiwani, there are women and girls from outside, including minor girls, who belong to poor families, whose helplessness is being taken advantage of and they are being forced into prostitution. Civil Hospital Bhiwani and Government Girls School are situated around these hotels, Due to which, the environment of the society is deteriorating. All the above mentioned guest house and hotel operators work together and get girls together and show their photos to the customers on each other's WhatsApp number and then take money from the customers and send the girl of their choice for prostitution. They get people into prostitution by giving them space in the above mentioned guest houses and hotels. The owners, operators and working staff of hotels and guest houses are involved in this prostitution trade and share the income of prostitution among themselves. On this information, the District Superintendent of Police office was contacted and informed about providing additional forces from Mahila Police Station Bhiwani and CIA First and Second Bhiwani. After secretly investigating around the above information received from a particular person, the information appeared to be reliable, on which a report was sent through Badast HC Deepak 921 to Bhiwani police station to get the report lodged. After registering the rapat, Copy be should be handed over to HC Deepak 921. At the same time, force ASI Ramesh 623, ASI Sunil 914, L/ASI Urmila 134, LEASI Neelam 895, LHC Kanta 1015, HC Naveen 414, EHC Jaibir 924 driver vehicle no. HR09GV-2009 in which EHC Jaybir was appointed to give two notes of Rs 500/500 to a fake customer with numbers 8KV731032, 9PG832511, LHC Kanta was appointed for videography with mobile camera as per BNSS and from the Second team, ESI Ashok 625, ASI Balbir 21., LASI Babita 108, LEHC Mukesh 514, HC Narendra 1823, Constable Rakesh*



1004, HC Krishna 978, EHC Satish Driver Vehicle No. HR16GV-5282, Fake customer HC Narendra was given two notes of Rs 500/500 with numbers INC970144, 4DF041559 and LHC Mukesh, was appointed for recording with mobile camera for videography as per BNSS. The third team of AS! Anil 1078, LASI Raman 430, EHC Priyanka 298, HC Sumer 997, EHC Amar 873, Constable Padam 901, EHC Rajesh 464, Constable Amit 289, EHC Rajpal 767 Driver Vehicle No. HR16GV-2001 was formed in which fake customer EHC Amar 873 was given two note numbers of Rs 500/500 and EHC Priyanka 298, as per BNSS was appointed for recording with mobile camera for videography. Team no. 1 Surya Hotel and Team No. 2 Galaxy Hotel & Team No. 3. For the raid in front of Paris Guest House Government Hospital, Bhiwani, the fake customers were instructed that as soon as the hotel operator for prostitution receives the numbered notes given by me, then they should inform their team in-charge to conduct the raid by giving a missed call and The team in-charge was instructed to include independent witnesses in the raid at their own level. The Deputy Superintendent of Police along with the other personnel were deployed around the raid to monitor the raid. After some time, team no. 3's in-charge ESI Asok Kumar 625 informed me that the raid was successful. After receiving the information, I reached Paris Guest House. Where in-charge Ashok HC explained the situation to me and gave me an envelope containing two 500/500 rupee notes totaling 1000 rupees on which four stamps were written GH, one palanda of Rs 5550 on which one stamp was GH and one palanda condom with one stamp GH on it vide Fard Maqbujagi which is also signed by an independent witness. And accused Sombir son of Umed Singh resident of Shiv Colony Bhiwani, Jyoti allas Tabsum wife of Pawan resident of Rakhi Garhi district Hisar and victim woman Halima Khatun daughter of Suraj Ali resident of Niskaar Bitiya Police Station Dhola District Aukam



*(Assam) were presented. Case Property and documents were taken to the Tehbil and the accused and the victim girl were kept under the surveillance of the team personnels and incharge of team no. 2 ASI Anil 1078 informed me that the raid has been successful. On this information, I reached the nearby Galaxy Hotel, where ASI Anil gave me two separate pulunda Nirodh, which have the seal of PS and one Palanda numbered note of Rs 500/500, two notes totaling Rs 1000 on which one stamp is PS and one Palanda mobile phone on which one stamp is PS, five Fards on which there are signatures of are independent witnesses and accused Gaurharidas son of Badaldas resident of Abehara Nagar Sahib Nagar Abhay Nagar District Nadia West Bengal and two victimized women Manju wife of Vijay at present residing at Kot Road Street No. 3 Bhiwani and Neha wife of Akint, resident of Ramnagar, Sonipat were produced. Documents and case property was kept in Tehbil and the accused and the victim women were kept under the supervision of the team personnel for further action. And team no. 1 Incharge ASI Ramesh informed that EHC Jaybir, a fake customer at Surya Hotel, told that the people sitting at the counter had fled through the terrace after realizing the police raid on nearby hotels. But two women were found inside the hotel who gave their name as Nirmala Devi wife of Ramswarup resident of plot no. 241 street no. 4 Guru Nanak Nagar Tilak Nagar West Delhi and Deepti daughter of Veerpal resident of Rajnagar IInd South West Palam Delhi who told orally during inquiry that from them Jai Bhagwan resident of Bhiwani Mo 7240400505 Takes advantage of their helplessness and forces them into prostitution. On which the Rs 500/500 two number notes given earlier to the fake customer were taken back from ASI Ramesh and the above two victimized women, Nirmala Devi and Deepti, were kept under the supervision of the team personnel. Which the above accused has committed the crime under section 3(2) A and B, 4,5,6,7 of Immoral Prostitution*



*(Prevention) Act 1956. Therefore, this written report is being sent to the police station through HC Sukhbir 526 for filing charges. The case should be registered and informed with the case number. A special report of the indictment should be sent to the area magistrate and higher officials and another competent officer should be sent on spot for further investigation. I am waiting for the accused along with my staff. Today in front of Government Hospital Bhiwani Shri Ramesh Kumar HPS Bhiwani Deputy Superintendent of Police (M) Bhiwani Dated. 18.07.2024 Time 7.00 PM today Police Station Hasab Aamad Tahrir Badst HC Sukhbir 526 Case No. 322 received from the police station Dated 18.07.2024 u/s 3 (2) A and B, 4,5,6,7 Immoral Prostitution (Prevention) Act 1956 Police Station City Bhiwani registered."*

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 18.07.2024. Learned counsel has submitted that the petitioner has been falsely implicated into the FIR in question. In order to buttress his arguments, learned counsel for the petitioner has laid emphasis on complaint dated 12.07.2024 (copy whereof has been appended as Annexure P-5 with CRM-43628 of 2024) to argue that the FIR in question came to be registered on 18.07.2024 whereas the petitioner had earlier made a complaint (Annexure P-5) on 12.07.2024 regarding prostitution activities going on in the guest house/hotel.

In this view of the matter, learned counsel has prayed for grant of regular bail.

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks



to place on record custody certificate dated 06.11.2024 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 18.07.2024 whereinafter investigation was carried out and challan stands presented on 15.10.2024. Total 40 prosecution witnesses have been cited and none has been examined till date as charges are yet to be framed. Therefore, indubitably, the conclusion of trial will take its own time. The rival contention of learned counsel for the parties; as to whether the petitioner has been falsely implicated into the FIR in question & the weightage/veracity required to be attached to the complaint dated 12.07.2024 (copy whereof has been appended as Annexure P-5 with with CRM-43628 of 2024); shall be gone into during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence. As per custody certificate dated 06.11.2024 filed by learned State counsel, the petitioner has already suffered incarceration for a period of anout 03 months and 18 days. As per the said custody certificate, the petitioner is said to be involved in other FIR(s) also. Indubitably, the antecedents of a person are required to be accounted for while considering a regular bail petition preferred by him. However, this factum cannot be a ground sufficient by itself, to decline the concession of regular bail to the petitioner in the FIR in question when a case is made out for grant of regular bail *qua* the FIR in question by ratiocinating upon the facts/circumstances of



the said FIR. Reliance in this regard can be placed upon the judgment of the Hon'ble Supreme Court in *Maulana Mohd. Amir Rashadi vs. State of U.P. and another, 2012(1) R.C.R. (Criminal) 586*; a Division Bench judgment of the Hon'ble Calcutta High Court in case of *Sridhar Das vs. State, 1998(2) R.C.R. (Criminal) 477* & judgments of this Court in *CRM-M-38822-2021* titled as *Akhilesh Singh vs. State of Haryana*, decided on 29.11.2021 and *Balraj vs. State of Haryana, 1998(3) R.C.R. (Criminal) 191*.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.



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8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

**(SUMEET GOEL)**  
**JUDGE**

**07.11.2024**  
*P.Singh*

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |