



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.58693 of 2024
Date of decision : 28.11.2024

Harish Arora @ Harish KumarPetitioner
Versus
State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Ravi Dutt Sharma, Advocate, for the petitioner
Ms. Ankita Ahuja, AAG Haryana

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') (written as 483 of Cr.P.C.) for grant of regular bail to the petitioner in case FIR No.98 dated 29.8.2024, under Sections 3, 4, 5, 6 and 7 of Immoral Traffic (Prevention) Act, 1956 and Section 143 (1)(a) read with Section 143 (3) of the Bharatiya Nyaya Sanhita, 2023, registered at Police Station Mansa Devi Complex, Panchkula.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Sir. Facts of the case are that To the DCP, Panchkula, Subject:- Application for taking legal action against Harish Arora and others for running prostitution under the garb of spa-center at SCO No.91, Sector-5, Mansa Devi. Sir, It is submitted that | Ricky Dharmani s/o late Lt. Colonel Pardeep Kumar Dharmani is the resident of House No.779, Sector-12,



Panchkula and I am running one Contact Wealth Company (ARN/248239) for investment of public money in mutual funds and stock market. I am owner of the said company. In the year 2006 my father purchased SCO 91 sector-5, Mansa Devi in joint name with me, but after the death of my father on 31.12.2019 now aforesaid property is registered under the ownership of my mother and my name. This property is commercial one so in the year 2017 my father let out the same for running the saloon to Harish Kumar Arora s/o Shri Hari Kishan resident of H. No. 176, Phase-III-A, sector 53, SAS Nagar Mohali and on expiry of the rent agreement in the year 2020 I and my mother entered into a new rent agreement vide which the tenant had taken the property on rent for running the saloon but now neighboring people told me that the tenant in connivance with some ladies is running prostitution business in this property under the garb of saloon and due to that the atmosphere has been spoiled and our property is earning bad name. Upon that my mother raised the objection and told the tenant to vacate the property but the tenant refused to vacate it and further stopped making payment of the rent. Consequently, my mother has filed Civil Suit in Panchkula Court whereas the neighboring people told us that aforesaid person in connivance is still running prostitution business. In this manner, prostitution has been running under the garb of splash spa center contrary to the terms of the rent agreement and due to that social image of our family has been damaging and our property is earning bad name. Aforesaid Harish Kumar is running prostitution business in connivance of 8/9 ladies on our property which is 70% ground floor and 100% basement and this business on its peak during day time. I have sufficient proof in this regard which I shall produce at a later stage. Rs. 1000/- are being deposited from the customers on the counter and Rs.500/- to Rs 3000/- are being charged in spa cabin/room for prostitution. It is therefore, requested that raid may be conducted on my aforesaid property by sending decoy customer and legal action may be taken against aforesaid Harish Kumar and other ladies and gents. Thanking you. 29.08.2024 Applicant Sd/-Ricky Dharmani s/o Lt. Col. PK Dharmani r/o 779/12, 7508237011, Sd/-Ricky.'

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 29.8.2024. Learned counsel has further iterated that the petitioner has been falsely implicated into the FIR in question as he



has a property/civil dispute with the complainant. In order to buttress his arguments, learned counsel for the petitioner has referred, *in extenso*, to the ejectment petition filed by the complainant as also a complaint under Section 138 of Negotiable Instruments Act, 1882. Learned counsel for the petitioner has further submitted that 17 prosecution witnesses have been cited and the trial is yet to begin. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by 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 26.11.2024 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 29.8.2024 whereinafter investigation was carried out and challan was presented on 26.11.2024. Total 17 prosecution witnesses have been cited and the charges in the case are yet to be framed, therefore, indubitably, culmination 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 on account of property/civil dispute; 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 26.11.2024 filed by learned State counsel, the petitioner has already suffered incarceration for a period of two months and twenty seven days & is not shown to be involved in any other case.

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/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed

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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.

(SUMEET GOEL)
JUDGE

28.11.2024
Ashwani

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No