HIGH COURT OF UTTARAKHAND AT NAINITAL

Anticipatory Bail Application No.451 of 2024

Harminder Singh ...Applicant

Versus

State of Uttarakhand ...Respondent

Present:-

Mr. Harshpal Sekhon, Advocate for the applicant.
Mr. S.C. Dumka, A.G.A. for the State.

Hon'ble Ravindra Maithani, J. (Oral)

Applicant seeks anticipatory bail in Criminal Case No. 2272 of 2023, State Vs. Sonu Gayan and other, under Section 3, 4, 5, 6, 8 of the Immoral Traffic (Prevention) Act, 1956, in the court of Additional Chief Judicial Magistrate/3rd Additional Civil Judge, First Class, Rudrapur, District Uhdam Singh Nagar which is related to FIR No. 135 of 2021, Police Station Pantnagar, District Udham Singh Nagar.

2. Heard learned counsel for the parties and perused the record.

3. According to the prosecution, the applicant was running a brothel under the name of Spa.

4. Learned counsel for the applicant would submit that the applicant was not running the brothel. He was not running the Spa either. He had taken the property once on

lease, but after expiry of it, he has quit his business as Spa Centre. It was being run by some other person Anirudh Pant and it is Anirudh Pant who has got verification of his employees done through police and those employees were intercepted by the police when the raid was conducted. It is argued that the applicant never run away from the court. He received the summons in whatsapp from unknown number. He came to this Court seeking anticipatory bail and thereafter, bailable and non bailable warrants have been issued against him. Learned counsel would submit that issuance of non-bailable warrants *per se* does not bar entertaining anticipatory bail application by this Court.

5. Learned State counsel would submit that the applicant was running the brothel. He would submit that bailable and non bailable warrants have already been issued against the applicant.

6. Undoubtedly, issuance of non bailable warrants *per se* does not restrict the court's jurisdiction to entertain the anticipatory bail application, but it is not a general rule that even after issuance of non bailable warrants, anticipatory bail should be granted.

7. In the case of Srikant Upadhayay and others Vs. State of Bihar and another 2024 SCC OnLine SC 282, the Hon'ble Supreme Court observed that **"at any rate, when**

warrant of arrest or proclamation is issued, the applicant is not entitled to invoke the extraordinary power. Certainly, this will not deprive the power of the Court to grant pre-arrest bail in extreme, exceptional cases in the interest of justice."

8. In the instant case, after submission of the charge sheet, summons were sent to the applicant by the police. The applicant did not appear. Thereafter, bailable warrants were issued. The report reveals that the applicant was not found in his resident and telephonically he was informed about the issuance of bailable warrants against him. Thereafter, non bailable warrants were issued against the applicant. This conduct of the applicant disentitles him the anticipatory bail.

9. Having considered, this Court is of the view that there is no reason to grant anticipatory bail to the applicant. Accordingly, the anticipatory bail application deserves to be rejected.

10. The anticipatory bail application is rejected.

(Ravindra Maithani, J.)
13.12.2024

Jitendra