

CRM-M-4272 of 2025

2025:PHHC:011000



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-4272 of 2025
Date of decision: 24.01.2025

Arun

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. Shalender Mohan, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, AAG, Haryana.

NAMIT KUMAR, J.

1. This petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in case FIR No.317 dated 09.11.2024 registered under Sections 3(2)a, 3(2)b, 4, 5 of the Immoral Traffic (Prevention) Act, 1956 and Sections 61, 3(5) of the Bharatiya Nyaya Sanhita, 2023 at Police Station Urban Estate, Hisar.

2. Brief facts of the prosecution case are that on 09.11.2024 Harinder Kumar, Deputy Superintendent of Police (Headquarter), Hisar received a secret information to the effect that owner and manager of 03 DAY SPA Center, near Jindal Chowk, Hisar in connivance with each other are indulging in the prostitution business in the said SPA Center. On the basis of said information, a raiding party was constituted and ESI Satbir Singh and Constable Kapil were prepared as bogus



customers and sent in the said SPA Center alongwith six currency notes of the denomination of Rs.500/- each. After some time, agreed signal was received from the bogus customers ESI Satbir Singh and Constable Kapil, upon which police party entered in the said SPA Center and found bogus customer Constable Kapil standing in a room with a girl. The second bogus customer ESI Satbir Singh was found standing on the second floor of SPA Center alongwith three girls. Co-accused Sahil on getting opportunity, fled away from the spot. On search, total thirteen girls were found in the SPA Center. On checking of the drawer of counter table, total Rs.2000/- including two currency notes of the denomination of Rs.500/- each, which were given to bogus customers by DSP Harinder Kumar, were recovered and all the recovered currency notes were taken into police possession. Subsequently, FIR under Sections 3(2)a, 3(2)b, 4, 5 of the Immoral Traffic (Prevention) Act, 1956 and section 61, 3(5) of BNS Act was registered.

3. Learned counsel for the petitioner has contended that the petitioner is innocent and has been falsely implicated in the present case as he is not the owner of 03 DAY SPA and the petitioner has taken the abovesaid premises on lease from landlord, namely, Bharat Lal Soni. He further contended that neither petitioner was present at the spot at the time of alleged raid nor he has any knowledge about the alleged offence. He further contended that co-accused of the petitioner Sahil, Manager of the SPA Centre has already been released on regular



bail. He further contended that nothing incriminating is to be recovered from the petitioner and he is ready to join the investigation.

4. Per contra, learned State counsel has opposed the prayer for grant of anticipatory bail to the petitioner being a habitual offender as two more FIRs under the Immoral Traffic (Prevention) Act, 1956 are pending against him. She further contended that petitioner along with co-accused Sahil was running a brothel in the SPA Centre. She further submitted that the custodial interrogation of the petitioner is necessary, therefore, he does not deserve the concession of anticipatory bail.

5. I have heard learned counsel for the parties and perused the record.

6. As per law laid down by the Hon'ble Supreme Court in ***State of Madhya Pradesh v. Pradeep Sharma (2014) 2 Supreme Court Cases 171***, power exercisable under Section 438 Cr.P.C. (now Section 482 of the Bharatiya Nagrik Suraksha Sanhita, 2023) is somewhat extraordinary in character and it is to be exercised only in exceptional cases where it appears that the person may be falsely implicated or where there are reasonable grounds for holding that a person accused of an offence is not likely to otherwise misuse his/her liberty.

7. There are specific and serious allegations against the petitioner that he along with Managar Sahil was running a brothel in 03 DAY SPA Centre, Hisar. During the raid, thirteen girls were recovered from the SPA Centre. As per own admission of the petitioner, he has taken the premises on lease. Co-accused Sahil in his disclosure



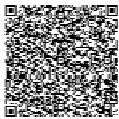
statement has stated that he and petitioner brought the girls in their SPA Centre and indulged them in the prostitution. The allegations against the petitioner are serious in nature. Custodial interrogation of the petitioner may provide information leading to discovery of material facts. Curtailing of their freedom is necessary in order to enable the investigation to proceed without hindrance and to protect witnesses.

8. Reliance can be placed upon the Hon'ble Supreme Court dictum passed in ***Prem Shankar Prasad v. The State of Bihar and another, 2021(4) RCR (CrL) 598*** and ***Anil Kumar Singh v. High Court of Judicature at Patna through its Registrar General and another, (2020)19 Supreme Court Cases 364*** whereby the Hon'ble Apex Court had denied the concession of anticipatory bail in view of the gravity of offences and the conduct of the petitioner.

9. Moreover, petitioner is a habitual offender as two more cases i.e. FIR No.175 dated 20.04.2024 under Sections 3(2)a, 3, 4, 5 of the Immoral Traffic (Prevention) Act, 1956 and Section 120-B IPC and FIR No.106 dated 13.03.2023 under Sections 3(2)a, 3(2)b, 4, 5 of the Immoral Traffic (Prevention) Act, 1956 and Section 34 IPC have been registered against him at Police Station Urban Estate, Hisar.

10. No other point has been argued.

11. In view of the facts and circumstances of the case, I am of the considered view that petitioner cannot *prima facie* be said to have been falsely enroped in the crime since two more criminal cases of similar crime have already been registered against him in the years



2022 and 2023 and, therefore, his custodial interrogation is necessary in the case and that petitioner may abscond and misuse his liberty and, therefore, does not deserve concession of anticipatory bail.

- 12. In view of the above, the petition is dismissed.
- 13. However, nothing stated hereinabove shall be construed as a final expression of opinion on the merits of the case.

24.01.2025
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether Reportable

:

Yes/No