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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-14631-2025

Decided on : 08.04.2025

Karamjit Singh alias Karma

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present : Mr. Gurjinder Singh Thind, Advocate
for the petitioner

Mr. R.S. Thind, DAG Punjab

KIRTI SINGH, J. (Oral)

1. This is the first petition filed under Section 482 of BNSS for grant of anticipatory bail to the petitioner in case FIR No.023 dated 20.02.2025 under Sections 3, 4, 5 and 7 of Immoral Traffic (Prevention) Act, 1956 registered at Police Station Urban Estate, District Patiala.

2. The contents of the above-mentioned FIR are reproduced herein below:-

“This time one Ruqa by Insp.Amandeep Singh 136/PR has been received at P.S. Urban Estate, Distt. Patiala through Constable Jobanpreet Singh 648/Pta, for registration of FIR under Section 3,4,5,7 Immoral Traffic (Prevention) Act, 1956 against Karamjit Singh @ Karma s/o Rampal Singh r/o Sullar, Distt. Patiala, Darika, Juli, Swethi, Jinah, Semi, Gipsi, Sudha, Priya, Jatinder Singh, Naveet Sharma d/o Surinder Kumar r/o Village Nurpur, P.S. Dharmkot, Distt. Moga, Aarti d/o Jatinder Singh r/o Village Bhiyapur, Distt. Sonipat, Haryana, Heena r/o Saharpur, Ruhi Rani d/o Jumma r/o Muradabad, UP, Ranjit Kaur w/o Sachin r/o Mathura Colony, Patiala, Tina w/o Parveen r/o S.S.T. Nagar, Patiala, Sapna Sharma d/o Vaidyanath



Sharma r/o Jujhar Nagar, Patiala, which is as under Incharge, Jai Hind, Today I Inspector alongwith ASI Nachattar Singh No.100/PTL, SI Rajesh Kumar No. 2264/PTL, SI Vikramjit Singh No.1621/PTL, HC Vikramjit Singh No.28/PTL, Constable Jobanpreet Singh No.646/PTL, Constable Akashdeep Singh No.1485/PTL, PHG Bhupinder Singh No.29945, PHG Rajinder Singh No.29886, Sr. Lady Constable Mamta Rani No.3391/PTL, Sr. Lady Constable Rajni No.618/PTL, on Govt. Vehicle No.PB-65-BG-8794 and private vehicle also with laptop, printer were doing patrolling and search of suspected and bad elements and were present near Park Hospital, New Bus Stand Patiala then one secret informer informed separately to me that Karamjit Singh @ Karma son of Rampal Singh resident of Sullar, District Patiala who is running ARK Spa Center near liquor shop, Village Theri, District Patiala and is keeping girls from Thailand namely Darika, Juli, Swethi, Jinah, Semi, Gipsi, Sudha, Sofia, Piya and is involved in Flesh trade from them and Jatinder Singh son of Himmat Singh resident of Alipur Araian, P.S. Anaj Mandi, Patiala is also doing the business of Flesh trade in his centre named as Sunshine Spa Center, opposite University having with him Girls namely Naveen Sharma d/o Surinder Kumar r/o Village Nurpura, P.S. Dharmkot, Distt. Moga, Aarti d/o Jatinder Singh r/o Village Bhiyapur, Distt. Sonipat, Haryana, Heena r/o Saharnpur, Ruhi Rani d/o Jumma r/o Muradabad, UP, Ranjit Kaur w/o Sachin r/o Mathura Colony, Patiala, Tina w/o Parveen r/o S.S.T. Nagar, Patiala, Sapna Sharma d/o Vaidyanath Sharma r/o Jujhar Nagar, Patiala by inviting various peoples and by charging Rs.2,000/- per person for Flesh Trade and the above said women are with them and they are doing flesh trade from them and they may be arrested after raiding immediately. The information being believable and offence under section 3, 4, 5 & 7 of Immoral Traffic Prevention Act, 1956 is made out against Karamjit Singh @ Karma, Darika, Juli, Swethi, Jinah, Semi, Gipsi, Sudha, Piya, Jatinder Singh, Naveen Sharma d/o Surinder Kumar r/o Village Nurpura, P.S. Dharmkot, Distt. Moga, Aarti d/o Jatinder Singh r/o Village Bhiyapur, Distt. Sonipat, Haryana, Heena r/o Saharnpur,



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Ruhi Rani d/o Jumma r/o Muradabad, UP, Ranjit Kaur w/o Sachin r/o Mathura Colony, Patiala, Tina w/o Parveen r/o S.S.T. Nagar, Patiala, Sapna Sharma d/o Vaidyanath Sharma r/o Jujhar Nagar, Patiala, therefore, Constable Jobanpreet Singh No.646/PTL is being sent to the police station for registration of the case against the abovesaid persons. File number be intimated after registration of case. Information be sent to Incharge Control room. Special Reports be issued I Inspector alongwith my fellow employees is going to commit raid. At Park Hospital near Bus Stand Patiala At 10:15 pm Sd/- SHO P.S. Urban Estate, Patiala dated 20.02.2025.”

3. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case. The saloon being run by the petitioner in the name of ARK Spa Centre is an authorized centre approved by Udyam Registration Certificate No. udyam-pb-19-0044490 and authorized/approved Spa Center by the Govt. Further, the allegations levelled against the petitioner are completely frivolous, and even there is non-compliance of Section 15(2) of the Immoral Traffic(Prevention) Act, 1956 (hereinafter referred to as 'the Act, 1956'), therefore vitiating the entire proceedings of search conducted by the investigating agency.

4. *Per contra*, learned State counsel opposed the prayer made by learned counsel for the petitioner and has submitted that there are serious allegations against the petitioner. He submits that a carefully planned raid conducted on 20.02.2025 at ARK Spa Center revealed overwhelming evidence of an organized prostitution racket being operated by the petitioner. During the said operation carried out using marked currency notes, multiple couples in compromising positions were found, having incriminating evidence in the form of condoms, in the systematic arrangement of multiple cabins for prostitution, clearly establishing a *prima facie* case against the petitioner. He further submits that the investigation



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is at a crucial stage which requires the custodial interrogation of the petitioner to recover relevant documents related to the operation of the prostitution racket, investigate the trafficking of foreign nationals, ascertain financial transactions, and identify other accomplices. Given the serious nature of the offence involving exploitation of vulnerable women, including foreign nationals, there is a genuine apprehension that if granted anticipatory bail, the petitioner may abscond, tamper with evidence, influence witnesses, or continue the illegal activities from a different location. The previous rejection of bail by the Sessions Judge further indicates the gravity of evidence against the petitioner.

5. Heard the rival submissions made by learned counsel for the parties and perused the record.

6. In ***Srikant Upadhyay and others vs. State of Bihar and another, 2024 (INSC) 202 (SC)***, Hon'ble Supreme Court held as under:

*“It is thus obvious from the catena of decisions dealing with bail that even while clarifying that arrest should be the last option and it should be restricted to cases where arrest is imperative in the facts and circumstances of a case, the consistent view is that the grant of anticipatory bail shall be restricted to exceptional circumstances. In other words, the position is that the power to grant anticipatory bail under Section 438, Cr.P.C. is an exceptional power and should be exercised only in exceptional cases and not as a matter of course. Its object is to ensure that a person should not be harassed or humiliated in order to satisfy the grudge or personal vendetta of the complainant. (See the decision of this Court in *HDFC Bank Ltd. v. J.J.Mannan & Anr.* 2010 (1) SCC 679).*

*Further, it was clearly observed in para No. 24 of the judgment (supra) that “**though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is the rule.** It cannot be the rule and the question of its grant should be left to the cautious and judicious discretion by the*



Court depending on the facts and circumstances of each case. While called upon to exercise the said power, the Court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence. We shall not be understood to have held that the Court shall not pass an interim protection pending consideration of such application as the Section is destined to safeguard the freedom of an individual against unwarranted arrest and we say that such orders shall be passed in eminently fit cases. 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. But then, person(s) continuously, defying orders and keep absconding is not entitled to such grant.”

7. In ***Sushila Aggarwal v. State (NCT of Delhi) (2018) 7 SCC 731***, the Constitution Bench reaffirmed that when considering applications for anticipatory bail, courts should consider factors such as the nature and gravity of the offences, the role attributed to the applicant, and the specific facts of the case.

8. In ***Pankaj Singh vs. State of Punjab, (CRM-M-17776-2021)*** decided on 28.04.2021, appeal against which was dismissed by the Hon'ble Supreme Court in Special Leave to Appeal (Crl.)3687/2021, a coordinate bench of this Court dismissed the petition for grant of anticipatory bail of a person accused under Immoral Traffic (Prevention) Act, who managed to flee, when his hotel was raided on secret information.

9. It is settled law that the procedure laid down under Section 15 of the Act, 1956 is directory and not mandatory, and therefore, non-compliance of the same will not vitiate the proceedings. In every case, the touchstone of Section



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15(2) of the Act, 1956, it is to be determined by the courts as to whether it was efficacious for the officers to call two persons from the locality or due to urgency or emergency, the said provision could not be complied with.

10. Further, the general rule, put tersely, may be of bail, no jail; however, a just exception may be taken where there are circumstances which might thwart the course of justice. The antecedents of the accused or the probability of the accused fleeing, intimidating witnesses or tampering with the evidence, *inter alia*, weigh in heavy before the Court when dealing with a petition for the grant of anticipatory bail.

11. There are serious allegations levelled against the petitioner under Immoral Traffic Prevention Act. Such cases involve wide spread trafficking networks and there is a risk that the accused may tamper with evidence or threaten the victims and witnesses, if released. Prostitution rackets often involve human trafficking, coercion and exploitation, which has far reaching societal implications and the Courts must take a stringent stand in such matters. Considering the grave nature of the allegations, this Court is not inclined to grant discretionary relief of anticipatory bail.

12. Accordingly, the petition is dismissed.

13. Needless to mention that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

14. Pending application(s), if any, also stands disposed of accordingly.

(KIRTI SINGH)
JUDGE

April 08, 2025

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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No