



CRM-M-41175-2025

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

(104)

CRM-M-41175-2025
Date of Decision:-08.08.2025

Bittu Malik @ Bettu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Vishal Pundir, Advocate
for the petitioner.

Mr. Paras Talwar, Senior DAG, Haryana.

ALOK JAIN, J. (Oral)

1. The present petition has been filed seeking grant of anticipatory bail to the petitioner in FIR No. 332 dated 11.07.2025, under Sections 3, 4, 5, and 7 of Immoral Trafficking Act and under Sections 144 (1) and 61 of BNS, 2023, registered at Police Station Civil Lines, District Karnal.

2. A detailed order was passed on 31.07.2025 after hearing the counsel for the parties and the same is reproduced hereinbelow:

“Prayer is for grant of anticipatory bail in case having FIR No.332 dated 11.07.2025 registered under Sections 3, 4, 5 and 7 of Immoral Trafficking Act and under Sections 144(1) and 61 BNS, 2023 at Police Station Civil Lines, District Karnal (Annexure P-1).

Learned counsel for the petitioner has vehemently argued that just fifteen days prior to the lodging of the present FIR, the petitioner was granted anticipatory bail by the learned Additional Sessions Judge, Karnal vide order dated 25.06.2025 in FIR No.38 dated 24.01.2025 registered under Sections 3, 4, 5, 6 of Immoral Trafficking Act at Police Station



Civil Lines, District Karnal. The authorities in order to settle their personal vendetta have hatched a conspiracy and lodged the present FIR against the petitioner. Learned counsel further submits that the due procedure has not been adopted and the petitioner is being entangled into unnecessary litigation.

Learned counsel submits that the petitioner has not committed any offence which could attract the provisions of Immoral Trafficking Act. The learned Court below erroneously rejected the anticipatory bail application without considering the material fact that the statement of the independent witnesses so mentioned in the FIR was neither been recorded and nor was brought on record by the Investigating Officer. The application of the petitioner was dismissed by simply relying upon the statement of the Investigating Officer, that the petitioner is threatening the witnesses qua which there is a video recording. Learned counsel for the petitioner vehemently argues that there is no such video recording and much less never brought to the Court.

Per-contra, learned State counsel submits that the statements of the witnesses as well as the girls recovered from the Spa at the time when the raid was conducted have been duly recorded. Moreover, the petitioner is a habitual offender, who is repeatedly indulging girls into these activities and it is specific stand taken by the learned State counsel that only because of the leniency of the Court while granting bail, criminals like petitioner are encouraged to stay involved.

However, considering the above facts, learned State counsel is directed to complete his instructions and be ready with the video recordings as stated by Investigating Officer before the learned Trial Court and on the basis of which the order dated 24.07.2025 was passed.

List on 04.08.2025.”

3. In furtherance to the order dated 31.07.2025, learned State counsel has submitted on the instructions from Probationer SI Vikas PP



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Sector 13 Karnal, Police Station Civil Lines Karnal, who is present in Court, that the CCTV footage and the video demonstrating the petitioner to be present in front of the house of victim on the morning of the same day when the anticipatory bail was listed, clearly demonstrates that the petitioner is trying to interfere in the investigation.

4. The said video has also been shown to the learned counsel for the petitioner during the course of the proceedings by the Investigating Officer, however, learned counsel for the petitioner has now change the stance and objected that the veracity of the said video will have to be tested by some evidence.

5. Learned State counsel has also pointed out that the statements of the victims recovered from the premises of the petitioner have been recorded including the girl who is visible in the video. A copy of the statements placed before this Court demonstrate that the petitioner is threatening and pressurizing the victims to withdraw their statements, failing which the victims will have to face dire consequences even to the extent that their children will be eliminated. In the statement of one of the victims, it is also recorded that the petitioner had obtained her signatures on some blank papers.

6. Faced with the above, learned counsel for the petitioner submits that nothing is to be recovered from the petitioner and therefore, the custody of the petitioner is not required in the present matter.

7. Learned counsel for the petitioner has also relied upon the judgment passed by the Hon'ble Allahabad High Court in the case titled as ***“Ranjeet Kaur Vs. State of U.P. and another” Doc Id #2421683***, wherein the Hon'ble Allahabad High Court granted the anticipatory bail, wherein,



subsequent FIR was lodged on similar set of allegations. Learned counsel for the petitioner also relied upon the judgment passed by this Court in the case of *“Maya Devi Vs. State of Punjab”, 2024 NCPHHC 127455*, wherein, it was held that registering of second FIR on the same set of allegations and making the petitioner as an accused would amount to double jeopardy.

8. Heard learned counsel for the petitioner as well as learned State counsel at length and considering the gravity of offence and the fact that despite the petitioner being granted the concession of bail in the first FIR No.38 dated 24.01.2025, the petitioner had the audacity to re-engage himself in the commission of the same offence. As per the FIRs different set of girls were recovered in the first FIR i.e. FIR No.38 dated 24.01.2025 and different set of girls were recovered in the 2nd FIR i.e. FIR No.332 dated 11.07.2025.

9. The petitioner was earlier granted interim bail for the commission of the offence of similar nature, under the Immoral Trafficking Act on 21.06.2025 which was allowed and made absolute on 25.06.2025 by the Court of the Additional Sessions Judge, Karnal. Immediately thereafter, the petitioner is found to be involved once again in the commission of identical offence, which led to lodging of the FIR No.332 dated 11.07.2025. It is pertinent to mention here that based on the secret information received, a Nodal Officer reached the office of Deputy Superintendent of Police, Karnal and after taking a permission for the search, warrants were issued, which was duly approved by the Deputy Superintendent of Police. Accordingly, a team was prepared, an independent witness was also associated and the raid was conducted. As per the FIR No.332 on



11.07.2025, 04 women and 02 men were found in objectionable condition in one of the SPA Centers namely Oriental SPA Centre, in Super Mall, Sector 12 Karnal and 06 women and 03 men were found in the Dimond SPA Center. The statements of many of the women who have been forced to be engaged in immoral activities have been recorded.

10. There is *prima facie* enough materials to demonstrate the involvement of the petitioner and his plea of alibi i.e. he was not present at the spot when the raid was conducted, is of no consequence as the women who have been recovered have specifically named the petitioner and one Anil who has been instrumental in bringing them, from other places to Karnal and has forcibly indulged them into immoral activities. The judgment relied upon by the petitioner would not come to his rescue for the reason that the subsequent FIR though is for the commission of the identical offence but what is needed to be considered is the fact that the petitioner has been found to be involved in similar offence while he was on bail in the first FIR. This amounts to violation of the conditions of bail granted to the petitioner in an earlier FIR No.38 dated 24.01.2025. Moreover, it is not a case that for the same set of allegations two FIRs were lodged against the petitioner because both the FIRs are lodged in respect of different set of raids conducted on two different dates.

11. In light of the above discussion and considering the fact that the petitioner has not only violated the terms and conditions of the earlier bail granted but is also required to unearth the racket that is being run in the State for which the custodial interrogation of the petitioner would be of much importance. It is settled principle of law as held by the Hon'ble Supreme Court of India in the case of "**CBI Vs. Anil Sharma**", (1997) 7



SCC 187, wherein, it has been held as under:

“We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is well ensconced with a favourable order under Section 438 of the Code. In a case like this effective interrogation of suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible Police Officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring would not conduct themselves as offenders.”

12. Accordingly, the custodial interrogation of the petitioner would be of grave importance, at this stage, to ensure that the investigation in the present case comes to its logical end.

13. Considering the factual matrix when seen in the light of the judicial pronouncements, the petitioner has not been able to carve out a case, where he could be held entitled for the extra ordinary concession of anticipatory bail at this stage, and hence, the present petition stands dismissed.

(ALOK JAIN)
JUDGE

08.08.2025

parul

Whether speaking/reasoned:-
Whether Reportable:-

Yes/No
Yes/No