



CRM-M-26381-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-26381-2025 (O&M)

Decided on : 26.05.2025

Amit Kumar

. . . Petitioner

Versus

State of Haryana

. . . Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGHPresent : Mr. Deepak Vashishth, Advocate
for the petitioner

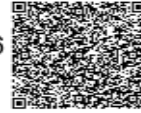
Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (Oral)

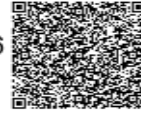
1. This is the first petition filed under Section 482 of BNSS for grant of anticipatory bail to the petitioner in case FIR No.131 dated 30.04.2025 under Sections 3, 4, 5, 6 and 7 of Immoral Traffic (Prevention) Act, 1956 and Section 143(2) of BNS, registered at Police Station Urban Estate, Rohtak.

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

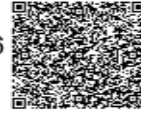
“To, Respected Sir, I am Inspector Paramjeet Kaur No. 16/ Kurukshetra, S.H.O. Women Police Station, Rohtak was present in the office of Women Police Station, Rohtak that one letter no.663/R/ASP, dated 30.04.2025, received for taking action from the office of Deputy Superintendent of Police, Headquarter, Rohtak, that information was received from secret informer that AB Residency New Bus Stand, Rohtak, has been found involved in immoral trafficking, in which Mr. Gulab D.S.P. City Rohtak was appointed as the supervising officer and I along with Inspector Pradeep Kumar of Urban Estate, Rohtak was appointed. In this regard, the Police Inspector decided to raid at AB Residency New Bus Stand, Rohtak, in government vehicle HR-12GV-3211, after consultation, a raiding party was prepared, in which the Police Inspector along with, Sub Inspector Ashok No. 311/Rohtak, Sub Inspector Mamtesh No. 907/Rohtak Police Station women, Rohtak, Female Head Constable Neelam 2001/Rohtak, Women Police Station Rohtak, Female Sub Inspector Sunita No.



1545/Rohtak, Driver HKRN Ajit No. 154984, Women Police Station Rohtak The S.H.O. Women Police Station Rohtak, after giving instructions to the above mentioned raiding party, Constable Suresh No. 152/Rohtak, present at the Police Station Bus Stand, Rohtak, in civil clothes, made as a Dummy customer and the Police Inspector conducted the personal search of Constable Suresh No. 352/Rohtak, above mentioned. During the search, no item was recovered from Constable Suresh No. 352/Rohtak, Bus Stand, Rohtak. After that, two currency notes of Rs. 500 each, no. IBR 885142 and 8WL492416 were given to him to give to the operator of AB Residency and whom a separate search report and consignment of currency notes was prepared. Constable Suresh no. 352/Rohtak and the witness signed on search report and consignment of currency notes. The Inspector gave mobile phone number 7015947833 to constable Suresh No 352/Rohtak and instructed him to reach the above mentioned AB Residency and talk to the owner of the AB Residency hotel, (involved in prostitution for sexual services) and then talk about money to have sexual relations with a woman present at the hotel and pay the money as per the demand of the owner from the money given above and without having sexual relations with the woman involved in prostitution, send a What's App message from his above mentioned mobile number to the official mobile number 7082991091 of the S.H.O., Women Police Station, Rohtak and thereafter he was sent to the above mentioned AB Residency. Thereafter the Inspector along with his fellow staff in his government vehicle and Shri Gulab H.P.S. Deputy Superintendent of Police City, Rohtak along with his staff in a government vehicle left for AB Residency, New Bus Stand, Rohtak and after reaching a little behind MDN SCHOOL Rohtak, wait for the What's App message as per the instructions given to constable Suresh above. That while waiting, on receiving the What's App message of constable Suresh, above on my official mobile number 7082991091, a raid was conducted at AB Residency New Bus Stand Rohtak and the hotel was searched as per procedure. During the search, a lady at the reception of AB Residency New Bus Stand Rohtak was overpowered and asked about her name and address and on asking, the girl gave her name as Santosh alias Sunita wife of Nanne Ram alias Rajesh resident of village Hartala, District Moradabad, U.P., H.No. 2593, Ward No. 2, Geeta Colony, Nurwala Panipat, present tenant, house behind Hari Singh Colony, old bus stand, House of Deepu, Panipat. The girl who was arrested told that this hotel belongs to Amit Nanda and Raj Solaki resident of Rohtak, who have employed me at the reception here. Amit was sitting in the hotel, but immediately ran away, when he saw the police car. On searching the girl properly, one thousand rupees were recovered from the bra she was wearing, including two notes of Rs. 500/-, on checking the notes, two currency notes No. IBR 885142 and 8WL492416 were found. These are the same notes which were given to the dummy customer by the police inspector, for which a description report was prepared in advance. The recovery currency note of Rs. 1000 was put in a plastic box, a cloth parcel was prepared and attested with seal of PK/5. After



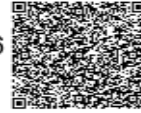
getting it stamped, parcel was taken as evidence in FIR and the signatures of the accused and the witness were taken on it. The entry register of the hotel was found near the counter in which there are total 101 pages in which there are entries till page number 87. A photocopy of a lease deed whose number is R012025D1629 was found inside the register. A separate Parcel of the entry register was prepared with seal PK/5 and the Parcel register was taken into police possession being evidence vide seizure memo report and on the report, accused Santosh alias Sunita and the witness signed their respective signatures. On checking the right drawer of the counter on which Santosh alias Sunita was sitting, money earned from the prostitution business was found inside the drawer. On counting them, two currency notes of Rs. 500 each and one torn currency note of Rs. 20, total Rs. 1020 were recovered and were put in Plastic box and cloth Parcel was prepared, stamped with a seal of PK and attested parcel of money was taken into police custody and recovery memo was signed by accused Santosh alias Sunita who is sitting on the counter of AB Residency and witnesses and from the same drawer of the counter on jute bag containing 20 condoms namely Zaroor cover, colored pink, which were unused and medicine namely Manforce 50 was recovered which has total 7 tablets and was placed in same jute bag, recovery memo was prepared for same and sealed with seal of PK/5 and was taken as evidence in police custody and same was signed by accused and witnesses. As per the message of Bogus/Dummy customer, Room no. 100 was checked one girl was in the room with the Bogus customer and on asking she disclosed her name as Jaya Chauhan wife of Bharat Chauhan resident of House no. 127/1 Ward 34 Santoshi Nagar, Lakholi Raipur, Chattisgarh presently resident of Jasbir colony, near Cremation ground, Sheelabai near Rohtak and on checking of other rooms, in room no. 101, one girl was sitting, on asking she disclose her name as Mahima bibi daughter of Jamat Mandal resident of Aatgara Police Station Baduriya District 24 Pargana West Bengal presently resident of Jasbir colony near Cremation ground Sheelabai near Rohtak and on checking of room no. 102 a boy and girl was found in questionnable situation, on asking girl disclose her name as Pinki wife of Raj kishore resident of Mehndi Nagar, District Samastipur, Bihar presently resident of tenant Hari Singh Nagar, Behind Old Bus stand, near Swamu Leela School Panipat and Boy has disclosed his name as Sunny alias Sheesh Pal, resdent of wazirpur, PS Sadar Gohana, Sonipat. Two boys are sitting on the sofa in the Lobby of AB Residency, disclose there name as Ankit son of Dilbag resident of PS Sadar Gohana, District Sonipat and second boy disclose as Vishal son of Surender Kumar, resident of Wazirpur, PS Sadar Gohana, District Sonipat, they were here to make physical relation with the girls present in the hotel after giving money. Accused who was arrested from the counter namely Santosh and Amit Nanda and Raj Solanki are found running a Prostitution Business and providing girls for same in AB Residency. Ankit, Vishal and Sunny had got involved in the prostitution by paying money, thus committing the crime under sections 3,4,5,6,7 of Immoral Traffic (Prevention)



Act, 1956, and section 143(2), 144(2) BNS, on which the complaint is being sent to Urban Estate Police Station, Rohtak through lady S.I. Mamta No. 907 for registration of the case. After registering the case, inform with the case number, and special report of the case be sent to llaqa Magistrate and to senior officers and for further investigation second 1.0. be appointed and sent to the spot.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the instant case, on the allegation that he along with other co-accused was involved in running a prostitution business. It is submitted that the petitioner neither had ownership, nor any involvement in the management or operation of the hotel where the raid was conducted. Rather, he was merely a guest staying there at the relevant time. The petitioner has been nominated solely on the basis of the disclosure statement of a co-accused. 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. While relying upon the reply by way of affidavit of Sh. Gulab Singh (HPS), Deputy Superintendent of Police, Rohtak filed on behalf of respondent-State, he submits that a carefully planned raid conducted at Hotel A.B. Residency revealed overwhelming evidence of an organized prostitution racket being operated by the petitioner. During the course of investigation the property ID details of hotel were obtained from M.C. Rohtak and as per record, the said property where hotel is being run is in the name of Urmila Devi wife of Niranjjan Singh R/o village Bhagwatipur, District Rohtak. The rent deed of said hotel was



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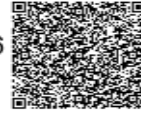
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obtained and as per rent deed dated 9.4.2025, Urmila Devi has given the said hotel on rent to the petitioner and one Baljeet Singh son of Jasvinder Singh for a period from 01.04.2025 to 28.02.2026. It is further submitted that during the raid operation carried out using marked currency notes, multiple couples in compromising positions were found, along with incriminating evidence in the form of used condoms etc. The victims in their statements recorded before the learned Illaqa Magistrate also disclosed that the petitioner had gotten them involved in immoral trafficking. It is the contention of the learned State counsel that the petitioner who along with co-accused was running the business of hotel in the name of A.B. Residency had forced the victims into prostitution in his hotel from which he used to earn profits at the expense of the victims. The name of the petitioner has also figured in the disclosure statement of co-accused (receptionist of the hotel). He further submits that the investigation is at a crucial stage, and the custodial interrogation of the petitioner is required to recover relevant documents related to the operation of the prostitution racket, investigate whether these was trafficking of victims, ascertain financial transactions, and identify other accomplices. Given the serious nature of the offence involving exploitation of vulnerable women, 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.

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



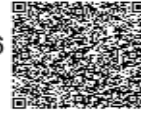
Constitution Bench reaffirmed that when considering applications for anticipatory bail, courts should consider factors such as the nature and gravity of the offences, the role attributed to the applicant, and the specific facts of the case.

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 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. *Prima facie*, 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. Prostitution rackets often involve human

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trafficking, coercion and exploitation, which has far reaching societal implications and the Courts must take a stringent stand in such matters. Therefore, this Court is not inclined to grant the discretionary relief of anticipatory bail to the petitioner in the present case, wherein custodial interrogation of the petitioner might be required to unearth the true dimension of the alleged occurrence.

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

26.05.2025

Ramandeep Singh

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No