

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA
ON THE 31st DAY OF OCTOBER, 2022**

BEFORE

HON'BLE MR. JUSTICE SATYEN VAIDYA

**CRIMINAL MISC. PETITION MAIN NOS. 2025, 2094, 2095 &
2096 OF 2022**

1. CRIMINAL MISC. PETITION MAIN NO. 2025 OF 2022

Between:-

**SH. VIKRAM SINGH, S/O SH. BANSI LAL, R/O
WARD NO.02, VILLAGE KHACHWANA, POST
OFFICE BOGAMAIDI, TEHSIL BHADRA,
POLICE STATION BOGAMAIDI, DISTRICT
HAMUMANGARH, RAJASTHAN AGED ABOUT
25, PRESENTLY LODGED IN SUB JAIL
KAITHU, SHIMLA, HIMACHAL PRADESH.**

....PETITIONER

**(BY SH. LALIT KUMAR SEHGAL, ADVOCATE)
AND**

THE STATE OF HIMACHAL PRADESH.

....RESPONDENT

**(BY SH. DESH RAJ THAKUR, ADDITIONAL ADVOCATE
GENERAL)**

2. CRIMINAL MISC. PETITION MAIN NO. 2094 OF 2022

Between:-

**RAJVEER SINGH S/O LATE IQBAL SINGH,
R/O WARD NO.20, VILLAGE 7-, P.O.
GANGANAGAR, TEHSIL & DISTRICT
GANGANAGAR, RAJASTHAN, OCCUPATION
ARGICULTURIST, AGED ABOUT 19 YEARS.**

....PETITIONER

**(BY SH. RAJ KUMAR NEGI, ADVOCATE)
AND**

THE STATE OF HIMACHAL PRADESH.

....RESPONDENT

**(BY SH. DESH RAJ THAKUR, ADDITIONAL ADVOCATE
GENERAL)**

3. CRIMINAL MISC. PETITION MAIN NO. 2095 OF 2022

**MANISH KUMAR, S/O SH. BALJEET KUMAR,
R/O VILL. DODEWALA, P.O. & TEHSIL
ABHOAR, DISTRICT FAZILKA, PUNJAB,
OCCUPATION AGRICULTURIST, AGED ABOUT
31 YEARS.**

....PETITIONER

**(BY RAJ KUMAR NEGI, ADVOCATE)
AND**

THE STATE OF HIMACHAL PRADESH.

....RESPONDENT

**(BY SH. DESH RAJ THAKUR, ADDITIONAL ADVOCATE
GENERAL)**

4. CRIMINAL MISC. PETITION MAIN NO. 2096 OF 2022

Between:-

**RAM BALAK S/O SH. DINESH CHAND, R/O
VILL. GONAKHEDA, P.O. MOHANPUR &
TEHSIL & DISTRICT KANNAUJ, UP,
OCCUPATION AGRICULTURIST, AGED ABOUT
31 YEARS.**

....PETITIONER

(BY SH. RAJ KUMAR NEGI, ADVOCATE)

AND

THE STATE OF HIMACHAL PRADESH.

....RESPONDENT

**(BY SH. DESH RAJ THAKUR, ADDITIONAL ADVOCATE
GENERAL)**

Reserved on: 21.10.2022.

Date of decision: 31.10.2022.

These petitions coming on for orders this day, the
Court passed the following:

O R D E R

All these petitions are being decided by a common
order, as common questions of law and facts are involved.

2. Petitioners are accused in case FIR No. 125 of
2022 dated 19.8.2022, registered at Police Station, Sadar,
Shimla, H.P. under Section 370 of IPC and Sections 3, 4 and
5 of Immoral Traffic Prevention Act, 1956.

3. Petitioners were arrested on 19.8.2022. They
remained in police custody from 19.8.2022 to 25.8.2022 and
thereafter, all the petitioners are in judicial custody.

4. Petitioners have made prayer for their release on
bail in above noted case on the grounds that they are
innocent and have been falsely implicated. As per petitioners,
there is no legal evidence against them to connect with the
crime. Petitioners have undertaken to abide by all the terms
and conditions, as may be imposed against them. It is

contended on their behalf that petitioners are of young age and their prolonged incarceration shall affect their future prospects.

5. Respondent has filed status report. It is submitted that the police had secret information that some hotels in Shimla were allowing prostitution and such activities were being managed by a person named as Manish Kumar (Petitioner in Cr.MPM No. 2095 of 2022). Police laid a trap. One police official became trap witness and was taken by Ram Balak (Petitioner in Cr.MPM No. 2096 of 2022) to Hotel Apsara. While preparing for trap currency notes worth Rs. 15,000/-, after maintaining their details, were handed over to the trap witness. Ram Balak led trap witness to Room No. 25 in Hotel Apsara at Cart Road, Shimla. Three girls having age of 29, 25 and 26 years respectively were found in Room Nos. 25 and 26 of such hotel. As per their disclosure, they were indulging in prostitution at the instance of present bail petitioners. Vikram Singh (Petitioner in Cr.MPM No. 2025 of 2022) was also apprehended from Room No. 26 of said hotel. Manish Kumar and Rajveer Singh (Petitioner in Cr.MPM Nos. 2094 & 2095 of 2022 respectively) were apprehended from their residential accommodation in

Komli Bank, Shimla as per details provided by Ram Balak. On investigation, it has been found that all the bail petitioners were linked to each other and had various bank transactions *inter-se* them.

6. The bail petitions have been opposed on the ground that the bail petitioners belong to other States and till date there is no verification with respect to the addresses of some of them and in case of their release on bail, it will be difficult to procure their presence for further investigation or trial.

7. I have heard learned counsel for the parties and have also gone through the case records carefully.

8. Petitioners have been booked for offences under Section 3, 4 and 5 of Immoral Traffic Prevention Act and Section 370 of IPC. The girls found involved with petitioners in trade of prostitution are major. As per police report, the allegations of aforesaid girls are regarding inadequate payment being made to them by petitioners.

9. Petitioners are in custody since 19.8.2022. More than two months have elapsed since initiation of investigation. Police already is seized of the mobile phones, bank details etc. of petitioners. It is not the case of the

respondent that some more recoveries are to be affected from petitioners. The fact of the matter is that petitioners are in judicial custody since 25.8.2022. The respondent has not shown any real apprehension that in case of release of petitioners on bail, the trial of the case shall be affected adversely. The only apprehension of the respondent is with respect to correct address of the petitioners. Police had sufficient time to trace the antecedent of petitioners. In any case, such apprehension of respondent can be taken care of by imposing appropriate conditions.

10. The allegations against the petitioners, though serious, are yet to be proved. Pre-trial incarceration is not the rule. No fruitful purpose shall otherwise be served by keeping the petitioners in custody for indefinite period.

11. The only concern of the Court at this stage is to facilitate fair and expeditious completion of investigation and trial. As noticed above, police has already taken sufficient time for investigation. In any case, the release of petitioners on bail at this stage will not be an impediment in independent investigation of the case by the police.

12. In view of peculiar facts and circumstances of the case, petitions are allowed and the petitioners are ordered to

be released on bail in case FIR No. 125 of 2022 dated 19.8.2022, registered at Police Station, Sadar, District Shimla, H.P. under Section 370 of IPC and Sections 3, 4 and 5 of Immoral Traffic Prevention Act, 1956, on their furnishing personal bonds in the sum of Rs. 50,000/- each with one surety each in the like amount having immovable asset(s) within the State of Himachal Pradesh, to the satisfaction of learned Chief Judicial Magistrate, Shimla. This order shall, however, be subject to following conditions:-

- i) That the petitioners shall continue to join the investigation as and when required.
- ii) That the petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to the Police.
- iii) That the petitioners shall not in any manner tamper with the prosecution evidence.
- iv) That any indulgence of petitioners in criminal activities during the continuance of this order shall entail cancellation of the bail granted to the petitioners.

- v) That the petitioners shall not leave India till conclusion of trial without permission of the Court.
- vi) That petitioners shall provide their respective permanent addresses and mobile numbers to the SHO, Police Station, Sadar, District Shimla, H.P. and in case of any change in their addresses and mobile numbers, the information provided at Police Station shall be got updated by petitioners immediately.
- vii) Violation of any of the conditions, his bail order shall entail automatically cancellation of the bail granted to the petitioners.

13. Any observation made herein above shall not be taken as an expression of opinion on the merits of the case and the trial Court shall decide the matter uninfluenced by any observation made herein above.

31st October, 2022.
(kck)

(Satyen Vaidya)
Judge