

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-17834-2016

Date of Decision: September 9, 2016

Amarpal Singh @ Vicky

...Petitioner

Versus

State of Punjab

...Respondents

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Veneet Sharma, Advocate, for the petitioner.

Mr. R.S. Randhawa, Addl. AG, Punjab.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 69 dated 03.05.2016, registered under Sections 3 and 4 of the Immoral Traffic (Prevention) Act, 1956, at Police Station 'C' Division, Amritsar City, District Amritsar.

On 01.06.2016 the following order was passed:-

“ Briefly noticed, F.I.R came to be registered on the basis of a secret information having been received that the owner of Harman Guest House, Amritsar is giving out rooms to boys and girls for doing illegal activities and charging exorbitant sums of money for the same. On the strength of such secret information, a raid is stated to have been conducted and in the rooms of such Guest House some boys and girls were found in an objectionable position.

Learned counsel appearing for the petitioner states that Amarpal Singh @ Vicky is concededly the owner of the Guest House. Submission raised is that even if the allegations are taken to be correct at their face value, offence under Section 3 of the Immoral Traffic (Prevention) Act, 1956 would be made out i.e. permitting “premises to be used as a brothel.” It is contended that such offence is bailable in nature.

In so far as Section 4 of the 1956 Act is concerned, counsel would argue that the allegations are not with regard to the present petitioner living on the earnings of prostitution of a child or a minor as it is not the case of the prosecution that the girls and boys found within the premises at the time of the raid were underage.

List for consideration on 9.9.2016.

In the meanwhile, petitioner is directed to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

Learned Additional Advocate General on instructions from ASI Kulwant Rai has stated that the petitioner has joined the investigation and he is no more required for custodial interrogation.

In the circumstances, without going into the merits of the case, I do not deem it appropriate to deny the concession of anticipatory bail to the petitioner in the present case. Ordered accordingly.

Resultantly, the interim order dated 01.06.2016 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

Petition stands allowed.

(AJAY TEWARI)
JUDGE

September 9, 2016

Pk Kapoor

Whether Speaking/Reasoned:
Whether Reportable:

✓YES / NO
YES / NO✓