

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

224

CRM-M-34234-2020

Date of decision : 11.02.2021.

GURJIT SINGH AND OTHERS

... Petitioner(s)

Versus

STATE OF PUNJAB

.. Respondent

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. L.S. Sidhu, Advocate for the petitioners.

Mr. Dhruv Dayal, Senior DAG, Punjab.

Anupinder Singh Grewal, J. (Oral)

The petitioners are seeking anticipatory bail in FIR No.252 dated 26.09.2020, under Sections 3, 4, 5, 6, 7 of the Immoral Traffic Prevention Act, 1956, registered at Police Station Sarhali District Tarn Taran.

On 04.11.2020, a Coordinate Bench of this Court had passed the following order:-

“The case has been taken up for hearing through video-conferencing.

Allegations are that a raid was conducted by the police party on the basis of secret information to the effect that in Hotel Raj, Hotel Royal King Sarhali and Royal Palace Hotel Sheron, illegal activities of flesh trade under Immoral Traffic (Prevention) Act were going on. The gang was allegedly busted by the police and a case under Sections 3, 4, 5, 6 and 7 of the Immoral Traffic (Prevention) Act, 1956 was registered. Petitioners are claimed to be owners at whose instances, the trade was being done by Puran Singh, Manager of Raj Hotel, who was apprehended. Names of the petitioners came to be disclosed by the aforesaid Puran Singh.

Learned counsel for the petitioners submits that the petitioners are neither owners nor lessees of Hotel Raj from where, the alleged activity was busted.

On 02.11.2020, following order was passed:-

“The case has been taken up for hearing through video conferencing.

Learned counsel for the petitioners submits that the petitioners are neither owners nor lessees of Hotel Raj from where the alleged flesh trade under Immoral activities was busted.

Learned State counsel on instructions from ASI Surinder Singh states that infact one Bhupinder Singh was owner of the hotel and he executed a registered lease in favour of the petitioners for 10 years. Bhupinder Singh has already died. Let a specific affidavit be filed by the Investigating Officer in respect of status of the petitioners as on date vis-a-vis the lease of the hotel.

Adjourned to 04.11.2020.”

In compliance of the said order, police has filed short reply by way of affidavit of Sukhdeep Singh, PPS, Deputy Superintendent of Police,PBI/ NDPS, District Tarn Taran on behalf of State of Punjab.

Para Nos. 4 and 5 of the reply read as under:-

“4. That the original owner of the Raj Hotel is Bhupinder Singh, who has already been expired and even his wife namely Gurwant Kaur is also died and both Bhupinder Singh and Gurwant Kaur are survived by two children/legal heirs namely Sukhsimrat Kaur (who is at present 15 years old) and Jagteshwar Singh (who is at present 12 years old) and being a minor they are unable provide any copy of lease deed executed between the parties and even unable to disclose whether said lease deed was registered

or unregistered. As such, custodial interrogation of the petitioners is very much required for recovery of lease deed which is in the possession of the petitioners.

5. That during the course of investigation in the present case, although there is no such lease deed has come on record as of today, but there is sufficient evidence on record which proves the factum the Raj Hotel is being run by the petitioners in connivance with each other and they have indulged in flesh trade, as such do not deserve the concession of anticipatory bail.”

At this stage, there is no registered lease deed available with the police. The original owner of Hotel Raj i.e. Bhupinder Singh has already expired. His wife Gurwant Kaur has also expired. Children namely Sukhsimrat Kaur and Jagteshwar Singh are minors and they are not in possession of any lease deed executed by their parents in favour of the present petitioners.

In view of the aforesaid position, petitioners are directed to appear before the SHO/Investigating Officer to join investigation on 08.11.2020 at 11.00 a.m. and in the event of their arrest, they shall be enlarged on ad interim bail, subject to their furnishing requisite bail bonds/surety bonds to the satisfaction of Arresting Officer. However, petitioners shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Non cooperation on behalf of the petitioners may entail in rejection of their interim anticipatory bail.

List again on 18.12.2020.”

Learned State counsel, upon instructions from ASI Dilbag Singh, states that the petitioner has joined investigation and is not required for custodial interrogation.

In view of the above and the petitioners having joined investigation and not required for custodial interrogation, the Covid-19 Pandemic, the order dated 04.11.2020 granting interim bail to the petitioners is made absolute.

However, the petitioners shall abide by the conditions stipulated under Section 438(2) Cr.P.C. They shall also join investigation as and when called upon to do so.

The petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

February 11, 2021
sonia gugnani

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No