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

CRM-M-51754-2021

Date of decision : 13.12.2021

Pardeep Kumar Bansal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Siddharth Gupta, Advocate for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.207 dated 27.11.2021 registered under Sections 3, 4 and 5 of the Immoral Traffic (Prevention) Act, 1956 at Police Station Kotwali Bathinda, District Bathinda.

Learned counsel for the petitioner has submitted that in the present case, the petitioner was not found at the spot and at the time when the alleged raid was conducted on 27.11.2021 at 02:00 am and the said facts are apparent from the CCTV Footage as well as mobile tower location of the petitioner's mobile phone. It is further argued that in fact, the petitioner had left the hotel at 10.30 pm on 26.11.2021 whereas the secret information was

allegedly received at 2 am on 27.11.2021 i.e. after the petitioner had left the premises. It is further argued that the room in the Hotel Comfort Inn was booked for celebrating the birthday of the business partner of the petitioner namely Ashish Dabral. It is contended that the persons who were arrested at the said spot, have already been released on regular bail vide orders dated 01.12.2021 (Annexures P-3, P-4 and P-5). He has further contended that in the present case, the entire matter is based on the documentary evidence and thus, the custodial interrogation of the petitioner is not required.

Notice of motion.

On advance notice, Ms. Bhavna Gupta, DAG, Punjab, appears and accepts notice on behalf of the State and has submitted that she is fully prepared to argue the matter and assist this Court. She has opposed the present petition for grant of anticipatory bail to the petitioner and has submitted that in the present case, although, the petitioner was not found at the time of the raid but the involvement of the petitioner is clear from the statement given by one Nitika who was arrested at the spot and as per whose statement, it was the petitioner who had asked her to come to the Hotel to be with the friend of the petitioner and for the same, Rs.2500/- were to be paid to her. It is further submitted that there is one more FIR against the said Nitika under the same provisions of law. It is also submitted that the petitioner is in fact, a conduit and thus, does not deserve the concession of anticipatory bail.

Learned counsel for the petitioner in order to rebut the said arguments has submitted that the petitioner is not involved in any other case.

Keeping in view the abovesaid facts and circumstances, moreso the fact that the present petitioner was not apprehended at the time and at the spot where the alleged raid was conducted and in fact, was not present in the hotel itself at the said point in time and also the fact that the petitioner had moved an application for the preservation of the CCTV camera as well as the mobile location in order to prove his innocence and also the fact that the petitioner is not involved in any other case, this Court deems it appropriate to grant the concession of anticipatory bail to the petitioner.

Accordingly, the present petition is allowed and in the event of arrest, the petitioner is granted the concession of anticipatory bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer and the conditions envisaged under Section 438(2) of Cr.P.C. However, the petitioner shall join the investigation as and when called upon to do so.

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

13.12.2021*Pawan***(VIKAS BAHL)
JUDGE****Whether speaking/reasoned:-****Yes/No****Whether reportable:-****Yes/No**