

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

204

CRM-M-42366-2021

Date of decision : 14.01.2022

MANJIT KAUR

..... Petitioner

VERSUS

STATE OF PUNJAB

..... Respondent

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Mr. Mohit Singla, Advocate
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

(Through video conferencing)

Harsimran Singh Sethi, J. (Oral)

Petitioner is seeking anticipatory bail in FIR No. 139, dated 27.08.2021, registered under Section 3/4/5 of Immoral Traffic (Prevention) Act, 1956, at Police Station Gidderbaha, District Sri Muktsar Sahib

Learned counsel for the petitioner contends that the petitioner has joined investigation in terms of order passed by this Court on 01.11.2021. Order dated 01.11.2021 is as under:-

“Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail in respect of FIR No. 139, dated 27.08.2021, registered under Section 3/4/5 of Immoral Traffic (Prevention) Act, 1956, at Police Station Gidderbaha, District Sri Muktsar Sahib.

Learned counsel for the petitioner argues that petitioner has been roped in the present case only on the ground that her son, namely, Baldev Singh, against whom also, the allegations have been alleged, is running a brothel in the premises owned by the petitioner and has been made co-accused in the present FIR. Learned counsel for the petitioner submits that though, the premises is owned by the petitioner but the same

was being used by her son, Baldev Singh and she was not living along with her son, Baldev Singh and the fact that the petitioner was not residing in the said premises is borne out from the fact that when the raid was conducted, the petitioner was not found at the site and was not arrested. Learned counsel for the petitioner submits that petitioner is ready to join the investigation and cooperate and, therefore, she be extended the benefit of anticipatory bail.

Notice of motion.

Mr. K.S. Aulakh, learned Deputy Advocate General, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State. Learned State counsel submits that the allegations in the present case are very serious in nature as the residence was being misused for immoral purposes and that too during the restrictions imposed because of Covid-19.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

As the petitioner was not arrested from the spot and has been roped in the FIR only on the basis that the premises from where the immoral activities were being undertaken, belongs to the petitioner and according to the petitioner the said premises was being used by the son of the petitioner, namely, Baldev Singh, who has already been arrested being co-accused, petitioner has made out a case for the grant of anticipatory bail as nothing is to be recovered from her, especially, when the petitioner has undertaken to join the investigation and co-operate with the same.

Petitioner is directed to join the investigation forthwith.

In the event of her arrest, she shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on her furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions:

i) That she shall make himself available for interrogation by the police officer as and when required.

(ii) That she 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 him from disclosing the said facts to the Court or to any police officer.

(iii) That she shall not leave India without prior permission of the Court.

(iv) That she shall abide by all the conditions as enshrined under Section 438 (2) Cr.P.C.

Adjourned to 13.01.2022.

It is, however, made clear that after the petitioner join the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed.”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from ASI Rashpal Singh states that in terms of the order of this Court reproduced before, the petitioner has joined investigation and he is not required for further interrogation, at this stage.

In view of the above, the order dated 01.11.2021 granting interim bail to the petitioner is made absolute.

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

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioner is required for the investigation but is not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

14.01.2022

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Whether speaking/reasoned	Yes
Whether Reportable :	No