

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

**CRM-M-4640-2023 (O&M)
Date of decision : 09.08.2023**

Jagbir Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Shivam Joshi, Advocate for the petitioner.

Mr. Jaiteshwar S. Bhandari, AAG, Punjab for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.0314 dated 04.12.2022, under Sections 3, 4, 5, 6, & 7 of the Immoral Traffic (Prevention) Act, 1956, registered at Police Station Cantonment, District Police Commissionerate Amritsar.

(2) Above FIR was registered on the basis of secret information with the allegations that Jagbir Singh (petitioner) had taken on lease Hotel Raj Kanwal, situated at Rani Ka Bagh. His mother-Surjit Kaur and sister-Sarabjit Kaur are doing the business of prostitution by using poor girls under the allurements of money. Raid was conducted at the Hotel; but Surjit Kaur along with other boys fled away from the terrace due to darkness. Sarabjit

Kaur along with some boys i.e. Amritpal Singh, Gurpartap Singh @ Guri, Bikramjit Singh @ Happy, Achal Kumar & Mangal Singh @ Manga was present at the counter. Three other girls, namely, Saify Parveen, Simran, Paramdeep Kaur & Amandeep Kaur were in the office. During interrogation, Sarabjit Kaur suffered disclosure statement that she along with her mother-Surjit Kaur took Hotel Raj Kanwal on lease in the name of her brother-Jagbir Singh (petitioner) and were running the prostitution.

(3) The Coordinate Bench, vide order dated 30.01.2023, granted interim bail to petitioner and the same reads as under:-

“The petitioner has filed the present petition praying for grant of anticipatory bail in case FIR No.314 dated 04.12.2022 under Sections 3, 4, 5, 6 and 7 of Immoral Traffic (Prevention) Act, 1956, registered at Police Station Cantonment, District Police Commissionerate, Amritsar.

Learned counsel for the petitioner submits that the mother and sister of the petitioner are doing the business of prostitution from poor girls under the allurements of money. The allegations against the petitioner are that the hotel was on rent in his name but his mother is already granted interim bail by this Court vide order dated 23.12.2022 in CRM-M-58798- 2022. He further submits that the petitioner is ready to join the investigation as and when required by the Investigating Agency.

Notice of motion.

On asking of the Court, Mr. Jaiteshwar S. Bhandhari, AAG, Punjab, accepts, notice on behalf of respondent-State.

Adjourned to 06.02.2023.

Meanwhile, in the event of arrest of the petitioner in the instant case, he shall be enlarged on interim bail subject to his furnishing personal bond/surety bond to the satisfaction of Investigating Officer/Arresting Officer. The petitioner shall join the investigation as and when called upon to do so by the Investigating Agency. The petitioner shall abide by the

conditions as laid down under Section 438(2) Cr.P.C. in letter and spirit.

To be heard along with CRM-M-58798-2022.”

(4) Learned counsel submits that in pursuance of the aforesaid order, petitioner has already joined the investigation and his custodial interrogation is not required.

(5) Learned State Counsel, on instructions, submits that petitioner has joined investigation and as on today, his custodial interrogation is not required.

(6) In view of above, interim order dated 30.01.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

(7) It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

(8) The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

(9) Disposed off accordingly.

August 9th, 2023

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**(MAHABIR SINGH SINDHU)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>