

CRM-M-14767-2023

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.220

Case No. : CRM-M-14767-2023

Date of Decision : April 17, 2023

Harpreet Singh		Petitioner
vs.		
State of Punjab		Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

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Present : Mr. Aayush Gupta, Advocate
for the petitioners.

Ms. Himani Arora, AAG, Punjab.

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GURBIR SINGH, J. :

This is a petition under Section 438 Cr.P.C., filed by the petitioner, seeking anticipatory bail in case FIR No.0040 dated 03.03.2023 (Annexure P-1), under Sections 3, 4, 5 of Immoral Traffic (Prevention) Act, 1956, registered at Police Station Division No.8, District Police Commissionerate, Ludhiana.

Pursuant to order dated 29.03.2023, passed by this Court, Status Report by way of affidavit of Jasroop Kaur Batth, IPS, Assistant Commissioner of Police, Civil Lines, Ludhiana, has been filed in Court today, which is ordered to be taken on record.

Brief facts of the case are that secret information was received that there was a Spa Centre namely Blue Lotus Spa and under the garb of massage, the owner of the Centre namely Preet and Manager Ravi were indulging in prostitution. If raid was conducted, the girls involved in

prostitution, along with their customers, could be apprehended. FIR was got registered. The raid was conducted at the disclosed place. Six girls were found present there. The petitioner and Manager Ravi, on seeing the police party, ran away from the spot. Those six girls were joined in the investigation. Statements of three girls, who were Indian, were recorded under Section 161 Cr.P.C. Statements of five out of those six girls were also got recorded under Section 164 Cr.P.C.

Learned counsel for the petitioner submits that one Varinder Singh entered into a Rent Agreement dated 12.05.2022 of the shop where Spa Centre was situated with Smt. Amarjot Kaur and Kartar Kaur – owners of the shop (Annexure P-3). The petitioner signed the said Agreement as witness. Said Varinder Singh further sub-let the property vide Rent Deed (Annexure P-4) to one Ravi Bhasin for 11 months w.e.f. 11.11.2022. Petitioner is also witness to this Rent Deed. It has further been submitted that the petitioner is neither the owner of the property nor is involved in the management of the said Spa Centre. No recovery is to be effected from the petitioner. Petitioner is not involved in any prostitution business or any such activity. Learned counsel for the petitioner further states that the petitioner is ready to join investigation.

Learned State counsel has opposed the petition. It has been contended that the girls, whose statements were recorded under Section 161 Cr.P.C., specifically stated that they were kept by the petitioner and his Manager Ravi in their Spa Centre by alluring to do massage of the customers but thereafter, they were compelled by both of them to indulge in the prostitution business. It was further stated that those girls were being

paid sometimes Rs.500/- per day and sometimes Rs.1000/- per day by the petitioner and his Manager Ravi. They also supported their statements and got recorded their statements under Section 164 Cr.P.C.

Heard.

The allegations against the petitioner are very serious. There are statements of the girls who were being indulged in the prostitution business. There are direct allegations against the petitioner that he along with his Manager is running a prostitution business under the garb of Spa Centre. Unless custodial interrogation of petitioner is not done, truth cannot be brought on the file. The petitioner is a witness of Rent Agreement (Annexure P-3) and Rent Deed (Annexure P-4). The petitioner is not stranger to the premises in question. In this world, people create documents in such a manner to avoid being caught in legal web. In such cases, when a person is equipped with an order of anticipatory bail, interrogation becomes a mere ritual. This view of mine finds support from a judgment passed in the case of State represented by the C.B.I. vs. Anil Sharma reported as 1997 (7) SCC 187 wherein it has been specifically held that :-

“...Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual.”

Accordingly, keeping in view the gravity of the offence and the

fact that granting concession of anticipatory bail to the petitioner may

hamper the investigation and it would not only affect an individual but would also affect the Society adversely, no ground for grant of anticipatory bail is made out.

Dismissed.

However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

April 17, 2023
monika

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.