

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

CRM-M-19368-2023 (O&M)
Date of decision : 17.10.2023

Pankaj Sharma

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Rahul Sharma, Advocate for the petitioner.

Mr. C.L.Pawar, Addl. A.G., Punjab for the respondent.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioner in FIR No.43 dated 16.03.2023 (P-1), under Sections 3, 4 & 5 of the Immoral Traffic (Prevention) Act, 1956, registered at Police Station Model Town, District Police Commissionerate Ludhiana.

(2) Above FIR was registered with the allegations that on 16.03.2023, S.I. Gursinder Kaur received secret information to the effect that Pankaj Sharma (petitioner), owner of ROM's WELLNESS SPA (BODY & MIND RELAX) and one Parminder Singh, Manager in the guise of Spa, are supplying the girls to the customers and running brothel. Thereafter, *ruqa* was sent to the Police Station for registration of a case and Constable Vinod

Kumar in civil dress deputed to visit the aforesaid Spa after giving him Rs.2000/-. The person, sitting on the Reception, took the aforesaid amount from Constable Vinod Kumar for supplying a girl. On signal, the raiding party reached at the spot and apprehended the person, namely, Parminder Singh, who disclosed that he is working as Manager for the last about six months. Aforesaid amount of Rs.2000/- from his pent and Rs.3100/- from the drawer of the Reception along with three boxes of Condoms were recovered. During interrogation, Parminder Singh told that in order to earn more money, he along with owner-Pankaj Sharma (petitioner) in the guise of Spa Centre, doing the aforesaid illegal activities.

(3) The Coordinate Bench, vide order dated 20.04.2023, granted interim bail to petitioner and the same reads as under:-

“Prayer is for grant of anticipatory bail in case having FIR No.43 dated 16.3.2023 registered under Sections 3, 4, 5 of Immoral Traffic (Prevention) Act, 1956 at Police Station Model Town, District Police Commissionerate Ludhaina.

The counsel for the petitioner inter alia contends that the petitioner who is falsely implicated in the present case is owner of Roms Wellness Spa, Ludhiana and at the time of raid, no activity of immoral trafficking was found to be going on in the premises of spa. That the petitioner is having proper license to run said spa and copy of the said registration certificate is Annexure P-2. The counsel for the petitioner further submits that the petitioner who is having no criminal history is ready to join investigation with the police.

Notice of motion.

On the asking of the Court, Mr. Chaman Lal Pawar, Addl. A.G. Punjab accepts notice on behalf of State of and on instructions from ASI Balwinder Singh submit that police received secret information and spa owned by the petitioner was raided and some objectionable articles were recovered from

there during the said raid but no activity of immoral trafficking was found at that time in the premises of the spa and only Parminder Singh, who was Manager of the spa, who was present at the spot was arrested.

Now be listed on 7.8.2023.

In the meanwhile, in case of arrest, the petitioner is directed to be released on interim bail by the Investigating Officer/Arresting Officer subject to his own satisfaction. The petitioner should join investigation with the police well in time before the next date of hearing and to abide by the conditions envisaged under Section 438 (2) Cr.P.C.

The report of the Investigating Officer be also called in this context on the next date of hearing.”

- (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 from ASI Baldev Singh, submits that petitioner has joined investigation and as on today, his custodial interrogation is not required.
- (6) In view of above, interim order dated 20.04.2023 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.

(10) However, in case there is any recurrence on the part of petitioner, State of Punjab would be at liberty to move an appropriate application for recalling of this order.

(11) Pending applications, if any, shall also stand disposed off.

October 17th, 2023
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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