

CRM-M-50747-2023
Date of decision: 06.12.2023

...PETITIONER

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: None for the petitioner.

Mr. Madhur Sharma, AAG, Punjab.

HARPREET SINGH BRAR J. (ORAL)

Through instant petition, the petitioner is seeking anticipatory bail in case FIR No. 136 dated 17.09.2023 registered under Sections 3, 4 and 5 of Immoral Traffic Act, 1958 at Police Station Division No.7, District Jalandhar.

2. Status report dated 02.12.2023 by way of affidavit of Harjinder Singh, PPS, Assistant Commissioner of Police, Model Town, Jalandhar on behalf of respondent-State has been filed and is taken on record. A copy thereof be supplied to the counsel for the petitioner.

3. On 07.10.2023, following order was passed:

“Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail in case FIR No.136, dated 17.09.2023, under Sections 3, 4 and 5 of the Immoral Traffif Act, 1958, registered at Police Station Division No.7, District Jalandhar.

As per allegations, a secret information was received that a Spa under the name and style of 'Spa Villa' was being run in Chotti Baradari, Part-II, Jalandhar, owned by petitioner Rohit Joshi and managed by one Sangita Kumari. A raid was conducted and Sangita Kumari was arrested.

Learned counsel for the petitioner submits that petitioner has nothing to do with the spa centre in question. Attention

is drawn towards Annexure P-3, which is the copy of registration certificate of registered firm in the name of Spa Villa of which the partners are Sangita Kumari and Anju. Annexure P-2, the authorization letter is also in the name of Sangita Kumari Jha and Anju. Learned counsel contends that petitioner has been named in the FIR simply on the basis of some mobile conversation between Sangita Kumari and the petitioner as the petitioner working under the name and style of M/s Ganpati Enterprises, had installed AC ducts in the establishment of the spa centre.

Apart from above, it is also contended that after conducting raid in the spa, nothing offensive was found therein.

Notice of motion.

Mr. M.S. Nagra, AAG, Punjab accepts notice on behalf of the respondent-State. A copy of paper book be supplied to him during the course of day.

Adjourned to 06.12.2023 for filing status report.

In the meantime, petitioner is directed to join investigation and co-operate in the same. He will not leave the country without prior permission of the Court nor shall make any attempt to contact the complainant of the case or any witness associated with the case. In the event of the arrest of the petitioner, he shall be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.”

4. Learned State counsel, on instructions from ASI Sukhdev Singh, submits that in compliance of order dated 07.10.2023 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.

5. Keeping in view the statement made by learned State Counsel the order dated 07.10.2023, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) Cr.P.C.

6. The petition is accordingly allowed.

7. Nothing observed hereinabove shall be construed as expression of

opinion of this Court on merits of the case and trial Court shall proceed without being prejudiced by observations of this Court.

December 06, 2023
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(HARPREET SINGH BRAR)
JUDGE

(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No