

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

**CRM-M-58798-2022 (O&M)
Date of decision : 09.08.2023**

Surjit Kaur

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Anmol Jeevan Singh Gill, Advocate for
Mr. Imrose K. Khaira, 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 had taken on lease Hotel Raj Kanwal, situated at Rani Ka Bagh. His mother-Surjit Kaur (petitioner) 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 petitioner

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 and were running the prostitution.

(3) The Coordinate Bench, vide order dated 23.12.2022, granted interim bail to petitioner and the same reads as under:-

“Prayer in the present petition is for grant of anticipatory bail to the petitioner in case bearing FIR No.0314, Dated 04.12.2022, registered under Sections 3, 4, 5, 6 and 7 of the Immoral Traffic (Prevention) Act, 1986, at police station Cantonment, District Police Commissionerate, Amritsar.

Notice of motion.

At the asking of the Court, Mr. Arun Gupta, AAG, Punjab, appears and accepts notice on behalf of the respondent-State. A copy of the paper book has been supplied to him during the course of the day.

ASI Prem Singh, 3676, Amritsar is present in Court along with the police file.

As per the allegations, the petitioner along with her family members running a hotel where they were alluring ladies to indulge in prostitution. The daughter of the petitioner was arrested on the spot and few boys were also arrested. The petitioner was not arrested from there, and as per the allegations, she fled away from there at the time of raid.

Adjourned to 06.02.2023.

Meanwhile, in the eventuality of arrest of the petitioner in the instant case, she shall be enlarged on interim bail subject to her 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.”

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

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

(6) In view of above, interim order dated 23.12.2022 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
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

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