



CRM-M-38629-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision: 14.08.2024

Tejinder Singh @ Sajjan

...Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Vaibhav Narang, Advocate for the petitioner.

Mr. Anup Singh AAG Punjab.

SUMEET GOEL, J. (Oral)

The instant petition has been filed on 06.08.2024 under Section 439 of Cr.P.C., 1973 for grant of regular bail.

As per the judgment rendered by this Court titled as '*Abhishek Jain Vs. State of U.T. Chandigarh and another (CRM-M-31808-2024;2024:PHHC:085784)*', the instant petition is not maintainable under Section 439 of Cr.P.C., 1973. However, keeping in view the entirety of facts and circumstances of the case especially that the instant petition pertains to regular bail, the instant petition is directed to be considered as a petition under Section 483 of BNSS, 2023.

1. Present petition has been filed for grant of regular bail to the petitioner in case bearing FIR No.105 dated 16.07.2024, registered for the offences punishable under Sections 3, 4, 5 of Immoral Traffic Prevention Act, 1956 and Section 14 of Foreigner Act, 1946 (Sections 110, 143, 308 of BNS added later on) at Police Station A Division, District Police Commissionerate Amritsar.

2. The case set up in the FIR in question (as set out in the present

petition by the petitioner) is as follows:-



“The Head Clerk Police Station A Division, Today I INSP/SHO along with SI Praduman Kumar 547/Asr Incharge Chowki Bus Stand, ASI Harjinder Singh 1005/ Asr, ASI Gurmeet Singh 3666/Asr, HC Sukhwinder Lal 4158/Asr. PHG Jeevan Lal 8541/ Asr, L/ASI Jasbir Kaur 934/ASR, L/CT Ramanjit Kaur 3964/Asr on public vehicle whose driver is CT Sandeep Kumar 2407/Asr and on private vehicle were patrolling and searching for bad elements were present at Mahan Singh Gate Chowk Amritsar when secret informer came to me INSP/SHO and informed that the owner of Hotel Royal Shelton and Manish Kumar S/o Vinod Kumar Bedi resident of Gali Munshian Wali Katra Karam Singh Amritsar who is manager at Royal Shelton Hotel. Both of them inconnivance with each other have kept Foreigner girls of Thailand in their hotel. Both of them together under the garb of Spa Centre are making them do prostitution and from the clients they are receiving heavy amounts and they pay some amount to the girls and they distribute remaining among themselves. Today also the Thailand girls are present in the Hotel and both of them are getting the prostitution business done. If raid be conducted right now then boys and girls can be apprehended in objectionable condition. On which the secret informer has been instructed and he has been discharged. This information is truthfull and trustworthy from the information of the secret informer offence under section 3,4,5, the Immoral Traffic (Prevention) Act, 1956, 14 Foreigner Act 1946 is found to be committed. On which ruqa is written and for registration of FIR has been sent by hand HC Jeewan Lal 8541 to police station. After the registration of FIR its number may be informed. Special reports may be issued to Illaqa Magistrate and to higher officers. Control room may be informed through wireless. Myself INSP/SHO along with other officials on government vehicle is going to Hotel Royal Shelton. Verified as correct Baljinder Singh INSP SHO, Police Station A Division, Amritsar City dated 16.07.2024.”

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 17.07.2024. Learned counsel has further argued that the petitioner is not specifically named in the FIR and he has been roped into the FIR on the basis of disclosure statement made by co-accused Munish Kumar. Learned counsel has further argued that the said accused namely Munish Kumar has already been granted the concession of regular bail vide

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Punjab. In this view of the matter, learned counsel has prayed for grant of regular bail.

4. Learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 13.08.2024 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner was arrested on 17.07.2024. The prime ground of arrest of the petitioner is the disclosure statement made by one Munish Kumar who has already been granted the concession of regular bail on 06.08.2024 by Judicial Magistrate Ist Class, Amritsar, Punjab. The culmination of the investigation and the trial (if the occasion so arises) shall take time to conclude. As per custody certificate dated 13.08.2024 filed by learned State counsel, the petitioner has already suffered incarceration for a period of about 25 days & is not shown to be involved in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.



- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

August 14, 2024
Ajay

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No