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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-47414-2024 (O&M)
Date of decision: 22.10.2024

Kulpreet Singh Makkar @ Kulpreet Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vikas Bali, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

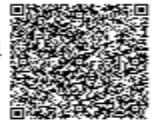
HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory
bail to the petitioner in case bearing FIR No.107 dated 10.08.2024 under
Sections 3, 4, 5 of Immoral Traffic (Prevention) Act, 1956, registered at
Police Station Model Town, District Ludhiana.

2. On 23.09.2024, the following order was passed by this Court:-

*“The present petition has been filed under Section 482 of
Bharatiya Nagarik Suraksha Sanhita, 2023 seeking
anticipatory bail to the petitioner in case bearing FIR No.107*

2024:PHHC:137934



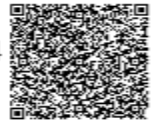
dated 10.08.2024 under Sections 3/4/5 of Immoral Traffic (Prevention) Act, 1956 registered at Police Station Model Town, District Ludhiana (Annexure P-1).

Learned counsel for the petitioner inter alia contends that the petitioner has established the spa centre after obtaining clearance from the competent authority and the petitioner has been falsely implicated in the present case. The perusal of the record would indicate that FIR (supra) was registered even before the raid was conducted at the premises of the petitioner and all the female employees working in the spa were produced before the jurisdictional Magistrate and their statement under Section 164 Cr.P.C. was recorded and none of them have made any allegation against the petitioner with regard to any offence as alleged in the FIR (supra). Further, no customer or anything immoral has been found during the raid conducted by the Investigating Agency. He further submits that the petitioner is not managing the spa centre but it was co-accused who is the in-charge of the spa centre.

Notice of motion.

On the asking of the Court, Mr. Subhash Godara, Addl.A.G., Punjab, who is present in Court, accepts notice on behalf of the respondent- State.

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, at the first instance, the petitioner is directed to appear before the Investigating Officer within two weeks from today and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating/Arresting Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.*



If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Investigating/Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 22.10.2024.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.”

3. Learned State counsel, on instructions from ASI Baldev Singh, at the very outset, informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

4. In view of the statement of learned State counsel, order dated 23.09.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 482(2) of BNSS.

5. The petition stands disposed of.

[HARPREET SINGH BRAR]
JUDGE

22.10.2024
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No