

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-64072-2023

Date of Decision : 28.02.2024

PAWAN BHUTANI

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Dharamvir Sharma, Advocate for
Mr. Manoj Kumar Kush, Advocate,
for the petitioner.

Mr.Abhinash Jain, DAG, Haryana.

KULDEEP TIWARI. J.(Oral)

1. On 20.12.2023, the following order was passed by this
Court:-

“The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.861 dated 06.12.2023, under Sections 3(2)(a), 3(2)(b) and 4/5 of the Immoral Trafficking (Prevention) Act, 1956 and under Section 34 of the IPC, registered at Police Station Urban Estate, Hisar, District Hisar.

The allegation against the petitioner is that he runs a spa center, and the petitioner employees female workers, who are brought from foreign countries and the same are engaged in the business of prostitution under the garb of spa center.

A raid was conducted on a secret information, and thereupon, money was recovered of Rs.1,200/-, from the co-accused.

Learned counsel for the petitioner submits that the spa does not belong to the petitioner, and petitioner was not even arrested at the spot and he is ready and willing to join the investigation. He further submits that even if the allegations in the FIR are treated as a gospel truth, the offences whatsoever under Sections 3(2)(a), 3(2)(b) and 4/5 of the Immoral Trafficking (Prevention) Act, 1956, are not made out.

Notice of motion.

Mr. Bhupender Singh, DAG, Haryana, accepts notice on behalf of respondent-State and waives service.

Adjourned to 28.02.2024.

Meanwhile, the petitioner is directed to join the investigation and on his doing so, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

2. Learned State counsel, on instructions to him by ASI Randhir Singh, submits that the petitioner has already joined the investigation in pursuance to the aforesaid order, and he has fully co-operated with the investigation process, and is no more required for any further custodial investigation.

3. In view of the specific stand taken by the learned State counsel, the present petition is allowed, and order dated 20.12.2023 is, hereby, made absolute, on the terms and conditions as envisaged under Section 438(2) of the Cr.P.C.

February 28, 2024
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No