



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

101+207

CRM-M-8909-2024 (O&M)

Date of Decision: 22.01.2025

MOHIT KUMAR ALIAS GINI

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present:- Mr. Gursahib Singh Hundal, Advocate for the petitioner.

Mr. R.S.Thind, DAG Punjab.

KIRTI SINGH, J. (Oral)

CRM-51144-2024

This is an application for placing on record the affidavit of the petitioner.

2. Heard. For the reasons mentioned in the application, the same is allowed.

CRM-M-8909-2024

1. Apprehending his arrest the petitioner has filed this petition under Section 438 of Cr.P.C. for grant of anticipatory bail in case bearing FIR No.161 dated 23.10.2023 under Sections 3, 4, 5, 6 and 7 of Immoral Traffic (Prevention) Act, 1986 registered at Police Station A.Division, Amritsar.

2. The following order was passed on 05.03.2024:-

“Learned counsel for the petitioner inter alia contends that after the registration of the present FIR, raid was conducted in the premises of the hotel and Darshan Kumar-owner of the hotel and two other persons were apprehended. He further contends that the petitioner is neither the owner of the hotel nor has any business interest in the management of the hotel. He submits that the petitioner has been falsely implicated in the present case due to a reason that his elder brother is having some political connections.

Notice of motion.

On the asking of the Court, Ms. Himani Arora, AAG, Punjab accepts notice on behalf of respondent-State and seeks time to have instructions to verify



as to whether any incriminating material was recovered from the spot and what are the allegations against the petitioner.

Adjourned to 06.05.2024.

In the meanwhile, in the event of arrest of the petitioner, he shall be released on interim bail, to the satisfaction of the arresting officer/Area Magistrate, subject to furnishing bonds/surety, and also subject to the following conditions:-

(i) That the petitioner shall further make himself available for interrogation by a police officer as and when required.

(ii) That the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

(iii) That the petitioner shall not leave India without the prior permission of the Trial Court/CJM concerned.”

3. Learned State counsel on instructions from ASI Baljinder Singh submits that in compliance of order dated 05.03.2024, the petitioner has joined the investigation and is not required for any further investigation.

4. Having considered the aforesaid facts and circumstances, the petition is allowed. Order dated 05.03.2024 passed by this Court, is hereby made absolute.

5. This order should not be treated as "blanket" order. It will not be read granting the petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

6. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency to investigate into the charges against the petitioner.

7. The accused/petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him or her from disclosing such facts to the Court or to any police officer.

8. The accused/petitioner shall not leave India without prior permission of the Court.

9. The accused/petitioner shall join the investigation as and when called by the police.



10. It will be open to the police or the investigating agency to move to this Court for a direction under Section 483(3) of BNSS (erstwhile Section 439(2) of the Code of Criminal Procedure, 1973) to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.

Pending application(s), if any, also stands disposed of accordingly.

22.01.2025
Kavita

(KIRTI SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No