

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

**(110)**

**CRM-M-5723-2016**

**Decided on: February 17, 2016.**

**Kali alias Satish Kumar**

**.... Petitioner**

**Versus**

**State of Punjab**

**..... Respondent**

**CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI**

Present: Mr. Digvijay Nagpal, Advocate, for the petitioner.

**M.M.S. BEDI, J (ORAL)**

The FIR was registered in the year 2005 against the petitioner on the basis of secret information to the effect that he was indulging in the act of gambling by offering to pay a sum of Rs.70/- against Re.1 in case the number, chosen by the person gambling, strikes. The petitioner absented during the trial and as such he was declared a proclaimed offender.

Learned counsel for the petitioner submits that the petitioner was under the impression that he had been released in the case of gambling on payment of fine but as a matter of fact the said information was wrong. The petitioner claims that he shifted to Sangrur as such he did not receive any notice regarding any proclamation purported to have been issued to secure his presence. The petitioner has expressed his desire to face the proceedings by joining the stream of due process of law.

Notice to Advocate General, Punjab.

On asking of the Court, Ms. Harpreet Kaur Athwal, DAG, Punjab, present in the Court, accepts notice. Copy given.

The petitioner has not challenged the order declaring him proclaimed offender till date by filing any petition before this Court. He remained an absconder for a long duration in a case which was registered against him in the year 2005.

Without entering into the controversy regarding the reasonableness of the cause of non-appearance before the trial Court, I deem it appropriate, in the interest of justice and expeditious disposal of the proceedings against the petitioner, to direct the petitioner to surrender before the Illaqa Magistrate.

Taking into consideration the penalty prescribed under the Punjab Gambling Act for offence under Section 13-A and striking a balance between the right and liberty of the petitioner and right of the prosecution agency to secure the presence of an accused at the time of trial, I deem it appropriate to dispose of this petition in limine by issuing a direction that the petitioner will surrender before the Illaqa Magistrate on 19.03.2016. A notice would be issued by the said Court to the State for 21.03.2016. He would be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the Illaqa Magistrate. It will be open to the prosecution agency, thereafter, to file supplementary challan against the petitioner and proceed against him in accordance with law.

In case of non-compliance of the order, this petition will be deemed to have been dismissed.

**(M.M.S. BEDI)**  
**JUDGE**

**February 17, 2016**  
*harsha*