

CRR No. 2073 of 2015

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

CRR No. 2073 of 2015

Date of decision : December 16, 2016

Manjit Singh

..... Petitioner

v.

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Saravpreet Gurna, Advocate
for the petitioner.

Mr. KS Pannu, DAG Punjab

Ajay Tewari, J (Oral)

This petition has been filed against the concurrent conviction of the petitioner under Section 13 of the Public Gambling Act, 1867.

As per the prosecution case, on the fateful day, two police officials (one Head Constable and one Constable) received a secret information that the petitioner and his accomplices were gambling in Municipal Park, Sirhind Mandi. On a raid being conducted, the

petitioner and his accomplices were found at the spot with playing cards

and money in the common pool. Ultimately, after conclusion of the trial, the petitioner was convicted and sentenced to pay a fine of ₹ 50/-. The appeal having been dismissed, the petitioner is before this Court.

Counsel for the petitioner has argued that as per the prosecution version, one Pawan Kumar had witnessed the entire occurrence and had been requested to act as an independent witness but he did not appear as a prosecution witness and appeared as a defence witness and stated that no occurrence had taken place on that day. His testimony has been discarded by both the Courts below on two counts; firstly he admits knowing the petitioner and other persons; and secondly, he also admitted that from his shop the entire park is not visible.

Counsel for the petitioner has argued that in this case it was incumbent upon the police to have associated atleast one independent witness and even during trial, two official witnesses were not able to recall many details of the incident like colour of the cards, numbers of the cards etc. etc.

In my opinion, these facts by themselves would not lead to a finding of acquittal unless the testimony of the two witnesses can be shaken. In this case, those two official witnesses have stood the cross-examination. There is no reason forthcoming why they would falsely prosecute the petitioner. Keeping in view the entire conspectus of the

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facts, I do not deem it appropriate to take a view different to that taken by the Courts below. Consequently, this petition is dismissed.

December 16, 2016
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(AJAY TEWARI)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No