

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

**Criminal Misc. No.M-41367 of 2017
Date of Decision: 12.12.2017**

Vikas Kumar

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Suvir Sidhu, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.555 dated 14.07.2017 under Sections 408, 420, 411, 120-B and 34 IPC and Sections 13 and 13-A of the Gambling Act, 1967 registered at Police Station Civil Lines, Karnal.

Learned counsel for the petitioner has argued that as per the contents of the FIR, at the most the allegations leveled against the petitioner would fall under the provisions of the Gambling Act and not under any sections of IPC. Even otherwise, all the offences are triable by a Magistrate. The petitioner has not been named in the FIR and it is only on the basis of disclosure statement of co-accused Mohit, the

petitioner has been named in the present case. He has referred to order dated 30.10.2017 of this Court passed in CRM-M-39233-2017 *Charanjit Singh alias Prince v. State of Haryana*, whereby the petitioner-therein was admitted on regular bail. He further submits that since the petitioner is in custody since 10.09.2017, trial will take sufficient long time and since there is no other case pending against him, petitioner be released on bail.

Learned State counsel, on instructions from ASI Randhir Singh, does not dispute the custody of the petitioner, however, he submits that on the basis of disclosure statement of co-accused Mohit Batra @ Monu, it is clear that he (co-accused Mohit) had given Rs.16 lacs to the petitioner who had been involved in the gambling in cricket matches. It is on the basis of disclosure statement of co-accused Mohit Batra @ Monu, an amount of Rs.16 lacs has been recovered from the petitioner. He further states that on the basis of disclosure statement made by Kapil, who is the main accused in the case, the petitioner was entrusted another amount of Rs.49 lacs, Therefore, considering the amount involved in the case, the petitioner does not deserve the concession of bail. The petitioner had the knowledge that the other co-accused have siphoned the ATM money to the accused for gambling.

I have heard learned counsel for the parties.

Considering the nature of allegations leveled against the petitioner, though this Court finds that the order in the case of *Charanjit Singh alias Prince (supra)* is not applicable to the present

case, however, on the basis of contents of the FIR, the fact that the case of the petitioner is triable by a Magistrate, the petitioner is in custody since 10.9.2017 and trial in the case may take long time, I deem it appropriate to release the petitioner on regular bail, however, subject to his deposit of Rs.20 lacs with the trial Court.

Accordingly, petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court and on his depositing an amount of Rs.20 lacs with the trial Court. The disbursement of the deposited amount shall be subject to final outcome of the trial.

It is made clear that the observations made hereinabove shall not be construed as any expression on the merits of the case and the trial Court shall decide the case independently.

December 12, 2017
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No