

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

105

**CRM-M-43997-2017
DATE OF DECISION:20.11.2017**

ANIL KUMAR @ PAPPU

... Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Kulwant Singh, Advocate
for the petitioner.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No.312 dated 28.10.2016, under Sections 13-A/3/67 of Public Gambling Act, registered at Police Station Focal Point, District Ludhiana.

The petitioner has been convicted under Section 13-A/3/67 of the Public Gambling Act in the aforementioned FIR and sentenced to undergo simple imprisonment for a period of 30 days by the judgment dated 21.08.2017. He had preferred an appeal thereagainst and during the pendency of the appeal, his sentence was suspended. The petitioner is stated to have absented from the Court on 25.10.2017 and consequently, his bail and surety bonds were forfeited. Learned counsel contends that the petitioner had been appearing before the appellate Court on every date of hearing except on 25.10.2017 as he had been wrongly conveyed the next date of hearing by his counsel. Learned counsel undertakes that

petitioner shall, henceforth, appear before the trial Court on each and every date of hearing.

Issue notice to the respondent.

At the asking of the Court, Ms. Seena Mand, DAG, Punjab accepts notice on behalf of the respondent.

Heard.

The non-appearance of the petitioner on just one date of hearing appears to be bona fide as he had been appearing on the other dates of hearing. He, therefore, deserves to be protected from arrest during the pendency of his appeal.

Consequently, the petition is allowed. The petitioner shall appear before the appellate court and submit his bail bonds to its satisfaction. He shall, henceforth, appear before the trial Court on every date and not absent himself except with the prior permission of the Court.

20.11.2017
SwarnjitS

(ANUPINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No