

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

Criminal Misc. No.M-44812 of 2017

Date of Decision: 12.12.2017

Arun Kumar Gaba

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

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

Present:- Mr. Namit Khurana, 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 and 120-B 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 the allegation against the petitioner is that co-accused Kapil had handed over an amount of Rs.20 lacs to the petitioner, out of which, an amount of Rs.7.20 lacs has been recovered and an amount of Rs.12.80 lacs is yet to recovered from him. He further contends that 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.

Learned State counsel, on instructions from ASI Randhir Singh, submits that keeping in view the nature of allegations leveled against the petitioner, he does not deserve the concession of bail.

I have heard learned counsel for the parties.

In view of order of even date passed in **Criminal Misc. No.M-41367 of 2017 *Vikas Kumar v. State of Haryana***, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court and on depositing an amount of Rs.5 lacs with the trial Court. However, disbursement of the said 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