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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 3301/2017

YOGESHVER DAYAL SHARMA

..... Petitioner

Through: Mr.Vivek Sood, Sr. Adv. with
Ms.Prachi Gupta, Mr.Vikram Kumar,
Ms.Poonam Sharma and Ms.Rishika
Arora, Advs.

versus

STATE GOVT. OF NCT OF DELHI

..... Respondent

Through: Mr.Hirein Sharma, APP for State
Inspector Sanjeev Sharma, ATO/PS-
Jafrabad

CORAM:

HON'BLE MR. JUSTICE I.S.MEHTA

ORDER

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22.08.2017

CrI.M.A.13524/2017

Exemption granted, subject to all just exceptions.

Application stands disposed of.

CRL.M.C. 3301/2017 & CrI.M.(Bail) 1528/2017

Learned senior counsel for the petitioner has submitted that the petitioner is an innocent person having no nexus with the FIR No.912/2015, under Sections 3/4/5 of Delhi Public Gambling Act, 1955, 66(D) Information Technology Act, 2000 & Sections 420/120-B/34 IPC, registered at Police Station- Bhajanpura, Delhi. Learned senior counsel for the petitioner has submitted that the petitioner had no knowledge about registration of FIR No.912/2015 at Police Station-Bhajanpura nor the petitioner ever received any summons/warrants from Court. He has further

submitted that the impugned order dated 13.01.2016 declaring the petitioner as proclaimed offender is bad in law as the alleged process is stated to be executed at House NO.J-1319, Palam Vihar, Gurgaon, Haryana by process server HC Mangal Chand, however, the said address is not the permanent address of the petitioner nor the petitioner ever resided in the said premises. Learned senior counsel for the petitioner has further submitted that the present FIR has been falsely registered against the petitioner in order to invoke the provisions of MCOCA against the petitioner. He has further submitted that the petitioner is ready to join investigation and surrender before the Court and the petitioner is ready to abide by all the terms and conditions which is imposed by this Court.

Learned APP for State has opposed the contention of learned senior counsel for the petitioner.

Keeping in view the facts and circumstances of the case, the petitioner is directed to surrender before the concerned Court on 23.08.2017 at 02:00 pm and move appropriate application for bail.

In the meantime, no coercive steps be taken against the petitioner by the investigating agency.

The present petition is disposed of accordingly. All pending application(s) (if any) also stand disposed of.

Copy of this order be given *dasti*, as prayed.

I.S.MEHTA, J

AUGUST 22, 2017
'sr'