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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.27180 of 2020 (O&M)

Date of decision: 10.09.2020

Harvinder Singh @ Pappu

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Mansur Ali, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.0114 dated 19.08.2020 registered under Sections 420, 467, 468, 471 IPC and 13-A, 3/4 of the Punjab Gambling Act, at Police Station Sadar Ludhiana, District Ludhiana.

Counsel for the petitioner has submitted that the petitioner is in the business of electronics and owning a farm house. It is further argued that the allegations in the FIR, registered on 19.08.2020, are that 04 persons by procuring fake permission of gambling from the Deputy Commissioner, were duped the persons and they had assembled in the farm house of the petitioner. It is also submitted that in fact, none of the person was arrested from the farm house of the petitioner and the name of the petitioner has surfaced in the disclosure statement of the 04 co-accused, who were arrested. Counsel for the petitioner has further argued that there is no allegation against the petitioner with regard to the offence punishable under Section 420 IPC and the only allegation against him is that he has given his premises for the purpose of gambling and submits that as per the Public Gambling Act, 1867, the maximum punishment for a person, keeping or having charge of a gambling house, is 03 months.

Counsel for the petitioner has also submitted that even the

CASE HEARD THROUGH VIDEO CONFERENCING

allegation that the incident pertains to the intervening night of 13/14.08.2020 whereas the FIR was registered after five days i.e. on 19.08.2020.

Counsel for the State, on instructions from the Investigating Officer, has not disputed the factual position that the arrest was not made at the time when the gambling took place on the intervening night of 13/14.08.2020 and later on, the 04 co-accused were arrested from some other place and on their disclosure statement, it has come that they were gambling in the farm house of the petitioner. Lastly, it is submitted that the petitioner is not involved in any other case of similar nature.

After hearing the counsel for the parties, considering the submissions made by them, I find merit in this petition and accordingly, the same is allowed and the petitioner is directed to appear before the Investigating Officer within a period of 10 days from today to join the investigation and he shall be released on interim bail on furnishing bail/surety bonds subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to summon the petitioner as and when he is required for investigation by issuing an advance notice to him, in writing. It will be also open for the Investigating Officer to apply for cancellation of bail of the petitioner, in case he is found misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

10.09.2020
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No