

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-46298-2021

Date of decision : 03.11.2021

Neeraj Kumar @ Dana @ Neeraj Goyal

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

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

Mr.N.K.Banka, DAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J.(ORAL)

This is the first petition for anticipatory bail under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.0185 dated 14.10.2021 registered under Section 420 IPC and Section 13 of the Public Gambling Act, 1867, at Police Station Kotwali Bathinda.

Learned counsel for the petitioner has submitted that in the present case even as per the case of the prosecution, on the basis of secret information, the co-accused of the petitioner namely Mukesh Kumar along with mobile phone and Rs.3600/- and Vijay Kumar along with Rs.4200/- were arrested on the allegation that the said co-accused along with the petitioner was involved in gambling of cricket matches and were taking money from the people of the area through internet. It is submitted that the

present case, there was no private witness nor the place and venue from where the alleged act was being done, had been stated in the FIR and the person, who had been arrested from the spot, has been released on regular bail within a period of 4 days and nothing is to be recovered from the petitioner and the petitioner is not involved in any other case.

On advance notice, Mr.N.K.Banka, DAG, Punjab, appears and accepts notice on behalf of the State. He has submitted that he is fully prepared to argue the matter and assist the Court. He has opposed the petition for anticipatory bail and has submitted that as per the secret information, all the persons including the present petitioner were involved in the alleged offence. However, the factum, that the petitioner has not been arrested at the spot, has not been denied.

Keeping in view the facts and circumstances, more so, the fact that the petitioner has neither been arrested at the spot nor any recovery has been made from him and it is only the co-accused of the petitioner, i.e. Mukesh Kumar and Vijay Kumar, who had been arrested after raid and from whom Rs.3600/- and Rs.4200/- respectively, along with mobile phone has been recovered and also the fact that the co-accused of the petitioner, who had been arrested at the spot, has been granted regular bail within a period of 4 days and the petitioner is not involved in any other case, the present petition for anticipatory bail is allowed, and in the event of arrest, the petitioner shall be released on bail subject to furnishing personal bonds and surety to the satisfaction of Arresting / Investigating Officer. The petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) of Cr.P.C.

However, nothing stated above shall be construed as an

expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

November 03, 2021
Davinder Kumar

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