

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-11429 of 2022
Date of Decision:-06.09.2022

Samir Kumar @ Shammi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sandeep Arora, Advocate for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab,

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No. 21 dated 09.02.2022 under Sections 13-A of Punjab Gambling Act, 1967, Section 294 IPC and Section 7(3) of Lottery Regulation Act, 1998 at Police Station Adampur, District Jalandhar Rural, Jalandhar, Punjab.
2. At the time of issuance of notice of motion on 17.03.2022, the following order was passed :

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.21, dated 9.2.2022, Police Station Adampur, District Jalandhar Rural, under Sections 13-A of Punjab Gambling Act, 1967, Section 294 IPC and Section 7(3) of Lottery Regulation Act, 1998.

The FIR was lodged on the basis of a secret information received by SI Bisman Singh to the effect that the petitioner and his employees namely Paramjit Singh, Parduman Singh and Harish Kumar indulged in business of illegal lottery and gambling in an unauthorized manner. On the basis of secret information, a raid was made at the nominated place where accused Lakhvir Singh @ Lucky, Sunil, Rajiv Kumar and Ravi were playing gambling by means of cards and lotteries on the basis of ‘parchies’. It is further the case of prosecution that Dara Singh, Ajad, Santokh Singh, Joginder Singh and Resham Lal were also found

present there along with '*parchies*' and currency notes. Harish Kumar, Paramjit Singh @ Pappi and Parduman Singh were also present at the shop.

Learned counsel for the petitioner submits that he has falsely been implicated in the present case and that he cannot be connected with other accused who have been apprehended at the spot in any manner and that neither he is owner of the premises from where the co-accused were apprehended nor he can be related with the lottery etc. recovered from the spot. It has further been submitted that the petitioner has clean antecedents and is not involved in any case earlier.

Notice of motion for 6.9.2022.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

3. Learned State counsel, upon instructions from the Investigating Officer, has informed that pursuant to interim directions issued by this Court the petitioner has since joined investigation and is not required for any custodial interrogation. Learned State counsel has, however, also informed that the petitioner happens to be involved in some other cases as well.
4. Having heard the learned counsel for the parties and bearing in mind the facts and circumstances of the case and also that the petitioner has already joined investigation and is not required for any custodial interrogation, the present petition is accepted and the interim directions issued by this Court vide order dated 17.03.2022 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon

to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

06.09.2022
anil

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No