

2024:PHHC:097525



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

Sr. No.253

CRM-M-34287-2023 (O&M)
Date of decision : 29.07.2024

Ravi Kumar Bansal and another

..... Petitioners

VERSUS

State of Punjab and others

..... Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. R.S. Bains, Senior Advocate with
Mr. M.S. Chauhan, Advocate, for the petitioners.

Mr. Vinay Kumar, DAG, Punjab.

KIRTI SINGH, J. (Oral)

1. At the very outset, learned senior counsel appearing for the petitioners has submitted that he limits his prayer for quashing of the charge-sheet dated 18.10.2022 and FIR No.34 dated 08.02.2022, under Section 13-A of the Public Gambling Act, 1867, registered at Police Station City-1, Mansa.

2. The petitioners were allegedly found indulging in gambling by a police party on 08.02.2022 on the basis of which FIR No.34 dated 08.02.2022 was registered under Section 13-A of the Public Gambling Act at Police Station City-1 Mansa. After investigation, report under Section 173 Cr.P.C. was filed. The charges were framed against the petitioners vide order dated 26.04.2023 under Section 13-A of Public Gambling Act.

3. Learned senior counsel has vehemently argued, by way of the present petition that the learned trial Court could not take cognizance as the challan was filed beyond the period of limitation. He has placed reliance

2024:PHHC:097525



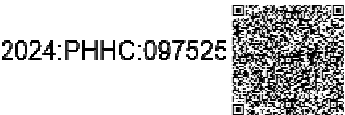
in CRM-M-4087-2023 titled as Pawan Kumar and others Vs. State of Punjab and another in support of his submissions.

4. Heard.

5. There is merit in the contention raised by the learned senior counsel. The alleged offence was committed on 08.02.2022. Offence under Section 13-A of the Public Gambling Act is punishable with fine only or with a sentence upto one month. Section 468 Cr.P.C. prescribes a period of six months within which cognizance of an offence can be taken when the offence is punishable with fine only; or within one year, if the offence is punishable with imprisonment for a term not exceeding one year.

6. In the present case, as the offence in question is punishable with fine or imprisonment upto one month, it means that the cognizance should have been taken within one year. However, as contended by learned senior counsel for the petitioners and as conceded in the status report filed by respondents No.1 to 3-State, the challan was presented before the Court on 01.03.2023. No explanation has been given as to why the challan was not presented within a period of one year from the date of commission of the offence i.e. 08.02.2022. Once it is found that challan was presented before the Court on 01.03.2023 i.e. beyond a period of one year from the date of commission of offence which is 08.02.2022, therefore, learned trial Court was debarred from taking cognizance of the offence in view of the bar placed under Section 468 Cr.P.C.

7. Consequently, the present petition qua prayer for quashing of the charge-sheet dated 18.10.2022 and FIR No.34 dated 08.02.2022, under Section 13-A of the Public Gambling Act, 1867, registered at Police Station



City-1 Mansa is allowed and all the subsequent proceedings arising therefrom are hereby quashed.

Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

29.07.2024
Ramandeep Singh

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