



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

CRM-M-44952-2024

Date of decision: 10.09.2024

Anuj Sehgal @ Sonu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. P.S. Miglani, Advocate for the petitioner.

KARAMJIT SINGH, J. (ORAL)

1. The present petition has been filed by the petitioner seeking quashing of order dated 02.03.2024 (Annexure P-3) passed by the Court of Judicial Magistrate Ist Class, Ludhiana whereby the petitioner was declared as proclaimed person in case having FIR No.188 dated 10.08.2021, registered under Section 13-A Gambling Act, at Police Station Moti Nagar, District Police Commissionerate Ludhiana.

2. The counsel for the petitioner submits that petitioner never received any summons or warrants with regard to pendency of the above said criminal case. Further, as per order dated 16.01.2024 Annexure P-6 proclamation of the petitioner was issued for 02.03.2024. That while passing the impugned order Annexure P-3, the learned trial Court failed to take into notice the aforesaid order Annexure P-6. It is further submitted that proper procedure was not followed by the trial Court while passing impugned order Annexure P-3. It is further submitted that the offence under Section 13-A Gambling Act is a bailable offence and the case of co-accused was disposed of by the trial Court vide order dated 02.03.2024 Annexure P-5 by imposing fine of Rs.500/- to him. The counsel for the petitioner further submits that petitioner is ready to join the proceedings before the trial Court at the earliest.



3. Notice of motion.

4. Mr. J.S. Dhaliwal, AAG, Punjab, accepts notice on behalf of the State and submits that the petitioner was avoiding his service to appear in the trial Court. That there is no illegality or infirmity in the impugned order Annexure P-3, passed by the trial Court in accordance with the mandate of Section 82 Cr.P.C. However, the State counsel has not disputed the fact that offence in question is a bailable offence.

5. I have considered the submissions made by counsel for the parties.

6. From the perusal of order Annexure P-6 dated 16.01.2024 and subsequent order Annexure P-3 dated 02.03.2024, it appears that the impugned order was not passed in conformity with the provision of Section 82 Cr.P.C. Further, offence under Section 13-A Gambling Act is a bailable offence and the case of the co-accused was disposed of by learned trial Court vide order Annexure P-5 dated 02.03.2024 by imposing fine of Rs.500/-.

7. In light of the above, without expressing any opinion on the merits of the case and in the interest of justice and in order to avoid further delay in trial, the impugned order is hereby set aside and petitioner is directed to appear before the learned trial Court within next two weeks and on his doing so, the petitioner is to be released on regular bail by the said Court to its own satisfaction subject to cost of Rs.7500/- to be deposited by the petitioner with the District Legal Services Authority concerned.

8. Disposed of in aforesaid terms.

10.09.2024

Yogesh

(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned:-
Whether reportable:-

Yes/No

Yes/No