

**In the court of Sardar Harjeet Singh, Additional Sessions Judge,
Moga. (UID No.PB0131)**

CIS No.BA/2391/2023
CNR No.PBMO010063022023
Date of Order :- 21.10.2023

Gagandeep @ Gaggi son of Mohan Lal, resident of House No.238, Street No.05, Bhim Nagar Camp, District Moga.

....Accused/Applicant

Versus

State of Punjab

FIR No.189 dated 13.09.2023,
Under Sections :- 13-A of Punjab Gambling Act,
1867 and Section 420 IPC.
Police Station :- City South, Moga.

--

Bail Application under Section 438 Cr.P.C.

Present :- Shri Ishan Mittal, Advocate for applicant/accused
Shri Amrit Mittal, Additional Public Prosecutor for the State

ORDER

Police record was summoned and received.

Learned counsel for accused/applicant has argued that accused/applicant has been falsely implicated in the case in hand. The accused/applicant is not named in the FIR. The name of the accused/applicant has been added later on. The accused/applicant has not committed any offence as alleged in the FIR. Offence under Section 420 IPC has been added only to make the offence non bailable. The accused/applicant is ready to join the investigation. His custodial interrogation is not required and prayed that accused be granted anticipatory bail.

On the other hand, learned Additional Public Prosecutor for State

argued that since, serious allegations have been levelled against the accused/applicant, as such, his custodial interrogation is very much required. It is not a fit case, where concession of anticipatory bail can be given to accused/applicant. Lastly, he prayed that bail application be dismissed.

I have considered the submissions of learned Counsel for the applicant/accused and learned Additional Public Prosecutor for the State.

As per prosecution version, the police party headed by ASI Sahib Singh along with other police party were present at Bahona Chowk, Moga in connection with patrolling and checking of suspected persons where he received a secret information that Naresh Kumar @ Babu and Pooja Rani are indulged in gambling at a public place by way of Darra Satta by proclaiming to the general public that if anyone stake Rs.1/- on any specific number and then he will get Rs.75/- in case of being successful, failing which the staked money will be forfeited. Thus, the aforesaid persons used to commit cheating with the general public. Finding the information reliable, ruqa was sent for registration of FIR and accordingly, FIR was registered. Thereafter raid was conducted and co-accused were apprehended. During interrogation of co-accused, the name of the accused/applicant has been surfaced in the present case.

The accused/applicant was initially not named in the FIR. Whether the offence under Section 420 IPC is made out or not is debatable issue. Co-accused Vijay Kumar has already been granted anticipatory bail by this Court. The purpose will be served by directing the applicant-accused to join the investigation. So, in the meantime, applicant-accused is directed to join the investigation with the Investigating Officer/Arresting Officer and on

his doing so, he shall be admitted to interim bail by the Investigating Officer/Arresting Officer to his satisfaction, subject to compliance of provisions of Section 438(2) Cr.P.C

Now to come upon 27.10.2023 for awaiting compliance report and further arguments.

Pronounced.
21.10.2023.
(Jagjit Singh Panesar, Stenographer-I)

(Harjeet Singh)
Additional Sessions Judge,
Moga. ***(UID No.PB0131)***