

**IN THE COURT OF PARMINDER SINGH GREWAL,
ADDITIONAL SESSIONS JUDGE (UID NO.PB0438),
JALANDHAR.**

CIS No.	BA 1010/2021
CNR	PBJL01-002506-2021
DATE OF INSTITUTION	05.03.2021
DATE OF DECISION	09.03.2021

Mohan Lal son of Parshotam Lal, resident of House No. 98, New Shashtry Nagar, Jalandhar.

....Accused/applicant

Versus

State of Punjab.

....Respondent

FIR No.180 dated 14.11.2019
U/sections 13/3/67 of Punjab Gambling Act and Sections
307, 160, 148, 149, 379-B of Indian Penal Code.
P. S. Division No.6, Jalandhar.

First bail application under Section 438 Cr.P.C.

Present: Sh. Pankaj Sharma, Advocate for the accused/applicant.
Sh. Sandeep Kumar, Addl. PP for the State.

1. This order of this Court shall dispose of the present bail petition filed by the petitioner Mohan Lal under Section 438 of Cr.P.C. for releasing him on anticipatory bail in the event of his arrest, in case FIR No.180 dated 14.11.2019, under Sections 13/3/67 Punjab Gambling Act and Sections 307, 160, 148, 149, 379-B of Indian Penal Code, registered at Police Station Division No.6, District Jalandhar.
2. The counsel for the petitioner has argued that the present

petitioner has been falsely implicated in the present case. He has further argued that the present petitioner has not committed any offence. He has further argued that earlier the case was registered under Sections 307, 160, 148, 149 of Indian Penal Code read with Section 13/3/67 of Gambling Act at Police Station Division No.6, Jalandhar and after enquiry, the offence under Section 307 of Indian Penal Code was deleted. He has further argued that the police has presented the challan before the Ld. Illaqua Magistrate for the offence under Sections 323, 324, 160 of IPC and Sections 13/3/67 of Gambling Act. He has further argued that nothing is to be recovered from the person of the present petitioner. He has further argued that the present petitioner has been falsely implicated in the present case with ulterior motive to harass the present petitioner. He has further argued that the present petitioner is ready to join investigation. He has further argued that compromise has arrived at between both the accused parties in this case. He has thus, prayed that the present bail petition may kindly be allowed.

3. On other hand, Ld. Addl. PP for the State assisted by the investigating officer submitted that the present petitioner alongwith his other co-accused was running a Gambling den at his shop situated at Mota Singh Nagar Market, Jalandhar and were playing gambling. He has further argued that a dispute arose between the petitioner party as well as their opposite party with respect to distribution and sharing of the money won through gambling and thereafter, both the parties have inflicted various injuries on the persons of each other with an intention to kill each other. He has further argued that custodial interrogation of the present petitioner is required to ascertain the nature of the alleged offence. He has thus, prayed for dismissal

of the present bail petition.

4. This court has heard both the learned counsel for the petitioner and Ld. Addl. PP for the State and perused the record with their able assistance.

5. This court is of the considered view that as per allegations levelled in the present FIR, the present FIR has been registered by Inspector/SHO Surjit Singh as complainant on the ground that he has received an information from the police control room at about 6.15 PM through telephone that a fight has taken place in Mota Singh Nagar Market, Jalandhar and thereafter, the aforesaid Inspector/SHO Surjit Singh alongwith the other members of police party immediately reached the aforesaid Mota Singh Nagar Market, Jalandhar and after enquiring about the alleged incident, has found that both the petitioner party as well as complainant party have inflicted various injuries upon the person of members of each of their opposite party with an intention to kill them and after deputing one police official at the aforesaid Mota Singh Nagar Market, Jalandhar, Inspector/SHO Surjit Singh alongwith other police officials went to Civil Hospital, Jalandhar, where he found that both the petitioner party as well as their opposite party have created ruckus at Civil Hospital, Jalandhar and has also attacked the medical officer/doctor present on the duty at Civil Hospital, Jalandhar and no member of the either party has got himself admitted at Civil Hospital, Jalandhar. It has further been alleged that thereafter, the aforesaid Inspector/SHO has found that first party namely Chandan Kumar @ Magha, Rahul Arora, Dinesh Verma and the present petitioner etc are admitted in Satyam Hospital, Jalandhar and when he

alongwith other police party reached at Satyam Hospital, Jalandhar, he found that injured Aman son of Tarsem Lal is admitted in the aforesaid Satyam Hospital, Jalandhar on account of injuries received by him on his head in the aforesaid hospital and is still under treatment. Thereafter, on further enquiry, the aforesaid Inspector/SHO Surjit Singh has found that the first party persons i.e. accused Chandan Kumar @ Mangha, Rahul Arora and Dinesh Verma and the present petitioner Amit Arora who is owner of the shop situated at Mota Singh Nagar Market, Jalandhar were playing gambling on the aforesaid shop of the petitioner party and the members of the other party i.e. the accused Aman ,Kamalpreet Singh and Dinesh Verma alongwith 7-8 unidentified persons went to the aforesaid shop of the present petitioner and have fought with each other party when a dispute arose from distribution and sharing of the money won through gambling which was being played at the shop of the present petitioner. It has further been alleged that then the present petitioner alongwith his aforesaid other co-accused have inflicted various injuries on the person of members of the other party namely Aman and others with an intention to kill them. Thus, this court is of the considered view that custodial interrogation of the present petitioner is required to ascertain the alleged mode and manner of the alleged commission of the alleged offence and for recovery of the weapons of offence used by the present petitioner and his other co-accused in the alleged occurrence. Furthermore, no compromise has been arrived at between the accused including the present petitioner and the complainant Inspector/SHO Surjit Singh in this case and the compromise, if any between the opposing accused parties is not of any help to the present petitioner and

furthermore, all the alleged offences in this case are non compoundable in nature. Furthermore, the argument raised by the learned counsel for the petitioner to the effect that earlier the case was registered under Sections 307, 160, 148, 149 of Indian Penal Code read with Section 13/3/67 of Gambling Act at Police Station Division No.6, Jalandhar and after enquiry, the offence under Section 307 of Indian Penal code was deleted and the police has presented the challan before the Ld. Illaqua Magistrate for the offence under Sections 323, 324, 160 of IPC and Sections 13/3/67 of Gambling Act, is not sustainable, in as much as, the CDs/Pen drives of the CCTV footage of the alleged occurrence collected during the course of investigation clearly reveals that the present petitioner in furthermore of the common object of the unlawful assembly formed by him with his other co-accused has caused various injuries on the person of the injured with datars etc with an intention to kill such injured persons, moreso in the presence of the police constable of the PCR duty, who has reached the busy market place of occurrence immediately after receiving information about the alleged occurrence and thus, the mere deletion of the offence under Section 307 of IPC by the police during the course of investigation reveals that the same has been done just to help the accused including the present petitioner. Furthermore, all the arguments raised by the Ld. Counsel for the petitioner pertains to the disputed question of fact, which can only be decided at the time of recording of evidence and trial.

7. In view of the reasons discussed herein before and after keeping in view the gravity and seriousness of the offences, the present bail petition filed under Section 438 Cr.P.C. for releasing the present petitioner Mohan

Lal on anticipatory bail, is hereby dismissed. File be consigned to the Record Room.

Pronounced in open Court.
09.03.2021
Som Nath*

(Parminder Singh Grewal),
Additional Sessions Judge,
Jalandhar (UID NO.PB0438)