

**In the court of Shri Vijay Kumar Addl. Sessions Judge, Fazilka.
UID No. PB0154.**

B.A. No. 1727/2018
CNR No: PBFZC0-005065-2018.
Date of Filing: 22.11.2018.
Date of Order: 03.12.2018.

Daulat son of Banwari Lal @ Mani Ram aged 29 years resident of Street No. 9, Thakar Abadi, Abohar District Fazilka.

.....Accused/applicant.

Versus

State of Punjab

... Respondent.

FIR No. 131 dated 18.11.2018,
U/s 420 IPC, 13-A of Public Gambling Act,
Police Station: City-II, Abohar.

[Bail application U/s 438 (i) of Cr.P.C.]

Present: Shri Dinesh Kumar, Adv. Counsel for applicant/accused.
Shri Wazir Kamboj, Addl. PP for the State.

ORDER:

1. Daulat had filed the present bail application in FIR No. 131 dated 18.11.2018 registered at police station, City-II, Abohar under section 420 IPC & u/s 13-A of Public Gambling Act, for releasing him on bail.

2. Brief facts of the bail application are that applicant has not committed any offence. Applicant further stated that he is innocent. Applicant further stated that nothing was recovered from the possession of accused. He further stated that he undertakes to abide by all the terms and conditions to be imposed by this court. Hence, prayed that he be admitted to bail.

3. Upon notice, Learned Addl. PP appeared on behalf of State and contested the bail application. Learned Addl. PP argued that accused was found gambling by means of darra satta at a public place. Learned Addl. PP further stated that accused was also found cheating the public persons by not paying the amount, even if the staked number on a particular number comes. Hence, prayed that application be dismissed.

4. I have heard learned counsel for the applicant/accused, APP for the State and have carefully gone through the records of the case.

5. Present FIR no. 131 dated 18.11.2018 was registered against the applicant/accused Daulat at police station City-II, Abohar u/s 420 IPC and u/s 13-A of Public Gambling Act. Present case was registered against the applicant/accused on the ground that on 18.11.2018, accused was found gambling by way of darra satta and thereafter, he ran away from the spot. Learned Addl. PP stated that accused was also cheating the public, but learned counsel for applicant stated that offence u/s 420 IPC is not made out. So, although FIR was registered u/s 420 IPC also, but section 420 IPC is yet to be proved during the course of trial. So, in these circumstances, applicant Daulat is admitted to interim bail and he is directed to join the investigation with the Investigating/Arresting Officer and on his appearance before the Investigating/Arresting Officer, he is ordered to be released on interim bail to the satisfaction of Investigating/Arresting Officer, subject to the following conditions:-

(a) that he will not tamper with the prosecution evidence and will not offer any threat, promise or inducement, directly or indirectly to any of the person acquainted with the facts of the case, dissuading them from disclosing the same to the court/investigating agency;

(b) that he will not leave the limits of this country without prior permission of the court; AND

(c) that the applicant/accused will join the investigation with the Investigating Officer on 07.12.2018 between 12.00 noon to 2.00 pm.

Now to come up on 10.12.2018 for report, on which date, arguments on the present bail application will be heard.

Sd/-

Pronounced in open court.

Dt. 03.12.2018.

'Bhola Shankar'

'Stenographer Gr. I'

(Vijay Kumar)

Addl. Sessions Judge,

Fazilka.

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