

**IN THE COURT OF DR. AJIT ATRI, UID NO. PB0440,
ADDITIONAL SESSIONS JUDGE, SAS NAGAR**

CNR No. PBSA0100-4147-2024

CIS No. BA-1585-2024

Date of Institution: 27.05.2024

Date of Order: 10.07.2024

Sanjay Garg, aged about 45 years, S/o Ram Kumar Garg, R/o H. No.584,
Sector 45, Burail, UT Chandigarh.

.....Applicant-accused.

Versus

State of Punjab.

.....Respondent.

FIR No. 458/2020
Under Section 13 of Gambling Act.
P.P. Baltana (Zirakpur), District SAS Nagar.

**FIRST BAIL APPLICATION UNDER SECTION 438
OF CR.P.C. FOR GRANT OF ANTICIPATORY BAIL.**

Argued by: Ms. Amandeep Kaur, Advocate for the applicant-accused.
Mr. P.P.S. Brar, Additional Public Prosecutor for the State.

ORDER

1. This order of mine shall dispose of the bail application under Section 438 of Cr.P.C. filed by the applicant for grant of anticipatory bail.
2. Notice in the bail application was issued and Trial Court record was also summoned.
3. It has been argued by the learned counsel for the applicant that the applicant was regularly appearing before the learned Trial Court and on 18.01.2021, the case was adjourned to 09.02.2021 for evidence of the prosecution. On 09.02.2021, the accused-applicant could not appear before the learned Trial Court and requested his counsel to file exemption

(Dr. Ajit Atri, UID No. PB0440)
Additional Sessions Judge,
SAS Nagar (10.07.2024)

application on behalf of the petitioner. The counsel for the applicant moved an application for exemption from personal appearance and the counsel told to the applicant that the learned Court has disposed of the matter by imposing fine of Rs.5000/- and the applicant paid the amount of Rs.5000/- to the counsel. After receiving the amount of Rs.5000/-, the counsel told the applicant that now there is no need for him to come to the Court as the matter has been disposed of, but subsequently the applicant has come to know about the pendency of the case and his bail has been canceled by the learned Trial Court. The applicant tried to contact his counsel, but could not do the same. The applicant engaged another counsel and came to know that the matter has never been disposed of, rather non-bailable warrants have been issued against the applicant and proclamation proceedings have also been initiated. It has been argued that non-appearance of the applicant is under misinformation by the earlier counsel.

4. On the other hand, Learned Additional P.P. for the State has opposed the bail application and submitted that as the applicant was on bail, he is still under constructive custody of the Court and he should appear before the learned Trial Court and explain the reasons. His bail has already been canceled vide order dated 09.03.2021 and proclamation proceedings have been initiated.

5. I have heard the learned counsel for the applicant, learned Additional P.P. for the State and have gone through the file.

6. Perusal of the file shows that the applicant was facing trial for the offence under Section 13-A/3/67 of the Gambling Act and charges against him and the co-accused were framed vide order dated 18.01.2021. Subsequently, the applicant absented from the learned Trial Court and vide order dated 09.03.2021, his bail was canceled and bail bonds & surety bonds were forfeited to the State. As the applicant had been regularly appearing before the learned Trial Court, therefore, he was well aware of the proceedings pending before the learned Trial Court and it is his negligence only that he did not appear. The plea taken by the applicant is not believable as he has not filed any complaint against the said counsel, who mis-informed him and also took money from him. There is no ground to grant the concession of anticipatory bail to the applicant and the application for bail is dismissed.

However, as the applicant is willing to appear before the learned Trial Court and to face trial, it is directed that in case, the applicant surrenders before the learned Trial Court and moves an application for bail, the same shall be decided on the same date by the learned Trial Court as per law. The bail application is disposed of accordingly. The copy of order be sent to the learned Trial Court alongwith record for necessary compliance. File be consigned to the record room after due compliance.

Pronounced in Open Court.
Dated: 10.07.2024

Tajinder Singh

(Dr. Ajit Atri, UID NO. PB0440)
Additional Sessions Judge,
SAS Nagar.

(Dr. Ajit Atri, UID No. PB0440)
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Sanjay Garg Vs. State of Punjab

Argued by: Ms. Amandeep Kaur, Advocate for the applicant-accused.
Mr. P.P.S. Brar, Additional Public Prosecutor for the State.

Arguments heard. Vide separate detailed order of even date,
the present bail application of the applicant has been disposed of with
direction. File be consigned to the record room. Record be returned.

Pronounced in Open Court.
Dated: 10.07.2024

(Dr. Ajit Atri, UID NO. PB0440)
Additional Sessions Judge,
SAS Nagar.

Tajinder Singh

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