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

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**CRM-M No.43109 of 2025
Date of decision: 08.08.2025**

Rakesh Kumar @ Rakesh Sethi

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Munish Behl, Advocate,
for the petitioner.

Mr. Apoorv Garg, Addl. AG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") seeking anticipatory bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
240	22.07.2025	Ambala Cantt, District Ambala	4(1) of the Haryana Prevention of Public Gambling Act, 2025 and 112 of the Bharatiya Nyaya Sanhita, 2023 (For short "BNS")

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2. As per the allegations, on 22.07.2025, on receipt of a secret information to the effect that the petitioner was running and facilitating gambling activities in the area of Namaste Chowk, Ambala Cantt in some premises which were taken on rent by him, a police party reached there and found several persons gambling in the said premises. The petitioner managed to flee from the spot. He was nominated as an accused. Investigation proceedings have been initiated after registration of FIR and are underway. Apprehending his arrest, the petitioner moved an application for grant of pre arrest bail which was dismissed by the Court of learned Additional Sessions Judge, Ambala vide order dated 01.08.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The subject offences are triable by Magistrate. His custodial interrogation is not required. No recovery is to be effected from him. He is ready to join the investigation. Accordingly, it is urged that he deserves to be released on bail.

4. Notice of motion.

5. Mr. Apoorv Garg, Addl. AG, Haryana has advance notice of the petition and is ready to argue the matter. It is submitted by him that there are specific and serious allegations against the petitioner. He committed petty organised crime by gambling and facilitating gambling activities by other persons in his rented premises. He has criminal

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antecedents as he was convicted in two cases under Gambling Act in the past. There are chances of his committing similar offences if extended benefit of bail. His custodial interrogation is required for the purpose of conducting thorough investigation in the matter and to elicit information about the manner in which the subject crime had been committed by him. It is, therefore, urged that he does not deserve to be extended benefit of pre arrest bail.

6. This Court has considered the rival submissions.

7. The petitioner is alleged to be the main accused engaged in the business of running and facilitating gambling activities and committing petty organised crime. Such gambling activities were organised in the premises taken by him on rent. He is a habitual offender. The apprehension that there are chances of his committing similar offences if released on bail cannot be stated to be unfounded at this stage. The case is at its nascent stage. It is well settled that the powers for grant of anticipatory bail are extraordinary and the same are to be exercised sparingly in exceptional circumstances. In the present case, no such exceptional circumstance warranting exercise of the powers for grant of anticipatory bail appears to be existing. As such, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

9. It is, however, clarified that observations made hereinabove

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shall not be construed as an expression of opinion on the merits of the case.

08.08.2025

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**(MANISHA BATRA)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No