

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

Date of decision:03/06/2016.

Roshan Lal Arya

.....Petitioner

VS

State of Haryana

.....Respondent

CORAM:- HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.Ravi Sharma,Advocate for the petitioner.

Mr.Kuldip Tiwari,Addl.AG Haryana assisted by
ASI Kabul Singh

Jaswant Singh,J(Oral)

Prayer is for grant of anticipatory bail to accused petitioner Roshan Lal Arya in case FIR No.179 dated 26.4.2016 for offences punishable under Sections 153,153-A,153-B,504 and 124-AIPC and Section 54 of the Haryana Police Act,2007 registered with PS Model Town,Rewari.

As per allegations, the petitioner is alleged to have held a press conference alongwith the BJP MLA wherein he has uttered derogatory words against the Jat Community thereby encouraging and flared the sentiments of hatred amongst the members of different communities.

It was contended that from the reading of the FIR , no case for Sedition is made out and for the remaining offences the custodial interrogation is not required. It was next submitted that the petitioner was already and willing to join investigation.

Vide order dated 26.5.2016, notice of motion was issued, petitioner was directed to join investigation and granted interim bail.

Upon notice,learned State counsel has filed reply in Court today by way of affidavit of Sangeeta Kalia,SP,Rewari on behalf of State stating therein that upon publication of an inflammatory statement by accused-petitioner in Haryana Kesari, a Regional Supplement of Punjab Kesari,Delhi dated 16.4.2016 creating hatred against a particular

community, opinion of DDA, office of Inspector General of Police, South Range, Rewari was sought, and the following opinion was given by said DDA:-

“I have examined the paper cutting of newspaper. Prima facie a criminal case under Section 153, 153-A, 153-B, 504 and 505 IPC is made out which requires deep probe by the police. Further action be taken accordingly.”

On receipt of said opinion, investigations were carried out during which it transpired that another FIR No.94 dated 26.4.2016 stood registered against the petitioner for the commission of offences punishable under Sections 124-A and 153-A IPC, in which petitioner alongwith 6-7 other persons is named as accused. During the investigation a CD recording of the petitioner addressing the media was also collected and taken into possession which revealed that the petitioner not only made derogatory remarks against a particular community but also made remarks against the institutional set up of the government set up by law in the country and the law enforcing agencies. It is further stated that apart from the aforesaid two FIRs, petitioner is also named as accused in FIR No.216 dated 26.4.2016 under Sections 420 and 406 IPC, PS City Yamuna Nagar at the instance of one Vishal Aggarwal wherein allegations of duping complainant to the tune of Rs.30 lacs on the pretext of getting a change of land use certificate with regard to the land of the complainant have been made.

After hearing the learned counsel for the parties and keeping in view the nature and gravity of offence, no case for grant of anticipatory bail is made out.

Dismissed.

03.06.2016
joshi

(Jaswant Singh)
Judge