

CRM No. M-21693 of 2016

DECIDED ON: SEPTEMBER 26, 2016

SONIKA

....PETITIONER

VERSUS

STATE OF HARYANA & ANR

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Divay Sarup, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

Mr. Ashwani Bhardwaj, Advocate
for respondent No.2.

JASPAL SINGH, J (ORAL)

By virtue of instant petition preferred under Section 438 Cr.P.C., petitioner has sought pre-arrest bail in a complaint case No. COMI/0010195/2013 dated 17.01.2013 captioned as **Arun Aggarwal v. Sonika** under Sections 193, 420, 465, 468, 471 and 120-B IPC pending in the Court of learned Judicial Magistrate Ist Class, Hisar.

At the time of issuance of notice of motion on June 23, 2016, following order was passed:

“The petitioner seeks pre-arrest bail in complaint case No. COMI/0010195/2013 dated 17.01.2013 titled as 'Arun Aggarwal Vs. Sonika' under Sections 193, 420, 465, 468, 471 and 120-B IPC pending before the Court of Judicial Magistrate, Ist Class, Hisar.

The allegations in the complaint against the petitioner, who is wife of the complainant-respondent No.2 is that in her petition filed under Section 12 of the Domestic Violence Act, she had annexed the documents of Income Tax Return of the father of the complainant for the years 2004- 05, 2005-06, 2006-07, 2007-08, which are stated to be forged and fabricated. The concerned ITO Sh. R.K. Yadav has clearly stated that he has not supplied the said information to the petitioner.

Learned counsel for the petitioner states that the letter No.3712 dated 22.10.2008, from the office of Income Tax Officer Ward-3, Hisar to the petitioner clearly indicates that the information asked by the petitioner was being provided to her under Section 6(3) of the Right to Information Act, 2005. He further refers to cross-examination of Sh. R.K. Yadav, Income Tax Officer, Ward No.3, Hissar wherein with reference to dispatch number 3712 of letter dated 22.10.2008, he deposed that he could not say anything about this letter and that only Dispatch Clerk could tell about that. Ld. counsel states that the ITO also admitted in his cross-examination that petitioner had applied for information under the Right to Information Act. Ld. counsel argues that based on this evidence of the ITO, it cannot be positively concluded that the said information was not supplied to the petitioner in response to her RTI letter.

Notice of motion for 22.08.2016.

In the meantime, the petitioner shall appear before the Trial Court, which shall admit her to interim anticipatory bail, subject to her furnishing bail/surety bonds to its satisfaction.

In compliance of order dated June 23, 2016, petitioner has appeared before the trial Court and has furnished the requisite bail/surety bonds. Otherwise also it being a complaint case custodial interrogation of the petitioner is not at all required. Moreover, complaint is not likely to be disposed of within a short span of time.

Taking in to consideration all the above-said aspects but without expressing any opinion on the merits of the case, order dated June 23, 2016 is hereby, made absolute and shall enure during the pendency of trial.

However, petitioner shall be abide by all the terms and conditions as envisaged under Section 438(2) Cr.P.C.

Disposed of.

SEPTEMBER 26, 2016
sham

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned *Yes/No*

Whether Reportable *Yes/No*