

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

CRM-M-29321-2017

Date of Decision:29.09.2017

Ashok

.....PETITIONER

V/S

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Jamshed Ahmed, Advocate for the
petitioner.

Ms.Tanushree Gupta, DAG, Haryana.

Mr.R.A. Sheoran, Advocate for the complainant.

A.B. CHAUDHARI, J. (ORAL)

Through the instant petition filed under Section 438 Cr.P.C.,
petitioner seeks grant of anticipatory bail in case bearing FIR No.127 dated
16.05.2017, registered under Section 384, 452, 506 and 34 IPC at Police
Station Civil Lines Bhiwani, District Bhiwani.

Heard learned counsel for the rival parties.

The allegations against the petitioner as per the case of the
prosecution are as under:-

“In the year 2015 bad act was committed upon sonia
w/o Ashok Chawla resident of etc. in this regard she made a
complaint before the police but police had not taken any action so
she wanted to file a complaint before the Court on the basis of
complaint made by Sonia and facts disclosed by her, I filed a
complaint before Distt. Court Bhiwani titled as Sonia Vs. Sanjay
Chawla and etc. I have also made an application under Section 156
(3) Cr.P.C. along with complaint on instruction of Sonia. On the
direction of Court the above said complaint send to women police
station Bhiwani for registration of case on which FIR no.59 dated
02.12.2015 under Section 376, 384, 120-B, 377, 506, 34 IPC and
Section 67 of I.T. Act registered at women police station Bhiwani
and police started the investigation in the above noted case, after

some time above said Sonia told to as that police is not taking any action than we told to her that the matter is under investigation before the police. When police will file any report before the Court then we will proceed as per law which will be required but in spite that Sonia and her husband Ashok Chawla both started making the phone calls to us and they personally visited many times and loudly speaks and saying that police is not arresting the accused person. If you say to police then police can arrest them you are under influence of accused person and always misbehaving and initially we tried to understand them that it is part of legal proceeding and you make passions and no influence of any kind upon me. And I am not known the accused person. After the investigation police cancelled the case and the misbehave of Sonia and Ashok increased and Ashok started to pass the threaten to me by making the telephone call from his mobile nos.8199995220, 9812884421 and 9896515220 to me and said that we will paste the posters and commit the insult out of which some threatening are recorded in my mobile. So we said to them that due to your behave we don't want to contest your case if you are not satisfied with as then you can engage other advocate and sonia took her all documents and case brief to us. In this situation in the presence of Sh. Balbir Sharma, President Bar Association, Bhiwani and our junior Sh. Yogender Varma, Advocate and clerk Kuldeep and Sonia through Sh. Parveen Attri, Advocate all fee of the case return to Sonia in chamber no.156 and at that time Sonia was clear cut said that I have taken my fee and all documents and I will neither meet you and nor make any telephone call and never come in your chamber but thereafter no charge came in the behaviour of Sonia and her husband and thereafter one day Sonia again gave a threat to kill me and today on dated 18.04.2017 in the morning at about 10:37 to 11:35 O' clock she made telephone calls near about 20 times from her mobile no.8199995220 which was not received by me due to my busy schedule in court thereafter when I came in the chamber then Sonia and her husband Ashok Started walking again and again outside my chamber and started speak the bad words loudly. Sonia and Ashok forcibly entered in my chamber and started abusing me loudly and said that our documents give us from the police station when I said that in this regard you contact to your advocate then Sonia and Ashok both passed threat to kill me and said that we will kill you and or not come out the chamber and register a case against you on making false allegation at that my father Sh.R.C.Guglanni junior advocate Sh. Yogender Varma, Clerk Kuldeep etc. were present on heard the alarm peoples were gathered all side the chamber then on seeing them Sonia and Ashok fled away from this Court and when they were passing threat that only return the fee is not sufficient more money give to us then we will leave you till today due to humanity and status I remained silence but now there is an apprehension of my life and liberty from the hands of Sonia and Ashok, now they are ready to blackmailing us and extort the money from us, now no way is

remain so I am making this application before you it is therefore prayed that a case be registered against Sonia w/o Ashok Chawla and her husband Ashok Chawla resident of Teliwara, Jain Chowk, Bhiwani and strict action be taken against them and her call detail be also traced because truth will be found that the above said illegal activity commit by them on the conspiracy of other person. SD R.K. Applicant RK Guglanni Chamber No.156, Distt Court Complex, Bhiwani.”

In view of the above, I find that this is not fit case for anticipatory bail, as the petitioner and his wife threatened the advocate. In this view of the matter, grant of anticipatory bail to the petitioner is not made out. Therefore, interim order 11.08.2017 is vacated and liberty is given to the police to arrest the petitioner.

Dismissed.

(A.B. CHAUDHARI)
JUDGE

29.09.2017
Anjal

Whether speaking/reasoned? Yes/No

Whether reportable? Yes/No