In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-26764 of 2018

.....

Date of decision:31.8.2018

Sonia

.....Petitioner

v.

State of Haryana

.....Respondent

....

Present: Mr. J.S. Thind, Advocate for the petitioner.

Mr. B.S. Virk, Deputy Advocate General, Haryana
for the respondent-State.

.....

Inderjit Singh, J.

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.314 dated 4.6.2018 registered for the offences under Sections 3(1)(a) of Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act at Police Station City Bhiwani, District Bhiwani.

Notice of motion has been issued in this case.

Mr. B.S. Virk, learned Deputy Advocate General, Haryana has appeared on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner and learned State counsel appearing for the respondent-State and have gone through the record.

From the record, I find that in the present case the FIR was registered against Sonia and Ashok Chawla mainly on the allegations that

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the complainant is an Ex-MC and got registered FIR No.59 dated 2.12.2015 for the offences under Sections 376, 384, 120-B, 377, 506 and 34 IPC at Police Station Women Cell, Bhiwani against her brother-in-law etc. She being social people and MC of the area, her husband Niranjan, Devraj Mehta, ex-MC and other renowned persons of the society of Teliwada Mohalla and about 8-10 persons appeared before the Police and submitted their affidavit showing true facts. In the investigation, the Police concluded that false case has been filed against Sanjay Chawla and others and the cancellation report was filed for the same reason, Sonia and her husband Ashok used to have rivalry with her and her husband and, therefore, they used to abuse them and also used to abuse them with caste name. It has also been stated in the FIR that earlier they affixed poster naming her, her husband and Devraj Mehta and others in the Teliwada Mohalla, at their houses and in the shop in the city. Sonia sent the copy of poster on the Whatsapp of Devraj from her mobile.

A perusal of the record shows that no poster has been collected by the Investigating Officer at this stage.

The petitioners have already joined the investigation. As stated they are not required for any custodial interrogation. No useful purpose will be served by sending the petitioners to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The interim order dated 2.7.2018 passed by this Court

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granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

August 31, 2018. **(Inderjit Singh)**
Judge

hsp

NOTE: Whether speaking/reasoned: Yes
Whether reportable: No

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