

Salochna Devi Vs. State of Punjab BA 1734 of 2018
CNR No. PBHO-01005185 of 2018

Present : Shri Munish Kumar Ralhan, Advocate, Ld. counsel for
Petitioner
Shri Balwinder Singh, Ld. PP for the State

ORDER:

Present petition has been filed by petitioner namely Salochna Devi aged 34 years wife of Shri Vijander Singh son of Jaswant Singh, resident of Ward No.2, village and Post Office Mubarikpur, Tehsil, Amb, District, Una (Himachal Pradesh), for grant of anticipatory bail under Section 438 of the Cr. P.C, in case bearing FIR No.44 dated 12.08.2018, under Sections 420 and 506 of Indian Penal Code(hereinafter referred as 'IPC'), registered at Police Station, Talwara, District, Hoshiarpur averring therein that petitioner is innocent and has been falsely implicated in this false case at the instance of Davinder Singh. On the application of petitioner, license to run petrol pump under handicapped quota was allotted to her by Hindustan Petroleum Corporation Ltd, as such, she had taken the land on lease for 30 years from father of complainant vide registered lease deeds. The petitioner being 70% disability, gave power of attorney to complainant for attending day to day working of said petrol pump as well as banks. Husband of petitioner is 90% disabled person who even cannot stand. Thereafter, on coming to know about malafide intention of complainant, petitioner revoked power of attorney and also informed the banker for stopping transactions in the bank being operated by petitioner, but, even, then bankers conspired with complainant and they forged the signatures of petitioner and opened new E,D,F,W and saving account in SBI, Sector-2 Talwara. Complainant also forged partnership by forging her signatures and submitted the same in the office of Hindustan Petroleum Corporation Limited. Complainant is hand in glove with officials of Hindustan Petroleum Corporation Limited.

Petitioner moved application to Sr. Superintendent of Police, Hoshiarpur which was marked to Station House Officer of E.O. Wing, Hoshiarpur and further moved application dated 09.07.2018 to DGM, Hindustan Petroleum Corporation Limited, Jalandhar as well as to Chief General Manager Vigilance on 16.07.2018. Petitioner has also moved application to various higher authorities. The complainant has fabricated documents by forging signatures of petitioner and by using clever brain, he has succeeded in getting false case registered against petitioner. Police of Police Station, Talwara is raiding house of petitioner in order to arrest her and to put her behind the bars. The petitioner is victim of fraud in the hands of complainant, but, on the contrary it is the present petitioner, who has been arrayed as accused. Besides, other formal grounds, no other ground has been taken and prayer is made for allowing the instant application.

2. Upon notice of this application same is contested by the State.

3. Heard. Police file is called and same is perused. Earlier arrest of petitioner has been stayed by this Court vide order dated 28.08.2018. Perusal of file shows that petrol pump dealership has been taken by petitioner and complainant Davinder Bansal has been allegedly running the petrol pump. He has moved application before the Police for mental harassment. As per record till date petrol pump is in the name of petitioner-accused, who is handicapped. Even, report has been called from Hindustan Petroleum Corporation Limited, where application has been moved that a partnership has been converted and Salochna Devi petitioner is having share holding to the extent of 51% and Davinder Bansal complainant is having share holding to the extent of 49%. In the report of Deputy General Manager, Hindustan Petroleum Corporation Limited, it is mentioned that complaint has

been received from Salochna Devi that such reconstituted partnership is by way of fraud which is being inquired by the Company. Deputy Superintendent of Police (H), Hoshiarpur namely Swaranjit Singh has conducted the preliminary inquiry for registration of case. From the record itself it is clear that it is blatant misuse of power by Police in a civil matter. The case has been registered against authorized dealer in whose name petrol pump dealership has been sanctioned by the company. Even if, for the sake of arguments, it is considered that if partnership is reconstituted, nothing has come on record that account has been settled. So, this case is fit case where petitioner, who is authorized dealer and is also handicapped shall be protected by such a relief of anticipatory bail. Hence, interim anticipatory bail is granted to the petitioner with a direction to join the investigation of this case within seven days from today and in the event of her arrest by Investigating Officer/Arresting Officer, she shall be released on interim anticipatory bail subject to the satisfaction of Investigating Officer/Arresting Officer and subject to the following conditions:-

- a) She shall join the investigation, as and when called by the I.O.
- b) She will not tamper with the prosecution evidence
- c) She shall not leave the country without the prior permission of the trial Court

Now, to come up on 26.10.2018, for further proceedings.

Pronounced in the open Court on this 5th day of October, 2018

(Rajbir S.Saini)
J.W

(Ranjit Kumar Jain),
Addl. Sessions judge,
Hoshiarpur-PB-0077