

AKASH WALIA**V/S****STATE OF HARYANA AND ANOTHER**

Present:- Mr. Fateh Saini, Advocate for the petitioner(s).

Mr. Tarun Aggarwal, Addl.AG, Haryana.

Mr. Abhinav Sood, Advocate and

Mr. Nitesh Jhajria, Advocate for respondent No.2.

The substantive prayer made in the petition in hand reads thus:

“It is therefore, most respectfully prayed that regular bail of respondent No. 2/Reshab Walia may kindly be cancelled in the FIR No. 485, dated 26.12.2023, u/s 195A/506 IPC (section 201 IPC added lateron), PS Mullana, District Ambala, in the larger interest of justice, fair play and equity.

On 27.02.2024, the following order was passed:

“The jurisdiction of this Court has been invoked under Section 439(2) read with Section 482 Cr.P.C., for cancellation of regular bail of private respondent No.2 in FIR No.485 dated 26.12.2023, under Sections 195A/506 of IPC (Section 201 of IPC added later on), registered at Police Station Mullana, District Ambala. Learned counsel for the petitioner contends that the Judicial officer is the cousin sister of Reshabh Walia, who is son of Vinod Kumar Walia and the FIR No.585 dated 26.11.2023, under Sections 148, 149, 323, 506 of IPC and Section 325 of IPC added later on has also been lodged by Vinod Kumar Walia and in that eventuality, the Vacation Judge-cum-Judicial Magistrate 1st Class, Ms. Vandana ought not to have heard the matter being a close relative by herself. Notice of motion for 24.04.2024.”

Thereafter, on 28.04.2025, the following order was passed:

“Reply filed by way of an affidavit of Suresh Kumar, HPS, Deputy Superintendent of Police, Barara, Ambala, is taken on record.

Counter affidavit of Akash Walia s/o Sh. Mukesh Kumar, is taken on record. Paras 2 to 4 of the same read as under:

“That on 29.08.2024, respondent no. 2 filed its affidavit stating therein that he is not a relative of the JMIC, Ambala "Mrs. Vandana". That it is stated that petitioner has already moved a complaint (Annexure P-6) against JMIC, Ambala "Mrs. Vandana alongwith affidavit on 15.01.2024, on the grounds that Mrs. Vandana Walia is cousin sister of accused Rishab Walia/respondent no. 2 herein. Further stated therein that Vinod Walia (i.e. father of accused Rishab Walia) on the Bhog ceremony of death of his brother namely Anil Walia on 20-12-2023, where Smt. Vandana Walia took leave from the Court and attended the rites which taken place at their native place Fatehpur Pundri (Kaithal). Anil Walia was the real brother of Vinod Walia and was the son of the maternal uncle of his Mr. Shyam Walia, who is father of Mrs. Vandana Walia, Judge. All these Walia families are residents of Fatehpur Pundri, District Kaithal. 4. That aforesaid complaint was referred to Ld. District and Session Judge, Ambala for inquiry, in which, several respectable persons from Fatehpur Pundri were called to join inquiry who submitted their affidavit and also recorded their statements to the effect that father of accused namely Vinod Walia is real Bua's son of Sh. Shyam Walia who is father of Mrs. Vandana Walia, Judge. Thereafter, the said inquiry report conducted by Ld. District and Session Judge, Ambala sent to the concerned office/branch of this Hon'ble Court.”

The Court is presently seized of the issue regarding whether Mrs. Vandana Walia, Judicial Magistrate 1st Class, Ambala, is the cousin sister of the accused-respondent No. 2, Rishab Walia. This matter must be adjudicated as a preliminary question in order to arrive at a reasoned and lawful conclusion in the present petition.

The State has also been supplied a copy of aforesaid counter affidavit filed by the petitioner, who is directed to verify the aforesaid fact as to whether the Judicial Magistrate 1st Class Mrs. Vandana Walia posted at Ambala is a cousin sister of accused-respondent No.2 Rishab Walia, in the light of facts elaborated in petition as well as paras 2 to 4 of the counter affidavit. Adjourned to 14.05.2025.

A perusal of the compliance report dated 19.05.2025 filed by the

State of Haryana reflects thus:

“8. That on perusal of the contents of the statements made by the witnesses, it has been revealed that Mrs. Vandana Walia is the distant relative of Respondent no.2 Rishab Walia. Further on the basis of investigation and on perusal of the statements of the witnesses, it has been revealed that, "The elders of Reshab Walia's son of Vinod Walia had come and settled in village Fatehpur district Kaithal from village Ghannaura district Baghpat (UP) about 50-60 years ago and Reshab Walia son of Vinod Walia and his uncle Sushil Walia son late Ranjeet Singh have been living in Ambala city with their respective families for about 30-40 years from their village Fatehpur district Kaithal and Vandana Walia (then JMJC Ambala) daughter Shyam Lal of village Fatehpur district Kaithal and people of her family also live in this village. And Reshabh Walia's family is from Gotra Bhulla and Vandana Walia's family is Suliyan. From the families of both sides, Vandana Walia and Reshabh Walla are not real brothers and sisters, and Vandana Walia's grandmother is the aunt of Reshabh Walia's father Vinod Walia in long term relations, whereas Vandana Walia and Reshabh Walia are not real brothers and sisters but are distant relatives (cousins)."

Before proceeding further in the matter, this Court deems it appropriate to elicit comments from the concerned Judicial Officer namely Smt. Vandana, Judicial Magistrate 1st Class. The Registrar General of this Court is directed to seek comments of the said officer (in a sealed cover) for the perusal of this Court and put up the same on the next date of hearing.

In case any inquiry has been conducted, on the administrative side, the same shall also be produced (in a sealed cover) before this Court for perusal.

Put up on 26.11.2025.

Be taken up in the urgent cause list.

November 06, 2025
Naveen

(SUMEET GOEL)
JUDGE