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

CRM-M-22495 of 2016 (O&M)

Date of decision: August 16, 2016

Pinki

.....Petitioner

Versus

State of Haryana

.....Respondent

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

Present: Mr. Aman Arora, Advocate
for the petitioner.

Ms. Tanushree Gupta, DAG Haryana.

Mr. H.S. Dhindsa, Advocate
for the complainant.

A.B. CHAUDHARI, J (Oral)

CRM No.24858 of 2016

Heard.

Application is allowed and Annexures P-5 and P-6 (colly) are
taken on record.

CRM-M-22495 of 2016

Heard learned counsel for the rival parties at length and
perused the entire record.

The Sessions Court vide order dated 18.06.2016 had recorded
the following reasons:-

*“10. Though, at the first glance it may not be ruled out
that the present case might have been counter-blast of the rape
case got registered at Delhi but the remaining attending
circumstances do not allow this Court to believe in this regard
at this juncture. The rape case was got registered at Delhi on
dated 23.03.2016. Meaning thereby the earlier developed*

relationship of the complainant and petitioner-accused have been brought to an end on the day of the registration of the FIR under Section 376 IPC. After registration of that case, there was no occasion or opportunity with the petitioner-accused to make phone calls or whatsapp call to the complainant as their relations have become strained. The Investigating Officer namely lady Sub Inspector Meenakshi has nicely assisted this Court during the course of arguments and she has shown the phone call details of dated 13.04.2016 and 15.04.2016 made by the accused-petitioner to the complainant. The Investigating Officer also have in possession the CD of the recording of the phone call made by either the petitioner-accused or her colleague lady and the details of whatsapp messages and said calls and messages have also been shown by the Investigating Officer to this Court and the same also goes to establish prima facie at this stage that the petitioner-accused has been in forcible touch through the mobile calls and whatsapp messages with the complainant and these calls if were made by the petitioner-accused to the complainant, by itself speaks that such calls were not for normal conversation with the complainant but made with specific object and purpose of asking the complainant to bow before the petitioner-accused by giving hefty consideration and this factor at this juncture is evident before this Court on hearing recording of mobile phone call made by petitioner-accused or through her colleague upon the phone of the complainant and that recording is available with the Investigating Officer in a CD.

11. Some photographs have also been produced on record on behalf of the prosecution. On the basis of the view of these photographs, it cannot be ruled out that a gang of some ladies used to develop relationship initially with some persons and they initially enjoy not only physical relations but also the intoxications like cigarette and wine. In those photographs the petitioner-accused is also one of the lady who apparently

is visible having physical contact, relationship and connection with some other person like the complainant of the case in hand. Thus, these photographs goes to show that such a gang of the ladies cannot be ruled out, who initially come into contact with the male partners and thereafter by creating some kind of visual material, the members of such gang started demanding various kind of consideration.”

After hearing the learned counsel for the rival parties, I find that the reasons are legal, correct and proper. There is no merit in the petition.

Hence, petition stands dismissed.

It is seen that the complainant is Bharat Bhushan, an employee working with District and Sessions Judge, Narnaul. The photographs with this petition shows that Bharat Bhushan has indulged in immoral behaviour which does not behove of a Government servant working in judiciary. Hence, a copy of the petition with all annexures & photographs be sent to the District Judge, Narnaul who is expected to issue show-cause notice, obtain explanation and decide whether to take departmental action for misconduct and immoral behaviour. The compliance shall be reported to this Court on 26.09.2016.

List on 26.09.2016.

(A.B. CHAUDHARI)
JUDGE

August 16, 2016

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No