

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-44431 of 2015

Date of decision : 15.03.2016

Sheel Kumar

..... Petitioner

versus

State of Haryana

... Respondent

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

**Present: Mr. Suvineet Sharma, Advocate
for the petitioner**

Ms. Mahima Yashpal, AAG Haryana

**Mr. Sukesh K. Jindal, Advocate
for the complainant**

ANITA CHAUDHRY, J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No. 627 dated 10.12.2015 registered at Police Station Gannaur, District Sonipat, Haryana under Sections 354(A)(1), 506 IPC and Section 8 of POCSO Act.

On the last date of hearing, learned State counsel had pointed out that there was one more girl who had made a complaint against the petitioner. The Principal was ordered to be impleaded as a respondent.

State counsel is representing the Principal.

Learned counsel for the petitioner urges that FIR has been registered under Section 8 of POCSO Act but if the statement of the complainant is seen it will be noticed that the allegations covered therein would not come under Section 8 of the Act and at the most the allegations would be under Section 11 of the Act which is bailable offence and the petitioner was the teacher and he has since been transferred and there would be no question of tampering with evidence.

Learned counsel appearing for the complainant has opposed the

prayer for anticipatory bail and it was urged that the petitioner had raised a false plea that his wife was contesting the Zila Parishad elections and the petitioner has been transferred and his salary was stopped and there was one more girl who had made a complaint and the petitioner had been calling the girls at 9 p.m. and the police has collected the call records.

Learned State counsel also opposed the prayer and urges that another girl had made a statement against the petitioner and the petitioner had been transferred after an enquiry.

The order passed by the Enquiry Officer refers to the fact that the petitioner was absent from duty and he had failed to join the proceedings. The documents placed on record by the State show that notice was given to the petitioner to appear but his house was found locked and no one met them.

Two students of the Government school have made allegations. The committee after an enquiry had transferred the petitioner from that school. The petitioner has been unable to show that his wife was contesting the elections or that there was a motive to falsely involve him.

Considering the seriousness of the allegations, I am not inclined to give the discretionary relief of anticipatory bail.

The petition is dismissed.

March 15, 2016

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**(ANITA CHAUDHRY)
JUDGE**