

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

**CRM No.M-4786 of 2017
Date of decision: 15.02.2017**

Bhupesh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Sanjay Vashisth, Advocate
for the petitioner.

REKHA MITTAL J.

The petitioner prays for grant of bail in anticipation of arrest in FIR No.184 dated 03.12.2016, registered at Police Station Women, Faridabad, for offence punishable under Section 12 of the Protection of Children from Sexual Offences Act, 2012 (in short 'the Act').

Counsel for the petitioner has submitted that the petitioner is working as Trained Graduate Teacher (TGT) Social Science since July, 1998 in St. John School, Sector 7, Faridabad. The petitioner has been victimized by involving him in the false case due to some tiff with Principal of the school. The petitioner has two grown-up children namely Tanmaya who had passed out from the same school and Vikram aged 16 years studying in the same school. It is argued with vehemence that during his long service of more than 16 years, the petitioner had been assigned duties of tour in-charge, house-master, time-table in-charge, floor in-charge, discipline in-charge, club in-charge, etc. but no allegation of any nature whatever had been levelled against him. It is

argued that even in view of the allegations levelled against the petitioner at the instance of Vanshika Juneja, one of the students of 10th standard in the aforesaid school, the petitioner never touched her much less assaulted her in any manner. Custodial interrogation of the petitioner is not required and he is ready to join the investigation and co-operate throughout.

I have heard counsel for the petitioner, perused the paperbook particularly the FIR registered at the instance of one of the students of the school and order passed by the Additional Sessions Judge, Faridabad.

In para 5 of the order dated 02.01.2017 recorded by the Court below on the basis of facts on police file, police recorded statements of several other students and teachers who have put allegations of sexual activities with children of the school by the petitioner. The Court has seriously condemned conduct of the petitioner by holding that the petitioner has indulged in immoral activities disregarding his role to be a guide, leader and guru for his pupils. As per the allegations, the petitioner used to touch his private part on seeing the girl students. At this stage, it is difficult to accept to reason that either the girl student or their parents would have permitted them to come forward to record their statements against the petitioner at the cost of set back to their self-esteem just to assist principal of the school to vindicate her alleged grievance against the petitioner.

Another submission made by counsel is that as offence under Section 11 of the Act punishable under Section 12 thereof is punishable with imprisonment for a period upto 03 years, the same is

bailable. In support of his contention, he has referred to judgment of Hon'ble the Supreme Court of India “*Rajeev Chaudhary vs State (N.C.T.) of Delhi*”, 2001(2) RCR (Criminal) 754. Further reference has been made to judgment of Andhra Pradesh High Court “*Amarnath Vyas @ Vijaya Prakash Vyas vs State of A.P. rep. by its Public Prosecutor, High Court of A.P., Hyderabad*”, 2007(3) RCR (Criminal) 642.

Taking into consideration nature of the allegations coupled with importance and role assigned to a teacher who is supposed to teach best of the things to his students including moral values, I do not think it to be a fit case wherein the petitioner deserves to be allowed benefit of pre-arrest bail, a concession to be allowed by the Court in case it arrives at a conclusion that a false case has been registered due to political vendetta or otherwise.

This apart, in case plea of the petitioner is accepted that the offence is bailable one, he otherwise cannot maintain an application for grant of bail in anticipation of arrest.

Dismissed.

(REKHA MITTAL)
JUDGE

15.02.2017
yakub

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