

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-2658-2019 (O&M)
Date of Decision:- 23.10.2019

Ravi Rakesh ... Petitioner

Versus

State of Haryana and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Abhinav Dhingra, Advocate,
Mr. Sidharth Gaurav, Advocate and
Ms. Bhavna Grewal, Advocate, for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana,
assisted by SI Saroj.

GURVINDER SINGH GILL, J. (Oral)

1. Petitioner-Ravi Rakesh, seeks grant of anticipatory bail in a case registered vide FIR No.813, dated 21.12.2018, registered at Police Station Palam Vihar, Gurugram, under Sections 354, 506, 34 IPC.
2. The FIR was registered at the instance of Rachna Malhotra wherein it has been alleged that she was working as an Analyst in RIRCM Company where petitioner Ravi Rakesh was working as Deputy Manager and Neeraj Sahu was a Management Trainee. It is alleged that both the said persons sexually and mentally harassed her and

outraged her modesty. It is alleged that on 15.7.2018 at about 10 pm. when the complainant brought the said fact to the notice of her senior, even he did not take any action against the aforesaid persons. It is further stated therein that thereafter the complainant was threatened and scolded by the aforesaid accused. It is also alleged that on 4.9.2018 the complainant was called in a meeting room and was scolded by the accused who frequently used to taunt her and used to make obscene gestures. It is further stated therein that she was even threatened to be thrown out of the company.

3. Learned counsel for the petitioner has submitted that the FIR is an outcome of the fact that the services of the complainant were terminated by the management on 5.11.2018 and that while the services were terminated on 5.11.2018, the present FIR came to be lodged on 21.12.2018. Learned counsel has further submitted that the Internal Committee vide its report dated 4.1.2019 had looked into the matter and has found the allegations to be false. It has further been submitted that in fact the falsity of the FIR would be evident from the fact that 15.7.2018 on which date one of the alleged incident is stated to have been taken in the company happens to be Sunday.
4. Opposing the petition, learned State counsel assisted by learned counsel for the complainant has submitted that no sanctity can be attached to the report of the Internal Committee as all the members of the said committee are none else but officers of the management of the company. It has further been submitted that even the constitution of the committee was defective inasmuch as the Act provides that

there should be a minimum of four members whereas the said committee comprised three members only. The learned State counsel has however submitted that pursuant to the interim directions issued by this Court, the petitioner has joined the investigation and he is no longer required for any further investigation.

5. Having regard to the facts and circumstances of the case and the fact that the petitioner has already joined investigation, custodial interrogation is not warranted. The petition, as such, is accepted and interim directions issued vide order dated 21.1.2019 are made absolute subject to the condition that the petitioner shall appear and join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

October 23, 2019

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No