

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

CRM-M-33320-2019 (O&M)
Date of Decision:-28.8.2019

Ramesh Kumar ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Deepak Singh Saini, Advocate for the petitioner.

Mr. Ashok Singh Choudhary, Addl. Advocate General, Haryana.

Mr. Keshav Pratap Singh, Advocate for the complainant.

GURVINDER SINGH GILL, J.

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.08 dated 12.7.2019 at Police Station Women Police Station Dadri under Sections 354-A(2), 341 and 506 of Indian Penal Code.
2. The FIR was lodged at the instance of Neetu Kumari wife of Pardeep Kumar, wherein it has been alleged that she is posted as Staff Nurse in P.H.C., Kadma and that her husband is serving in Indian Army. The complainant has alleged that Ramesh Kumar, who is her colleague, keeps an evil eye on her and molests her and uses obscene words. It is alleged that he comes to duty before his duty hours in order to talk to her unnecessarily and that she had

already filed a complaint against him in Gram Panchayat, Kadma as well as to Health Minister on 12.4.2019. It is also alleged that infact she along with other staff mambers had also made a written complaint to Senior Medical Officer against aforesaid Ramesh Kumar. Complainant alleges that an inquiry committee had been constituted under orders of Civil Surgeon, wherein he apologised and the inquiry was closed and that he had also confessed about his guilt. It is also alleged that the accused snatched the confessional statement made by him before Senior Medical Officer and tore off the same and also quarreled with the doctor and that the matter had also been reported to the police. On 28.5.2019, the accused is alleged to have threatened the complainant stating that he had made an obscene video and would make the same viral. Although the complainant later got herself transferred to Charkhi Dadri, but the accused did not relent and kept on following her.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that the FIR infact has been lodged as a counterblast to the FIR lodged by the petitioner against the complainant's husband. The learned counsel has submitted that FIR No.0164 dated 10.7.2019 under Sections 186, 332, 34, 354 and 427 of Indian Penal Code was lodged at Police Station Badhra on 10.7.2019 at the instance of the petitioner against Pardeep Kumar i.e. complainant's husband and that it was two days later thereafter that the present FIR was lodged by the complainant against the petitioner in order to pressurise him to withdraw the FIR lodged by the petitioner.
4. Opposing the petition, the learned State counsel assisted by the learned counsel for the complainant, has submitted that the contention of the petitioner that the FIR has been lodged as a counterblast cannot be accepted

for the reason that the complainant infact had brought the conduct of the petitioner to the notice of the appropriate authorities earlier i.e. by way of filing a complaint to the health minister on 12.4.2019, which was much prior to lodging of the present complaint. It has further been submitted that infact all other staff members had also made a written complaint to the Senior Medical Officer regarding the conduct of the petitioner. The learned State counsel has further submitted that an inquiry was conducted pursuant to the aforesaid complaint, wherein the petitioner admitted his guilt and had apologised by way of tendering a written apology.

5. I have considered rival submissions addressed before this Court from which it transpires that the incident, as mentioned in the FIR, is not the solitary incident and that the complainant had infact objected to the conduct of the petitioner on earlier occasion also by way of submitting complaint to the Health Minister in April 2019 and subsequently made another complaint to the Senior Medical Officer in May 2019, when other staff members also had submitted a joint complaint, which was inquired into.
6. Bearing in mind the aforesaid conduct of the petitioner and the fact that despite having been checked, he has not refrained from his objectionable conduct, this Court does not find any special case for grant of anticipatory bail. The petition is sans any merit and is hereby dismissed.

28.8.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No