

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

Crl. Misc. M 2824 of 2020 (O&M)
Date of decision: 3.2.2020

Ravi Kant

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. R.S. Rai, Senior Advocate with
Mr. Aman Pal, Advocate,
for the petitioner.

Mr. Deepak Sabharwal, Additional Advocate General, Haryana.

JAISHREE THAKUR, J.

1. The petitioner herein has filed this petition under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in case FIR No. 95 dated 10.12.2019, under Sections 354D and 384 IPC (later added Section 7 & 13 of the Prevention of Corruption Act, 1988) registered at Police Station Mansa Devi Complex, District Panchkula.

2. The aforesaid FIR was lodged on the basis of the complaint made by one Pankaj Sharma, owner of Eyes Lyes Beauty Lounge, MDC, Mansa Devi Complex, Panchkula. The contents of the FIR are re-produced as under:-

“Sir, it is requested that I Pankaj Kumar s/o Sh. Hari Om is resident of House No. 3532, Sector 15-D, Chandigarh. I have a Saloon Parlor under the style and name Eyes Lyes Beauty

Lunch situated in SCO No. 137, MDC Sector 5, M.D.C., Panchkula. On monthly basis money is being taken from my Saloon on asking of S.H.O. Ravi Kant Sharma, such that Police official from Haryana Police namely Jashan Lal No. 854 every month takes an amount of rupees ten thousand from my Saloon which can be easily seen in the video footage and is counting the money constantly and is saying that you only give 10 thousand whereas other parlors give rupees 20 thousand. If you do not give rupees 20 thousand, I will get your Saloon closed. Nothing wrong happens in my parlor that I should pay him such a huge amount. He says to my Manager that she should make sexual relations with me and S.H.O. Ravi Kant Sharma, then we will not have to give money on monthly basis nor any police official will disturb you. When my Manager refused him then he started harassing her which can be clearly seen in the video footage. After harassing her he constantly keeps on threatening the Manager that in case she tells anyone then he would get our Saloon closed. Thereafter HGH Jashan Lal himself called S.H.O. Ravi Kant from his own phone and handed over to the Manager by saying that they are giving 10 thousand rupees to which S.H.O. said that bring rupees ten thousand and asked the Manager to meet at Dolphin Chowk. S.H.O. Ravi Kant Sharma and HGH Jashan Lal are connived with each other which can easily be made out from voice recording. Strict legal action be taken against these corrupt officials. Prime Minister Modi ji

says that educate daughter and save nation whereas S.H.O. Ravi Kant Sharma and HGH Jashan Lal harass girls and blackmail them. Strict legal action should be taken against them and they should be terminated from their duty. Name of the Manager of my Parlor is Chetna with whom the aforementioned harassment took place. Her Mobile Number is 7717386001 SD Pankaj Sharma 6280800562 SCO 137, MDC Sector 5, Panchkula. 10.12.2019 Annexed: 01 CD. Recording bearing my signatures”

3. Pursuant to the said FIR said Jashan Lal is already in custody, whereas the instant petition has been filed by SHO Ravi Kant, seeking grant of anticipatory bail, after his bail application was dismissed by the Additional Sessions Judge, Panchkula.

4. Mr. R.S. Rai, learned Senior Counsel, assisted by Mr. Aman Pal, appearing on behalf of the petitioner herein would contend that the petitioner has been falsely implicated in the instant case since the allegations, as set out in the FIR, are not sustainable qua the petitioner, as the petitioner has no direct role to play in the alleged incident. It is submitted that the complainant is relying upon the video footage, which would reflect that it was Jashan Lal, who allegedly had harassed the female employee of the complainant, while demanding money. It is contended that the DVR footage was sent to the FSL for due verification, however, no positive result has come from there, while also arguing that there is also statement of the female employee (whose name is not being disclosed) dated 11.12.2019 (i.e. one day after the registration of the FIR) suffered before the Judicial Magistrate Ist Class, Panchkula, wherein she has clearly stated that

she has family relations with Jashan Lal. She also stated that she was giving money to Jashan Lal due to some work and that she had not been harassed. It is also contended that the allegations as set out in the FIR that Jashan Lal had made call on Mobile No. 81466-30021 of the petitioner, which is official number, is a false statement and that fact can be verified from the calls record. No such call was made to the petitioner by said Jashan Lal on the date of alleged incident. It is further submitted that the alleged 121 calls made between the petitioner and Jashan Lal were regarding allocation of duty for VIP moment for visit at Shri Mata Mansa Devi, Panchkula.

5. On 23.1.2020, notice of motion was issued and appearance has been caused on behalf of the respondent—State.

6. Mr. Deepak Sabharwal, Additional Advocate General, Haryana, submits that the allegations in the FIR are to the extent that SHO Ravi Kant—petitioner and Jashan Lal, an official of Haryana police take an amount between ₹10,000/- to ₹20,000/- every month from various Saloons which fall within the jurisdiction of the Police Station, where the petitioner is posted. It is submitted that there are allegations that Jashan Lal had asked the female Manager of the complainant's Saloon to develop sexual relations with him and the petitioner in lieu of monthly amount, which is nothing less than black mailing and extortion. It is argued that there is a CD available, which was handed over by the complainant himself, which would reflect that the female employee was being harassed, while showing that a sum of money has been handed over to Jashan Lal. It is submitted that though the said CD may not be relevant for the purpose of the petitioner who is not reflected in the said CD, but there are 121 phone calls that took place

between the petitioner and said Jashan Lal either on his official number or on his private number. The official number of the petitioner is: 81466-30021 whereas private number is: 99968-25007. The Mobile number of Jashan Lal are: 98142-58763 and 97818-16777 and there was a call between both Jashan Lal and the petitioner herein at 5.30 p.m. on the date of alleged incident. It is further argued that the statement that has been recorded by the Judicial Magistrate Ist Class, Panchkula on 11.12.2019 has little relevance, considering the fact that on 6.1.2020 she approached the authority concerned stating therein that the said statement had been given by her because she had been pressurized by SHO (petitioner) and Jashan Lal for compromising the matter. Learned counsel for the State also lays stress upon a transcript of the talks that took place between the petitioner's Mobile No. 99968-25007 and Jashan Lal's Mobile No. 98142-58763 and 97818-16777. From the conversations that took place between the two, it is clear that Jashan Lal had informed the petitioner that he had taken ₹10,000/-, whereas the petitioner directed Jashan Lal to return that amount and asked him not to accept less than ₹15,000/-. The petitioner has also stated that what is the use to have ₹10,000/-. A lot of other things have been stated in the conversation between the two, which point out to various illegal and corrupt practices being done by them.

7. I have heard learned counsel for the parties and perused the documents annexed with the petition as well as produced in the Court during the course of hearing.

8. From a perusal of the chat messages, it is prima facie made out that the petitioner, along with co-accused Jashan Lal were indulging in

extorting money not only from the complainant but from different persons. The explanation qua 121 phone calls made between the petitioner and Jashan Lal seems wholly concocted. The petitioner herein is a member of police force and there is every possibility that he would try to misuse his position to scuttle and influence the fair investigation. In view of the nature of allegations made in the FIR and the documentary evidence that surfaced during the investigation undertaken thereafter would require arrest and custodial interrogation of the petitioner for a thorough and fair investigation.

9. In view of the above, the present petition is dismissed.

3.2.2020
prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No