

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

CRM-M-35766 of 2020(O&M)

Reserved on : 04.11.2020

Date of Decision: December 04, 2020

Vijay Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Ramnish Puri, Advocate for the petitioner.

Mr. Sanjay Mittal, Addl.AG, Haryana.

Mr. Gurinder Pal Singh, Advocate for the complainant.

HARINDER SINGH SIDHU, J.

Prayer is for grant of anticipatory bail in case FIR No. 88 dated 20.10.2020 under Sections 354-A, 354-D IPC and Sections 3 (1)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short "SC/ST Act") registered at Women Police Station Rewari, District Rewari.

The FIR was lodged on the complaint dated 20.10.2020 of one Anju. She stated that the petitioner is a Senior Manager in M/s Euro India Production Private Ltd. She is working as a helper in the said company. She is a widow. For the last two years the petitioner had been harassing her and trying to physically exploit her. About two years ago after she had completed two years in the Company she received a letter that she had to work on training. The petitioner told her that he had selected her and asked her to meet him. As the complainant was desperately in need of a job she

petitioner. On 6th May, 2020 when the offices of the Company started functioning again after the lock down he told her to meet him. He promised to get her a promotion. He started calling her on the phone repeatedly at night and made obscene conversation. On 1st June he got her transferred to his department though she was earlier working in the Assembly. After that he started troubling her even more. He started following her after the working hours and persistently asking her to come with him to the hotel. He threatened that she would not be made permanent if she did not do as he wanted. But the complainant was somehow able to save herself. On 01.09.2020, after the complainant got a letter from the Company informing her that she was permanent, the petitioner told her that he had got her made permanent. He grabbed her hand and tried to pull her. He sent messages on whatsapp again and again. He asked for the phone number of other girls and stated that only such girls could continue in the company if they sleep with him. He threatened the complainant that she would be implicated in false case of embezzlement and misconduct if she did not listen to him.

Learned counsel for the petitioner contends that there is unexplained delay of more than two years in registration of the FIR. He argued that in fact it was the complainant, who approached the petitioner time and again at odd hours and that is evident from the messages (P.1) and that the same were largely related to the work only. He argued that the complaint has been filed because the petitioner had pointed out the shortcomings in the work of the complainant. Besides on the allegations in the complaint no case under the provisions of SC/ST ACT is made out.

Allegations are motivated and are at the behest of the employees Union only

Company.

Having heard Ld. Counsel for the parties I feel that no case for grant of anticipatory bail to the petitioner is made out.

As per the allegations in the FIR the petitioner who is Senior Manager in the Company, continuously harassed the complainant and demanded sexual favours for securing her future in the company and threatened her with being thrown out if she refused to oblige him. The complainant put up with all this as she was desperately in need of a job. There is nothing on record to suggest that the victim in the instant case had any motive to falsely implicate the petitioner. There is also no merit in the contention of the petitioner that offence under the SC/ST (Prevention of Atrocities) Act, 1989 is not made out. As per Section 3 (w) of the aforesaid Act whoever not being a member of the Scheduled Caste or Scheduled Tribe “(w)(i) *intentionally touches a woman belonging to a Scheduled Caste or a Scheduled Tribe, knowing that she belongs to a Scheduled Caste or a Scheduled Tribe, when such act of touching is of a sexual nature and is without the recipient’s consent;* (ii) *uses words, acts or gestures of a sexual nature towards a woman belonging to a Scheduled Caste or a Scheduled Tribe, knowing that she belongs to a Scheduled Caste or a Scheduled Tribe.*” is liable to be punished with imprisonment for a term which shall not be less than six months but may extend to five years.

Thus, the petition is dismissed.

December 04, 2020

**(HARINDER SINGH SIDHU)
JUDGE**

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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No