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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-9997-2023 (O&M)

Date of decision : 06.12.2023

Ravinder

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Rakesh Nehra, Senior Advocate with
Mr. Reetesh Kumar, Advocate for the petitioner.

Ms. Mahima Yashpal, DAG Haryana.

ALKA SARIN, J. (ORAL)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.26 dated 03.02.2023 under Sections 354-B, 354-D, 506, 509 of the Indian Penal Code, 1860 registered at Police Station, City Mahendergarh (Annexure P-1).

2. The present petitioner was newly recruited into the Government College for Women, Mahendergarh in 2020 and he is yet to complete his mandatory rural service. On 31.01.2023 a FIR No.23 was lodged under Sections 354-A, 354-D and 509 of IPC at Police Station City Mahendergarh. The petitioner was released on regular bail in the said case. Thereafter, the present FIR was registered being FIR No.26 dated 03.02.2023 under Sections 354-B, 354-D, 506, 509 of IPC at Police Station, City Mahendergarh wherein allegations have been made by one of the students

that when she asked the petitioner regarding M.A. admission, he told her to call him. When she did not call him, he himself called her and thereafter when she was asking questions about the admission he ignored the same and told her that your photo was very good. She repeated that she wanted to ask about admission and he said that she should come and meet him and that they would sit and talk. When she went to the College, during class, while looking at the complainant, he stated that the girls do not meet him otherwise he can do anything/any work. It was further stated that he looked at her in a wrong way and told her in front of all the girls that earlier also the girls had made a complaint against him but nothing had happened and their lives had been spoiled. Further, he alleged that he has high contacts and no one can touch him. It was further alleged that when she was going home after taking her exam, the petitioner stopped her and said that today you are looking very beautiful and you should be a model. He also called her a few times but she did not take the calls.

On 24.02.2023 interim protection was granted to the petitioner and he was directed to join investigation. Subsequently a FIR No.388 dated 29.04.2023 was registered under Sections 354-A, 354-D, 509 of IPC at Police Station Civil Line, Sirsa by yet another girl student from the same college.

3. Learned senior counsel for the petitioner has contended that due to college politics the petitioner has falsely been implicated in the present case and that he joined investigation and fully cooperated.

4. Learned counsel for the State has referred to the status report dated 06.09.2023 filed by way of affidavit of Ranbir Singh, HPS, Deputy Superintendent of Police, Mahendergarh, District Mahendergarh wherein the details of the cases pending against the petitioner have been narrated. Today the learned counsel for the State has also shown a letter dated 31.01.2023 which has been written by the Principal of the Government College for Women, Mahendergarh to the Director General, Higher Education, Haryana, Panchkula stating therein that there were complaints against the petitioner who is an Assistant Professor of Political Science in the Government College for Women, Mahendergarh. It was stated in the letter that two girl students had made written complaints against the indecent behavior of the petitioner during examination held on 21.01.2023 and that the matter was handed to the Chairperson, Anti Sexual Harassment Committee on the same day itself after relieving him of the exam duty. It was requested that the petitioner be transferred in view of the allegations made by the girl students.

5. Heard.

6. In the present case a FIR was registered being FIR No.23 dated 31.01.2023 under Sections 354-A, 354-D and 509 of IPC at Police Station City Mahendergarh against the petitioner who is posted as Assistant Professor of Political Science in the Government College for Women, Mahendergarh. Thereafter, the present FIR was lodged being FIR No.26 dated 03.02.2023 under Sections 354-B, 354-D, 506, 509 of IPC at Police Station, City Mahendergarh. The petitioner approached this Court for grant

of anticipatory bail and on 24.02.2023 the following order was passed :

“This is a petition for grant of pre-arrest bail in case FIR No.26 dated 03.02.2023 under Sections 354-B, 354-D, 506, 509 IPC registered at Police Station, City Mahendergarh.

Learned counsel for the petitioner contends that allegations in the FIR that the petitioner has been inappropriately behaving with a student have been deliberately levelled only to frame him on account of local politics in the college. This is apparent from the fact that on similar allegations levelled by a few students, earlier also an FIR was lodged, i.e., FIR No.0023 dated 31.01.2023 (Annexure P-7). Pursuant thereto, petitioner was arrested on the same day and was released on regular bail by the Magistrate vide order dated 01.02.2023. Immediately after his release, the instant FIR was lodged on similar old allegations, as were there in the earlier FIR, in an attempt to keep him behind bars to serve vested interests. The FIR itself mentions that the alleged incidents are of 03.11.2022. It is also submitted that the petitioner, who has no criminal antecedents, is ready and willing to join the investigation and cooperate with the investigating agency.

Notice of motion.

Mr. Deepak Grewal, Deputy Advocate General, Haryana, accepts notice on behalf of the respondent-State.

Adjourned to 01.05.2023.

In the meanwhile, the petitioner shall join the investigation as and when called upon to do so by the Investigating Officer, and in the event of arrest he shall

be released on interim bail to the satisfaction of Arresting Officer. The petitioner shall also abide by the conditions of Section 438(2) Cr.P.C.”

7. Subsequent to the passing of the order dated 24.02.2023 yet another FIR was registered against the petitioner being FIR No.388 dated 29.04.2023 under Sections 354-A, 354-D, 509 of IPC at Police Station Civil Line, Sirsa. All the FIRs pertain to moral turpitude. Today the learned counsel for the State has also shown a letter written by the Principal wherein he not only refers to two complaints made by two of the girls but also refers to other complaints made to him by the girls who stated that they did not want to give written complaints as their parents asked them to leave the college. The Principal has requested the Director General, Higher Education, Haryana, Panchkula to transfer the petitioner out due to complaints of moral turpitude.

8. In view of the above, I do not find this to be a fit case for grant of anticipatory bail to the petitioner. The present petition being devoid of merit is accordingly dismissed. Pending applications, if any, also stand disposed off.

9. It is also made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

06.12.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO