

CRA-S-1363-2022

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2023:PHHC:091815

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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CRA-S-1363-2022

Date of Decision: 20.07.2023

Vinod Kumar

.... Appellant

Versus

State of Haryana and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. S.S. Dinarpur, Advocate for the appellant.

Mr. Brijesh Sharma, AAG, Haryana.

Mr. Pawan K. Hooda, Advocate for the respondent No. 2.

NIDHI GUPTA, J. (ORAL)

The appellant has preferred the instant criminal appeal under Section 14-A of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short-'the Act'), challenging order dated 09.06.2022, whereby his application for grant of anticipatory bail under Section 438 Cr.P.C., in case FIR No. 224 dated 31.05.2022 registered under Sections 186, 323, 332, 353 and 354 IPC and Section 3C(W)(i) of the Act at Police Station Sadar Pehowa, District Kurukshetra, was dismissed by the Additional Sessions Judge, Vacation Judge, Kurukshetra.

On 06.08.2022, this Court had passed the following order :-

"CRM-27811-2022
Application is allowed as prayed for.
Complainant is ordered to be impleaded as party-
respondent No.2 to the appeal.
Amended Memo of Parties is taken on record.

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Instant criminal appeal has been filed under Section 14-A of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short "SC/ST Act"), challenging order dated 09.06.2022, whereby application for grant of anticipatory bail filed under Section 438 of the Code of Criminal Procedure, 1973 (for short "the Code"), has been dismissed by the Additional Sessions Judge, Vacation Judge, Kurukshetra.

Counsel for the appellant submits that appellant runs a coaching centre and his ward is a student of the Government Primary School, where the complainant is posted as a Head Teacher for the last two decades. He submits that a Government Girls Middle School, which is headed by her husband since 2019, is running in the adjoining building. Counsel submits that there has been a large scale bungling of funds in both the schools and the school Principal has been unnecessarily changing the school uniform on an annual basis. He urges that the appellant submitted an application seeking information, under the Right to Information Act, 2005, which was not supplied, and the appellant went to the School asking for the requisite documents. By referring to the video recording and photographs, Annexures P-7 and P-8, respectively, counsel contends that allegation of outraging the modesty is false. It is his argument that FIR has been lodged by the complainant in order to cover her back.

Notice of motion.

On asking of the Court, Mahima Yashpal, Deputy Advocate General, Haryana accepts notice on behalf of the respondent-State. Upon instructions from DSP, Gurmeh Singh, she submits that statements of two eye witnesses have been recorded, who have stated that the appellant pushed the complainant from her shoulder and there was no inappropriate touching. She is assisted by Mr. Pawan Kumar Hooda, representing the complainant, who has filed Power of Attorney, which is taken on record.

List on 19.10.2022.

Meanwhile, the petitioner shall join the investigation and would appear as and when called by the Investigating Officer. In the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438 (2) of the Code.

Copy of this order alongwith the paper book and annexures be sent to the Additional Chief Secretary, School Education Department, Haryana, New Secretariat, Sector 17, Chandigarh, to look into the matter and file a status report."

Learned State counsel, on instructions from DSP Rajat Gulia, states that in terms of the order passed by this Court, reproduced above, the appellant has joined the investigation and no further interrogation is required at this stage.

In view of the above, the order dated 06.08.2022 granting interim bail to the appellant is made absolute.

However, the appellant shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join the investigation and cooperate with the investigating agency in case he is required for the same in future as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that the appellant is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The appeal stands disposed of.

20.07.2023
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No