

CRM-M-25184 of 2025

2025.PHHC.061333



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

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Date of decision: 08.05.2025

Pawan Kumar

.....Petitioner

Versus

State of Haryana and another

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Dr. Pankaj Nanhera, Advocate,
for the petitioner.

Ms. Gaganpreet Kaur, DAG, Haryana.

Mr. Sarun Hans, Advocate,
for respondent No.2.

NAMIT KUMAR, J.

1. This petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in case FIR No.108 dated 31.12.2024 registered under Sections 351(3), 75(2), 75(3) of the Bharatiya Nyaya Sanhita, 2023 at Women Police Station, Hansi, District Hisar.

2. Brief facts of the case are that the present FIR has been registered by respondent No.2-complainant alleging that she was posted as Extension Lecturer (Physics) in Government college, Hansi. Her colleague Dr. Pawan Saini (petitioner) had been misbehaving with her from the first day of her appointment. He had been harassing her mentally and physically. He passed obscene comments and made

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obscene gestures at her. She was feeling insecure and uncomfortable with his acts and misconduct. He had also kept an evil eye upon her and also talked bad about her. One day, petitioner called her in Room No.30A through a student. When, she reached there he asked her to sit on a chair in front of him. He questioned the validity of her Ph.D from Singhania University and stated the same to be invalid. During the conversation, he with a malafide intention, he rubbed his feet over her foot under the table. When she scolded him, he apologized and left the room. She felt perturbed due to the incident. Thereafter, he started passing obscene comments at her. Whenever, he passed by her, he deliberately rubbed her shoulder with his own. He passed comments upon her clothes and body. One day, she was wearing a black colour suit and the accused was sitting on a Bench in the old building and on seeing her, he clapped and remarked that she had come wearing black clothes like jam had been applied on a bread and after saying this, he started looking around. This incident made her uncomfortable in the college during the entire day. One day, when she was doing an experiment in Lab No.36(A), petitioner also arrived there and told her that the Principal had sent a message. He then placed his mobile phone in front of her eyes. The mobile phone had a photo of a naked women. Seeing this, she became annoyed and scolded the petitioner and asked him to leave the Lab immediately. On 29.12.2021, she moved a complaint against the petitioner to the Officiating Principal Dr. Ram Partap Jangra under the provision of Sexual Harassment of Women at Work Place (Prevention, Prohibition and Redressal) Act, 2013. The

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matter was investigated by the Internal Complaint Committee of the College. The petitioner was found guilty by the committee. He, in presence of the complainant, Principal, her parents and his own parents wrote a confessional apology and she forgave him because he had assured not to repeat his behaviour in future in presence of so many people. For a few months everything went nicely. One day, there was a poster exhibition in the College. Her students secured first position in the exhibition. Petitioner scolded them in her presence and stated that she was incompetent. When she and the students objected, petitioner alongwith his brother came to her house and sought forgiveness. From the next day, he again started passing indecent comments. Feeling aggrieved, she moved RTI against the petitioner to his Educational Institutions to verify his academic records. After receiving the information through RTI, she was astonished that petitioner had not even appeared for his interview. When, he came to know in this regard, he threatened her with dire consequences. He stated that he had his acquaintances added in the Internal committee. On 04.09.2024, when she went to Lab No.36 to take her class, petitioner was already sitting inside whereas as per the timetable (Annexure P-3), at that time (1.00 a.m.) he had no class in Lab No.36. She stood outside the lab waiting for him to come out. He moved out while showing the middle finger to her. She made a complaint to the Principal in this regard. Principal assured her to seek explanation from the petitioner. On 06.11.2024, he discouraged students to not to take her class. One of the students even wrote an application to her that petitioner had asked her not to take her

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class. She filed a complaint against the petitioner on the college official email address. When no action was taken, on 12.11.2024, she moved a reminder on the official email address of the College. In the meantime, several teachers were sent by the petitioner to communicate to her that he wanted to apologize, but she refused. On 27.11.2024, some students of B.Sc. Final year came to her and told her that the petitioner had asked them to sign an application on the pretext that their signatures would save his future and he subtly hinted the students that otherwise their marks would be affected. After which students had signed the application under pressure. In light of these incidents and after going through repeated harassment at the hands of the petitioner, she pleaded for appropriate action against him.

3. Learned counsel for the petitioner contended that the petitioner is innocent and has been falsely implicated in the present case as he has committed no offence and allegations levelled in the FIR are vague. He further contended that it is the service dispute, which has been given the colour of criminal dispute. He further submits that nothing is to be recovered from the petitioner, therefore, his custodial interrogation is not required. He further submits that the petitioner is not involved in any other case and is ready and willing to join the investigation.

4. *Per contra*, learned State counsel has opposed the prayer for grant of anticipatory bail to the petitioner by submitting that he is accused of harassing respondent No.2 at workplace.

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5. I have heard learned counsel for the parties and perused the record.

6. Petitioner is accused of harassing and stalking respondent No.2 since 2021 and she had moved complaints to the authorities in this regard. There is CCTV footage of 04.11.2024 wherein the petitioner can be seen in Lab No.36A without having any class or duty there. On 29.12.2021 also respondent No.2 complained against the petitioner to the Officiating Principal. The said complaint was investigated by the internal complaint committee of the college and petitioner was found guilty by the said committee.

7. Learned counsel for the petitioner submitted that earlier complaint was resolved with the intervention of the respectable wherein petitioner has admitted his guilt and has begged apology. However, report of the committee with regard to the said complaint has not been annexed with the file. Learned counsel for the petitioner has not been able to give any satisfactory reply with regard to non-attaching of the said report of the committee with the petition. It is a well-settled proposition of law that a person who does not approach the Court with clean hands and played fraud with the Court, is not entitled for any relief. Reference in this regard can be made to the judgments of the Hon'ble Supreme Court in ***Dalip Singh v. State of U.P. and others - JT 2009 (15) SC 201: (2010) 2 SCC 114*** and ***Amar Singh v. Union of India and others, 2011(7) SCC 69***.

8. As per the law laid down by the Hon'ble Supreme Court in ***State of Madhya Pradesh v. Pradeep Sharma, (2014) 2 Supreme***

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Court Cases 171, power exercisable under Section 438 Cr.P.C. is somewhat extraordinary in character and it is to be exercised only in exceptional cases where it appears that the person may be falsely implicated or where there are reasonable grounds for holding that a person accused of an offence is not likely to otherwise misuse his/her liberty.

9. Since, the allegations leveled against the petitioner for harassing the complainant physically and mentally, by passing obscene comments, gestures, unwelcome sexual overtures and even sexually coloured remarks by showing pornographic picture and that too at a work place (educational institution), despite the fact that she is a single woman, is a very serious concern, therefore, this Court is of the considered opinion that granting concession of anticipatory bail to the petitioner in such a case will give wrong message in the society at large, therefore, his custodial interrogation is necessary for proper investigation of the case and to unearth the truth and even there is every possibility that he may interfere with the investigation by intimidating or influencing the witnesses, since he is holding a good position in the institution/college.

10. Dismissed.

08.05.2025
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No

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