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

CRM-M-58584-2024 (O&M)

Date of Decision:- 20.01.2025

DHARMENDER

...Petitioner

Vs.

STATE OF HARYANA

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Dr. Anmol Rattan Sidhu, Senior Advocate with Mr. Rao
Ajender Singh, Advocate and Mr. Pratham Sethi, Advocate for
the petitioner.

Mr. Rupinder Singh Jhand, Addl. A.G. Haryana.

Mr. Vikas Chaudhary, Advocate for the complainant.

AMARJOT BHATTI, J.

1. Petitioner has filed instant petition under Section 482 of BNSS, 2023 for grant of anticipatory bail in FIR No.0298 dated 30.09.2024 under Sections 10 of Protection of Children from Sexual Offences Act, 2012, Section 75 of Juvenile Justice (Care and Protection of Children) Act, 2015 and Section 3 (5) of BNS, 2023 (Section 21 of POCSO Act added later-on) registered at Police Station Kosli, District Rewari.
2. As per facts of case, FIR has been registered on the statement of prosecutrix, aged 16 years and 11 months old, who stated that her father served in Indian Army and her mother was teacher by profession. She took

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admission in Medi Jee institution run by Dharmender Yadav and his team preparing children to appear in NEET Examination. She has given detail of amount deposited for taking admission. She took admission in April, 2024. Many children were staying in Hostel. Prosecutrix alleged that they were provided good education and served good food in the hostel. She was securing good marks. They were given admission in another school where they never visited. They cleared 11th class in Medi Jee and in 12th class they were taken to school only on one day. Said institution was being run by Dharmender, Jogender and Pooja Kalkal who claimed herself to be the Chairman of institution. Students were told to pay fee in cash. In their hostel, there was no lady warden. All children were coming from village Lilodh to the institution and they used to go back to the hostel. Their teacher Dharmender used abusive language in front of the children. Children were taught till midnight. He visited hostel under the influence of liquor and beat the children. Prosecutrix claimed that Dharmender sir used to teach them Chemistry and he was a good teacher. Pooja objected her talking to his cousin on mobile phone. Matter was brought to the notice of her mother. Prosecutrix claimed that during her stay in the hostel she was discouraged and humiliated by the teachers. She was taunted for securing less marks. She was harassed to the extent that under misconception she consumed phenyl lying in the institute. She was given treatment in the hospital and was taken back home. She again joined the institute. Said Dharmender without any reason rusticated her from the institute. She remained under mental stress.

It is alleged that said Dharmender behaved in an inappropriate manner with

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her and with other girls also. With these allegations, present FIR has been registered.

3. Learned counsel for petitioner argued that allegations levelled against petitioner are false. He was teacher in the institute run under the name and style of Medi-Jee Kosli where they were provided quality education for preparation of NEET and JEE exams. Petitioner has narrated facts regarding conduct of prosecutrix. He has placed on record list of selected students (Annexure P-2), agreement bond for candidates admitted in the institute (Annexure P-3). In-fact, complaints were received qua the behaviour of prosecutrix from the parents of other children (Annexures P-4 and P-7). Regarding this, matter was brought to the notice of mother of prosecutrix (Annexures P-6 and P-8). Ultimately she was rusticated from the institute vide letter dated 19.07.2024 (Annexure P-9). Because of this reason prosecutrix has filed false complaint levelling baseless allegations to harm the reputation of their institution. Even otherwise allegations levelled by the prosecutrix does not constitute any offence.

4. Bail application is opposed by learned counsel representing prosecutrix. It is argued that initially complaint was filed by the prosecutrix addressed to DCP, Jhajjar (Annexure R-1). Thereafter, no FIR was lodged on this complaint and subsequently on the statement of prosecutrix this FIR has been registered and all the allegations levelled by the prosecutrix are not detailed therein. Present petitioner is specifically named. Considering the gravity of offence, he is not entitled to be released on anticipatory bail.

5. Status report is filed confirming the registration of FIR.

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Investigation was carried out. Victim alleged that petitioner abused the children in filthy language and also used to talk with double meaning words. Said incident allegedly took place when the victim was residing in the hostel. Therefore, considering the gravity of offence, petitioner is not entitled to be released on anticipatory bail.

6. I have considered the arguments and have gone through the record carefully. Complainant has narrated facts as detailed in FIR and during the pendency of this bail application, he has also annexed another complaint written in Hindi (Annexure R-1) dated nil and not addressed to any office. I have considered the contents of FIR where throughout the prosecutrix praised the institution for its education and facility. She studied 11th class in this institution and thereafter she was in 12th class when the controversy arose. It has come on record that the prosecutrix was residing in a hostel along with other children whereas petitioner along with his family was residing in the same premises. Prior to this, there were no such allegations. Other students studying in the institution did not level allegations regarding the conduct of petitioner or any other teacher teaching in the institution. On the contrary, petitioner has annexed certain documents regarding the conduct of prosecutrix. During the course of investigation, the Investigation Agency will consider the allegations levelled by the prosecutrix as well as the stand taken by the present petitioner. Petitioner is running an educational institution. He is ready to abide by the terms and conditions of bail order. It is alleged that he will join the investigation as and when required.

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7. Considering the aforesaid factual position, without commenting on the merits, anticipatory bail filed by the petitioner is allowed. In case, petitioner is arrested, he be released on bail to the satisfaction of Arresting Officer/Investigating Officer subject to condition that petitioner will join investigation as and when required. He will not tamper with or interfere with the investigation and will not leave the country without prior permission as provided under 482 (2) of BNSS, 2023.

8. Pending miscellaneous application(s), if any, stand disposed of accordingly.

(AMARJOT BHATTI)
JUDGE

20.01.2025
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Whether speaking/reasoned: Yes/No.
Whether reportable: Yes/No