

(2013) 08 P&H CK 0359

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. M-23596 of 2013 (O and M)

Narayan Parshad Inspector

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision : 06-08-2013

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 438
Penal Code, 1860 (IPC) — Section 354A(1)(ii), 354D(1)(ii), 506, 509

Citation : (2013) 08 P&H CK 0359

Hon'ble Judges : Ram Chand Gupta, J

Bench : Single Bench

Advocate : Rahul Rathore, for the Appellant; Raja Sharma, AAG, for the Respondent

Judgement

Ram Chand Gupta, J.—The present petition has been filed for anticipatory bail u/s 438 of Code of Criminal Procedure in FIR No. 200 dated 28.06.2013, under Sections 354A(1)(ii), (iv), 354D(1)(ii), 506, 509 IPC, registered at police station Madhuban, Haryana. I have heard learned counsel for the parties and have gone through the whole record including the impugned order passed by learned Additional Sessions Judge, Karnal dismissing bail application filed by the petitioner.

2. Brief allegations are that, complainant, who is a lady Constable, was on temporary duty in the State Crime Record Bureau (SCRB), Madhuban and used to teach in the class of Finger Print and however, on the very first day of her joining the department, present petitioner-accused, who was posted as Inspector scolded her by saying as to who was the person who had posted her in that office. He also directed her to come to Hisar where he would be staying in a hotel and however, she refused. He also called her in the chamber and scolded her. Thereafter, he called her in his Cabin and told her that he had scolded her on the other day and that however, on that day he was going to Panipat and she should accompany her. He also told her that he was also having love for her. He also told

her that he would call her on the telephone and that she should pick up the telephone. Thereafter, petitioner called her at 6 O'clock in the evening and however, she did not pick up the phone and she remained disturbed. Petitioner raised a threat to her that he would disturb her to the extent that she would be forced to commit suicide. On this complaint initially inquiry was conducted by an officer of the rank of Deputy Superintendent of Police, SCRB, Madhuban and in the said inquiry, petitioner was exonerated. However, complainant having dissatisfied with the said inquiry, made another complaint to Director General Police and on his direction, inquiry was conducted by a woman IPS officer of the rank of Deputy Inspector General of Police. A detail inquiry was conducted by her. She also discussed the earlier inquiry conducted by the Deputy Superintendent of Police and came to the conclusion that complainant is a woman employee and petitioner by showing his authority started making verbal and physical advances towards her followed by rough behaviour and the same came within the definition of sexual harassment as defined by The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013. It was on the basis of the said inquiry the present FIR was lodged.

3. It has been contended by learned counsel for petitioner-accused that he was exonerated in the earlier inquiry and that in the second inquiry he was not associated and that he is being made a scapegoat. He also contended that he has already been retired from the department.

4. However, there are very serious allegations against petitioner-accused. FIR was lodged after detail inquiry conducted by a woman IPS officer of the rank of Deputy Inspector General of Police.

5. Hence, in view of these facts, it is not such a case in which extra-ordinary relief of anticipatory bail should be granted to the petitioner-accused. Without expressing any opinion on the merits of the case, the instant application for anticipatory bail filed by Narayan Parshad is, hereby, dismissed being devoid of merit.