

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

CRM-M-2812-2018

Date of decision: 24.01.2018

Mintu @ Surjit Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. Vivek Goel, Advocate,
for the petitioner.

JAISHREE THAKUR, J. (ORAL)

This is a petition that has been filed under Section 438 Cr. P.C. for grant of anticipatory bail to the petitioner in case FIR No. 274 dated 26.12.2017 under Sections 376/120-B IPC, registered at Police Station City South Moga, District Moga.

The allegations as set out in the FIR reads as under:-

“Statement of Rajni Kumari wife of Raman Kumar Caste Jhunir, resident of Mohalla Shimlapuri, Street No. 19, Tenant of Jony Pardhan, Ludhiana, presently r/o Near backside of Camry School, Moga aged 34 years Mobile no. 86991-16360 stated that I am resident of above address. I was married to Raman Kumar son of Raj Kumar about four years earlier. No child was born out of wed-lock from my second marriage. There was one daughter from my first marriage who was residing alongwith me. I had already given divorce to my first husband-Tejinder Singh @ Sonu. Now I am residing on the

backside of Verka Park, Camry School in a rented room. Mintu is the owner of the house. Kiran wife of Shamsher Singh is also residing in the other room which she had taken on rent in the house. Kiran had got "Dhala" from Baba Jivan Singh. I asked about the "Dhala" from Mintu "Whether Baba will do my work?" Then Mintu replied that Mast Baba Jivan can do all works. I told Mintu that I was having no child despite passing of four years to my marriage and whether my said problem can be solved. Then Mintu told me that my problem can be solved by Baba. Then on 09.12.2017 Mintu came to my house alongwith said Baba and Baba sent my husband to market to purchase non-veg. and wine etc. My husband went to market to purchase the goods. Then after sometime Mintu had also went away. When my husband returned back, then Baba started the ceremony of "Dhala" and gave glass of liquor with Mata Kali Parshad to my husband. My husband did not use to take liquor but on the asking of Baba he took liquor. Then at about 11.00 p.m. they went to put of "Dhala" in the drain bridge of Village Gill and thereafter returned back home at about 1.00 a.m. Then Baba told my husband that remaining work of "Dhala" is to be initiated and he sent my husband to other room. Baba started doing worship and sent me to prepare tea. When I came back with tea it was about 2.00 a.m. I offered tea to Baba. Baba took half cup of tea and started the "mantars" on half cut of tea and got me drunk the remaining tea. Then I felt

sleeping and when I regain consciousness my entire body was feeling pain. Then again Baba committed rape upon me. Then I wore my clothes which were put off by said Baba. Then I asked Baba that he had done wrong with me and I will tell about this to my husband. Baba told me that he has the power of “Black Magic” and threatened to kill me with magic and if I wanted to see he can show me the same. I got afraid and requested Baba and thereafter Baba went away from there. Now I have come to know that Baba can do nothing and today I told about the incident to my husband. Then I alongwith my husband were going to police station that you met us in the area of Village Tarewala. I have made my statement and heard the same which is correct. Action be taken.”

After the registration of the FIR, the petitioner applied for anticipatory bail before the Additional Sessions Judge, Moga contending that in fact all serious allegations had been leveled against Baba Jivan Singh and no case is made out against the present petitioner. Learned Additional Sessions Judge, by the impugned order dated 12.01.2018 dismissed the bail application. Against the said order, the instant petition has been filed.

Learned counsel for the petitioner contends that a reading of the FIR would indicate that all allegations of rape have been made against Baba Jivan Singh and no overt act can be attributed to the petitioner herein and therefore, is entitled to for grant of anticipatory bail.

I have heard learned counsel for the petitioner and have also gone through the contents of the FIR.

Admittedly, the petitioner herein is the person who introduced the complainant to Baba Jivan Singh and after informing her that all her problems could be solved by the said Baba. Therefore, on going through the facts narrated in the FIR and noticing there are serious allegations against the petitioner, this court is not inclined to interfere.

Dismissed.

24.01.2018

Satyawan

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes.
No.