

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

222

CRM-M-12375-2023

Date of Decision: 12.04.2023

Naga Baba Dalip Giri

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Vijay Sangwan, Advocate for the petitioner

Ms. Dimple Jain, AAG, Haryana

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Section 439 Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') is seeking regular bail in FIR No.38 dated 10.02.2022 under Sections 120-B, 328, 343, 354, 376, 377, 506 & 511 of Indian Penal Code, 1860 (for short 'IPC') (Section 376-D & 376(2)(n) of IPC added later on) registered at Police Station City Mahendergarh, District Mahendergarh.

2. The case of prosecution is that on 10.02.2022, the prosecutrix lodged a complaint alleging that she was offering worship in Shani Mandir for last one and half year. Naga Baba Dalip Giri Chela Shankar Giri Maharaj attended *Bhandara* on 29.01.2022 along with large number of other *Sadhus* in the said Mandir. On 31.01.2022, she was telephonically informed on behalf of Baba Dalip Giri to attend

Bhandara. On 02.02.2022, she was taken to village Khara for *Bhandara* by Pala Puri Maharaj and Baba Dalip Giri in *Maruti 800*. They returned to Mohindergarh City in the evening. On 03.02.2022, on the asking of Kalia Sewak and with consent of Baba Dalip Giri she was left in Vidhwa Ashram, Kanina. She was told to stay there for few days. On 04.02.2022 in the evening, on the asking of Baba Dalip Giri she was given tea by Kalia Sewak and after taking the same, she started feeling effects of intoxication as something was mixed in the tea. After informing Baba Dalip Giri that she was feeling dizziness, she went to her room for rest. When she was leaving, she heard Kalia Sewak and Papa Puri Maharaj disclosing to Baba Dalip Giri that their plan was successful, however, she fell asleep in a room even after hearing the conversation. After some time, Baba Dalip Giri came to her room with bad intention. He was in the naked condition and he committed rape upon her despite her protest and resistance. She was sexually assaulted for 4 days in this manner.

3. Learned counsel for the petitioner *inter alia* contends that this Court vide order dated 12.01.2023 passed in CRM-M-297-2023 has granted concession of regular bail to the co-accused. The prosecutrix stand examined, thus, there is no possibility of misuse of concession of bail.

4. Learned State counsel submits that petitioner has misused his religious position and he has not only outraged modesty of a lady but

also defamed the religion. He does not deserve any kind of sympathy. She further submits that the DNA report as well as prosecutrix in her examination has fully supported case of the prosecution.

5. I have heard the arguments of learned counsels for the parties and perused the record.

6. Examination of prosecutrix and grant of bail to co-accused against whom there is no allegation of rape is no ground to grant concession of regular bail to the petitioner. It is an undisputed fact that petitioner is a religious Guru and he, in a planned manner, has committed rape upon the prosecutrix. He had miserably misused his position. He does not deserve any kind of leniency. If he is released on regular bail, there are all possibilities that he may flee from justice because he has no permanent abode. He has not only quelled heart and soul of the prosecutrix but also damaged religious feelings of public at large and distorted faith posed by public at large in religious Guru.

7. The present petition sans merit and deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

12.04.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>