

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.35937 of 2023
Date of Decision: 27.02.2024

Rajinder Singh @ Mewa Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sandeep Gahlawat, Advocate,
for the petitioner.

Mr. Amandeep Singh Samra, AAG, Punjab.

MANISHA BATRA, J.(Oral)

1. The present petition has been filed under Section 439 of Cr.P.C. seeking regular bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
89	31.07.2022	Mullanpur, District SAS Nagar (Mohali)	354, 354-B, 376, 511 and 34 of IPC (Sections 366, 370, 370-A, 508 and 120-B of IPC added later on)

2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of statement recorded by the victim “J” (name withheld) alleging therein that on 30.07.2022, the present petitioner who is her relative had made a call to her and told her that there was a work for her to prepare food for some Sadhus in a temple near Village Parach and offered a sum of Rs.1000/- for the purpose of cooking food for them. The complainant being a housewife agreed to do this work and she along with her daughter and the present petitioner went to the above said temple on the same day

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i.e. on 30.07.2022. The co-accused Meera Giri and Abhishek Saini met them. They were offered tea and thereafter when she tried to leave that place on the pretext that her son was ill, the present petitioner and the co-accused Laxmi and Meera Giri forced her to sit in the pooja which was to be performed by the accused Abhishek Saini and also told her that during that pooja, she will have to make physical relations with the accused Abhishek and otherwise the pooja would not be fruitful. They also told her that if she did so then all her debts would be forgiven and all her sorrows would be removed. The complainant, however, left that place and came back to her house and when she reached home, the petitioner called him and told her that she had insulted him and again insisted that she was required to come in the pooja/hawan and to maintain relationship with Baba Abhishek. The complainant recorded all this conversation in phone and narrated about the incident to her sister-in-law and Ex. Mayor of Chandigarh. A trap was laid by them and in pursuance thereof, the complainant again contacted the petitioner and was advised to reach the temple of Baba Abhishek at 2 AM. She was picked up by a private vehicle by Baba Abhishek from U.T. Barrier, Chandigarh and was taken to temple. The Baba started performing some ceremonies while taking off his clothing and then also told her to remove her clothing. On refusal of the complainant, he assaulted her and tried to take off her clothing but in the meanwhile, her companions had reached there. They knocked at the main door on hearing which, Baba Abhishek had fled away from the spot. After registration of aforementioned FIR, investigation proceedings were initiated. The present petitioner was arrested on 09.03.2023. The co-accused were also arrested. After completion of

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necessary investigation and usual formalities, challan was presented in the Court and presently, the petitioner is facing trial for commission of aforementioned offences along with the co-accused. He had moved an application for grant of regular bail which was dismissed.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. He is in custody about a period of one year. His custodial interrogation is no more required. The trial is likely to take time. No useful purpose would be served by keeping him in custody any more. Hence, it is argued that he deserves to be given concession of bail.

4. The respondent-State has filed status report as per which, though the prosecutrix had not levelled the allegation of making any attempt to commit the offence of rape upon her but alleged that she was slapped by the petitioner and he had tried to outrage her modesty. It is submitted that there are serious allegations against the petitioner and, therefore, he does not deserve to be given concession of bail.

5. I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record carefully.

6. As per the allegations in the FIR, the petitioner who was a relative of the complainant had taken her to a temple near Village Parach on the pretext that she would have to cook food for the Sadhus and will be paid for that and on that pretext and after taking her there, she was forced by him as well as the co-accused to maintain physical relations with co-accused Baba Abhishek and was forced that if she refused the same, the entire pooja would become futile. It is also made out from the allegations that even after

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the victim had come back, the present petitioner had forced her on telephone to come and to make physical relations with the co-accused Baba Abhishek. The petitioner is in custody for a period of about one year. The trial is likely to take time. Keeping in view the period of his incarceration, the nature of the allegations which have come on record as against him and the attendant facts and circumstances of the case but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petitioner deserves to be given benefit of bail at this stage. Hence, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/Illaqa Magistrate.

27.02.2024
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No