



CRM-M-45246-2023

1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-45246-2023 (O&M)

Date of decision:27.08.2024

Ganpat Ram alias Guru Sukh Sagar

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. P.S. Ahluwalia, Advocate with
Ms. Bhavi Kapur, Advocate for the petitioner.
Mr. Yuvraj Singh, AAG Punjab.
Mr. Rajat Malhotra, Advocate for the complainant-side

SUMEET GOEL, J.

1. The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.32 dated 21.05.2022 (Annexure P-1), registered for the offences punishable under Sections 376(2), 377, 328, 323, 354, 506, 509 and 120-B of the Indian Penal Code, 1860 at Police Station Sadar Rajpura, District Patiala.
2. The FIR in question (as culled out in the present petition by the petitioner) reads as under:

“At this time, one application no. 153/5C PS SDR RJP dated 20.05.2022 was received from complainant Dilpreet Kaur alias Gopa Daughter of Darbara Singh, Resident of Village Ammiwala, Tehsil Jira, Post Office Makhu, District Ferozepur in office of SHO of PS Sadar Rajpura and the contents of which are: Hon'ble SHO Sahib, Sadar Police Station, Rajpura. Complaint against Guru Sukh Sagar alias Ganpat Ram alias Osho Sagar, resident of Ashram, Village Basantpura, Tehsil Rajpura, District Patiala, regarding committing repeated rape since childhood, on the pretext of



religion and by administering drugs and regarding committing unnatural sex, making obscene videos in connivance with his son Hemant alias Himanshu, beating her, detaining her and regarding giving taunts and death threats. Sir I, complainant Dilpreet Kaur alias Gopa daughter of Darbara Singh am resident of Village Amiwala, Tehsil Jira, Post Office Makhu, District Ferozepur and pray as follows - 1) That when the complainant was 12 years old, at that time her family got attached with organization "Osho Dhara" run by Brother of Osho Rajneesh i.e. Osho Shailender and accused Guru Sukh Sagar, Resident of Ashram, Village Basantpura, Tehsil Rajpura, Patiala. We started believing in accused Sukh Sagar as our guru. After a few days, accused came to our house on the pretext of doing good to us and called me to his room at night and hugged me on the pretext of showing me past life, then kissed me on the lips and put his hands on my posterior and later said that daughter go and sleep now. In the morning, I was very nervous, so the accused told my father that your daughter is in shadow of ghosts (beti te bhootan-bharetan da saya hai), let her stay with me for a few days, I will keep her as a daughter and make her well. By making such belief, accused took me along and told me that you have to do as I ask you to. At night, the accused administered me some drugs and made me lie down with him and came over me and forcibly raped me. Being a child, I did not understand what was happening to me. When I woke up in the morning, I was bleeding profusely. I could not say anything due to fear of the accused. Then one day the accused gave me water to drink and I started to feel sleepy. The accused then forcibly raped me. I was in pain and I screamed very loudly but my pain was not fading away and both my legs were shaking. When I asked about it to accused, he said that this is the cure for you, if you tell someone something, then the Guru will get angry with you and your life will be full of suffering and that no one knows more Tantra-Mantra knowledge than me and I am the greatest tantric. Out of fear of accused, I started wetting my bed, on which he used to say that daughter, bad forces have captured you and you cannot save yourself from them and you will die in some time, I was very scared and said, Guruji, I will do as you ask me to. In this way, the accused controlled me by fear and threat since my childhood and he by administering me intoxicating substances had raped me countless times and had unnatural sex with me. When I used to get pregnant, he used to commit abortion by giving me medicines. When I used to refuse something or used to get angry, the accused used to say that



this anger is not coming from me but from things inside me and same has to be corrected and he used to take off my clothes and put his whole hand in my vagina and pressed my face with his hand and my legs also used to shiver. After doing all this, accused used to utter very bad abuses to me and used to say that after today, you are not capable of any other man and only I have control over your life and now you will never dare to go out and say anything to anyone and he used to spit on my face and used to hold me tightly and accused used to make videos while doing all this. When I used to be sad, I was punished a lot and was told to eat a bowl full of salt and chilli. My parents were so much misled by accused that I could not tell them anything. Accused had built several rooms in the ashram at village Basantpura and he used to live in a separate room on the upper floor and there only he used to meet his new disciples. The accused had given me a separate room in the ashram and had kept me like a dass/ and he used to tell people that Gopa is my big devotee and accused started saying over devotees that he has improved the life of the village girl Gopa and that you should also send your girls to the ashram. Believing the accused Sukh Sagar, some people started sending their girls to him. Whenever accused was in his room with these girls, he used to insult me and send me out of the room. On asking the reason for doing this, accused Sukh Sagar became angry and said that who are you to ask me all this and the accused scolded me and asked me to take off my clothes and lie on the bed upside down and he tied both my hands and legs with dupatta with four sides of the bed and he gave beatings on my posterior with stick and on my scream, he put one dupatta in my mouth. Due to repeated blows at one point, blood had come on the skin and accused was simultaneously making my video and he was moving the stick on the place where earlier stick blows were given. After that he tied me up by turning me, thereafter he applied electric current to my vagina with a current torch and also to my head, nipples of my breast and told me that my tongue and mouth move more and then he applied current on my lips and he told me that from toady onwards don't use your brain. After some time he untied me and made me lie on one side of the bed and forcibly raped me and then the accused brought red chill from the kitchen and put the same in my vagina. The accused said that if you talk about me to anyone, I will show all your videos in Sangat and will destroy your sadhna and will destroy your parents and brother with Tantric powers. I was very scared and after that day, I never dared to ask anything or stop the accused and accused Sukh



Sagar kept using me as a corpse. Day by day the torture of the accused increased and he used to urinate on me and used to ask me to drink the same as prasad and used to say that smell of urine will feel like smell of sandalwood. If you have sorrow or bad thoughts running in your mind, then you can't smell it and I was made to drink urine and take bath with urine water. I used to sit on bathroom floor and he used to urinate on my head. Despite my repeated refusal, he used to put bottle of rose water in my vagina and used to have anal sex with me and used to put his penis in my mouth and used to say that this is prasad for me. The accused used to put his hand in my vagina for a long time and my head hair used to get pulled. Under the guise of religion, accused's son Hemant alias Himansu also started doing indecent behaviour with me and the girls who came to the ashram. On seeing me sad, my father's friend i.e. Uncle Surjit Singh asked me several times about reason of my sadness and I asked him to take me along with him for few days and I went with him for stay for some time and I got lot of support after doing everyday works and after living with family. During this time, accused's son Hemant @ Himanshu started calling me threateningly and said that he handles all the affairs of the accused and all my videos are available with him and if I do not return to the Ashram or tell anyone about anything, then he will destroy me and kill me. After emotional strength given by Uncle Surjit Singh Gill, I spoke to my mother and told her about the events from my childhood till now. I was very scared, but after knowing the truth, my brother Kamal while weeping asked me to take the help of the law, to punish the injustice done to me and the inhuman crimes committed by the accused under the guise of religion. There is serious threat to me and my family's life from the accused and accused can finish us anytime. Therefore, it is a request to you that strict legal action be taken against Sukh Sagar and his son Himanshu, who are guilty of robbing and ruining my childhood, my innocence and life under the guise of religion and FIR be registered under the POCSO Act and Under Section 376(2), 377, 328, 354, 354(A) 420, 427, 201, 506, 509 120-B I.P.C against accused and justice may be delivered to me. Complainant Dated 20.05.2022 At 9:30PM Phone 89683-34513. Dilpreet Kaur alias Gopa daughter of Darbara Singh Resident of Village Ammiwala, Tehsil Zira, Post Office Makhu, District Ferozepur.”

3. Learned counsel for the petitioner has argued that the earliest

episode of rape as alleged by the victim is of the year 2001-2002, whereas



CRM-M-45246-2023

5

the FIR in question has been got registered in May, 2022 i.e. after a delay of about 20 years. Learned counsel has further submitted that the victim was running her own business of boutique and also running an Instagram page for the same; the victim was a motivational speaker and was regularly giving motivational classes & was earning well. Therefore, no plausible explanation is coming forward for the delay of about 20 years in registration of the FIR. Learned counsel has further submitted that the allegations were made against the petitioner that there were video recordings of the assault etc. but no such objectionable video(s) has been found in the hard-discs recovered by the investigation agency. On the contrary, from the side table of the drawer of the victim, 22 live cartridges of .12 bore gun were recovered which were later found to be that of the father of the victim. Learned counsel has further argued that the victim and her father were actively involved in the management of the Ashram of the petitioner & the petitioner, his son along with the father of the victim were co-owners of the land of the Ashram. Various civil litigations have been filed on account of this land in which the victim and her father are co-defendants along with the petitioner. Learned counsel has further submitted that the charges in the instant case were framed by the learned trial Court on 29.09.2022 but the victim has not yet been examined till now. It has been further submitted that the petitioner is in custody for the last more than 02 years & the conclusion of the trial is not likely to culminate in near future especially on account of the victim absconding. In this view of the matter, regular bail is prayed for.

4. Learned State counsel, while opposing the bail petition, has submitted that the FIR has been lodged on the basis of a complaint made by



CRM-M-45246-2023

6

the victim against the petitioner and his son for repeated rape having been committed upon her. Learned State counsel has further submitted that the petitioner is running an Ashram and has committed atrocities upon the victim on the pretext of curing the victim. Learned State counsel has further submitted that the trial is progressing well. According to him, there are as many as 03 more FIRs registered against the petitioner. Thus, rejection of the instant petition for grant of regular bail is sought for on behalf of the State of Punjab.

5. Learned counsel for the complainant has vociferously opposed the grant of regular bail to the petitioner by arguing that a perusal of the FIR and the challan presented therein reflects the aggravated nature of offences committed by the petitioner on the minor victim including merciless beatings, repeated rape, forcing unnatural sex, putting chilies in her private parts and even urinating on her head. Learned counsel for the complainant has further submitted that the testimonies of the father of the victim, brother of the victim and other witnesses have already been recorded which clearly show the guilt of the petitioner. Learned counsel for the complainant has further submitted that, the petitioner is very influential person and this influence is well evidenced by his stay at Rajindra Hospital, Patiala (even while in judicial custody) under questionable circumstances wherein the petitioner had been meeting large number of people as detailed in a report submitted by ADGP, Punjab. Learned counsel for the complainant has further argued that the victim is untraceable despite the best efforts having been made by her father. However, the statement of the victim under Section



piece of evidence against the petitioner. Learned counsel has further submitted that the grant of bail to the petitioner would pose a direct threat to the victim and the witnesses.

6. I have heard learned counsel for the parties and perused the record.

7. Before dwelling into the matter at hand, this Court likes to point out that while considering matters involving sexual offences, a Court has to be mindful that the incidents of sexual violence against the women in a society always involve the life and limb of a women as what is at stake is the prestige and future of the victim which has been lowered and shattered into pieces. Once a victim being a woman has been hurt physically, emotionally, and mentally at a tender age, the same is bound to have adverse effects on the overall growth and development of the said human being. It is, thus in the interest of justice and of course the overall interest of the society at large that proceedings are handled with due care and precaution, especially when the Court is dealing with an application for releasing the accused on bail.

Indubitably, serious allegations have been made against the petitioner, who claims himself to be a godman, including the allegations of rape, assault and unnatural sex. This factor, by itself, is a relevant and important factor to be considered for grant of regular bail to the petitioner. The rival contention(s) of learned counsel for the parties; regarding the weightage required to be attached to the testimonies of the father of the victim, brother of the victim and other witnesses; is not required to be deeply delved into especially, at this stage, lest it may prejudice the trial. The



CRM-M-45246-2023

8

clearly decipherable from the report submitted by ADGP (Punjab); relevant whereof reads as under:-

“After perusal of the above statements, jail records, CCTV footage and during the inquiry conducted during the investigation, the following facts have come before the undersigned:-

- *According to the jail medical records, on 20-05-2023 the prisoner Sukh Sagar alis Ganpat Ram son of Sadhu Ram was referred to Rajindra Hospital Patiala by the Jail Medical Officer through emergency due to depression and desire to commit suicide. Whereas the said prisoner is undergoing treatment in the psychiatric ward from 26-05-2023 to 06-06-2023 under the supervision of the jail guard.*
- *Head Warder Satnam Singh No: 376, Warder Jaspreet Singh No: 780, Warder Harjinder Singh No: 540 and Warder Manpreet Singh No.803 have been posted for monitoring the said prisoner during treatment at Rajindra Hospital.*
- *According to Para No 38.21 of the Punjab Prison Rules 2022, whenever a prisoner is taken outside the jail for treatment, he is considered to be in the custody of the jail and only the jail rules will apply to him*
- *According to the statement of the jail worker, during their duty, 02 daughters of the prisoner, a son and the lawyer of the prisoner were used to come and meet Prisoner Sukh Sagar at psychiatry ward of Rajindra Hospital Patiala The family members of the prisoner used to take away the dirty clothes of the after feeding him.*
- *After checking the CCTV footage of Rajindra Hospital Patiala, it has been found that prisoner Sukh Sagar was being treated at the hospital from 26-05-2023 to 06:06-2023 by different persons (boys and girls) have come to meet about 15-20 times as per the above table.*
- *According to the statements of the Superintendent Central Jail, Patiala, they did not allow any officer to allow the family member of the prisoner Sukh Sagar to meet him during treatment*
- *• According to paragraph No: 13:28 of the Punjab Prison Rules 2022, no prisoner can be visited without written permission. However, the prisoner Sukh Sagar, while undergoing treatment at an outside hospital, misled the staff on duty and had unauthorized meetings with various persons without the permission of the jail authorities, which is*



a jail offense under Rule 9,05 (XXX) of the Punjab Prisoner Rules, 2022

- According to the statements of prisoner Sukh Sagar, 02 daughters of his friend used to visit him at Rajindra Hospital Patiala. While the officials posted for monitoring the said prisoner at the hospital says that according to the statement of the prisoner Sukh Sagar, the girls who come to meet him in the hospital They are his daughters and son. From which it is clear that the prisoner has made an unauthorized visit by lying and misleading the officers which is a jail offence.*
- According to the Punjab Prison Rules 2022, every jail inmate has to write down the names of 10 persons to visit him as per his wish under judicial custody. Whom he wants to meet, but the names of the girls who came to meet prisoner Sukh Sagar in the hospital are not included in the jail visitation list. According to the jail rules, any prisoner is allowed to visit 02 times a week. While more than 02 visits have been made during the said detention treatment which is a violation of jail rules.*
- According to the jail staff, they did not bring to the attention of any high official of the jail about the visit of the family members of the prisoner. Due to the bad mental condition of the prisoner, they only met the prisoner according to the doctor's advice.*
- Prisoner Sukh Sagar should have been provided with prison food during his treatment in an outside hospital. But during the treatment in the outside hospital, the said prisoner was given food and juice brought from outside by the persons who came from outside. In which any poisonous substance could be mixed and given to the prisoner and any unpleasant incident could be carried out.*
- By meeting the prisoner Sukh Sagar at Rajindra Hospital, the prison employees (Head Warder Satnam Singh No. 376, Warder Jaspreet Singh No. 780, Warder Harjinder Singh No. 540 and Warder Manpreet Singh No. 803) have violated Rule No. 13.54 of the Punjab Prison Rules 2022. Because they have arranged the meeting of the prisoner without the permission of any senior officer. Which shows the neglect of duty by the prison staff.*

In view of the above, it is also clarified that prisoner Sukh Sagar alias Ganpat son of Sadhu Ram during his treatment at Rajindra Hospital Patiala from 26-05-2023 to 06-06-2023 was misled by various persons to the jail administration (02 girls and boys) have been visited unofficially



about 15- 20 times without the written permission of any official, which is a jail offence. Therefore, it is recommended to take action against the said prisoner under the Punjab Prison Rules 2022. Apart from this, the employees posted in the hospital for the supervision of the said prisoner have also neglected their duty because no prisoner under judicial custody can be admitted to an outside hospital for treatment without the permission of a senior officer. A prisoner can lead to an unpleasant incident. The report is presented.”

Also the photographs available on record point towards enormous influence that the petitioner seems to be having/including over government authorities/functionaries.

8. Furthermore, the petitioner is stated to be involved in 03 other FIRs, details whereof are as under:-

<u>FIR</u>	<u>Under sections</u>
1. FIR 298 dt.6.05.2022 PS Kankar Khera Meerut	376, 511,50634 IPC
2. FIR 406 dated 06.06.2022 P.S. Kundli, Sonipat	328, 376, 406, 506 IPC
3. FIR 112 dated 31.12.2022 PS Sadar, Rajpura	406, 420, 120-B IPC

9. Though, the petitioner has suffered incarceration for more than 02 years but the same would not constitute sufficient ground for releasing the petitioner on bail in view of serious allegations against him, his antecedents and enormous influence that he appears to be wielding. It cannot be said from the factual matrix of the case that the trial is not progressing at the desired pace in the facts/circumstances of the case. While considering as to whether bail ought to be granted in a matter involving a serious criminal offence, the Court must consider relevant factors like the nature of the accusations made against the accused, the manner in which the crime is

alleged to have been committed, the gravity of the offence, the role



attributed to the accused, the criminal antecedents of the accused, the probability of tampering of the witnesses and repeating the offence, if the accused are released on bail, the likelihood of the accused being unavailable in the event bail is granted, the possibility of obstructing the proceedings and evading the Courts of justice and the overall desirability of releasing the accused on bail.

10. Keeping in view the totality of the facts/circumstances of the case, the petitioner does not deserve to be released on regular bail. Hence the instant petition is dismissed.

11. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

12. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

August 27, 2024
Ajay

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