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

CRM-M-16162-2024

Date of Decision:- 22.05.2025

SURINDER TUNDWAL @ GANESH NATH

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Nitish Sharma, Advocate for petitioner.

Mr. Amit Sunbla, DAG, Punjab with Mr. Karan Singh Sandhu,
(PPS), DSP Kharar-1.

AMARJOT BHATTI, J. (Oral)

1. Petitioner has filed instant petition under Section 439 of Cr.P.C. for grant of regular bail in FIR No.209 dated 22.09.2023, under Sections 342, 376, 384 and 506 of IPC and Section 66-E of IT Act, registered at Police Station Kharar, District SAS Nagar, Mohali.
2. Facts of the case are, prosecutrix 'KK' gave her statement that she is 23 years old lady having interest in astrology and yoga. Through Instagram, she came in touch with Surinder Tundwal @ Ganesh Nath who claimed himself to be a tantrik. She was interested to get religious knowledge and came under the influence of Surinder Tundwal @ Ganesh Nath. He claimed that there was influence of ghost on her and for that he was to perform rituals. He asked her to send pictures of her private parts as



worship is done in kamakhya temple. He also insisted to send her obscene videos. She was totally under his influence. He was involved with other ladies also. He started keeping track on her moments. He also started extending threats. She has narrated one incident of 03.07.2023 when she was sexually exploited. After the sexual act, she was forced to take contraceptive pills and was left at G.T. road Kharar. She went back to Girdhar Swami. Ultimately, matter was reported to the police.

3. Counsel for petitioner argued that all allegations levelled against him are false. Investigating agency has not recovered nude photographs or obscene videos nor the same were put on net. Petitioner was arrested in this case on 09.10.2023 and till date he is behind the bars. Version put forward by prosecutrix is highly improbable. In-fact, she had levelled similar allegations against Gaurav Tyagi and this fact is admitted by her during her cross-examination. Even at present, she is staying with Girdhar Swami. Since statement of prosecutrix has been recorded by the trial Court, there is no question of any threat to the prosecutrix. He is ready to abide by the terms and conditions of bail order. Therefore, his regular bail application may be allowed.

4. Status report filed. It is pointed out that prosecutrix is a rape victim. Investigation was completed and challan was presented on 21.11.2023. Charges were framed on 03.10.2024. Out of 15 prosecution witnesses, 9 witnesses have already been examined. Present petitioner is involved in another FIR No.45 dated 20.09.2023 under Sections 406, 420



IPC, registered at Police Badgaon, District Udaypur, Rajasthan. Considering the gravity of offence, he is not entitled to be released on regular bail.

5. I have considered the arguments and have gone through the record. Prosecutrix is major. Her statement has been recorded before the trial Court as PW2. Allegations levelled by her is matter of trial. Entire evidence will be considered at appropriate stage. Since prosecutrix is already examined, there is no occasion for the petitioner to influence her. He is behind the bar for a period of more than 1½ years. Trial in this case may take some time. No purpose would be served by keeping him behind the bars for indefinite time period.

6. Considering the aforesaid factual position, without expressing my mind on the merits of the case, regular bail application filed by petitioner is allowed and he is ordered to be released on bail to the satisfaction of trial Court/Duty Judge, concerned.

7. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

(AMARJOT BHATTI)
JUDGE

22.05.2025

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