

Present: Shri HPS Verma, Special PP, assisted by Shri S.S. Yadav, DLA on behalf of the CBI and Sh. M.K. Pari, ASP, CBI.
Shri S.K. Garg Narwana, Senior Advocate along-with Shri Vishal Garg, Advocate, Shri Rajinder Kumar, Advocate for convict Baba Gurmeet Ram Rahim Singh. Accused Baba Gurmeet Ram Rahim Singh is in custody.

ORDER ON QUANTUM OF SENTENCE

1. This order is in continuation of the judgment of conviction dated 25.8.2017, for hearing arguments on the quantum of sentence.
2. In compliance of notification No.157 Gaz.II/XXI.C.22 dated 26.08.2017 issued by the Hon'ble High Court of Punjab & Haryana at Chandigarh, Court of Special Judge, CBI, Panchkula is being held in District Jail, Rohtak at Sunaria for the purpose of hearing on quantum of sentence and pronouncement of the sentence in respect of the case titled as 'Central Bureau of Investigation Vs. Gurmeet Ram Rahim Singh, R/o Dera Sacha Sauda, Sirsa' in case R.C. No.5 (S)/2002/SIU-XV/CHD dated 12.12.2002 under Section 376/506 IPC P.S. CBI/SCB/Chandigarh, as the Hon'ble High Court, while exercising powers under Section 9 (6) of the Cr.P.C., has notified the District Jail, Rohtak at Sunaria as a place of sitting of CBI Court of Additional District & Sessions Judge, Panchkula for the aforesaid purpose.
3. Learned Special Prosecutor for CBI as well as learned DLA for CBI have submitted that convict has committed sexual assault upon victims/prosecutrix who used to treat him as father and used to worship him as God and that convict has shattered the faith and exploited both the victims physically and psychologically. Learned Special PP for CBI also submitted that both the victims were staying in the premises of Dera under the custody of the convict and the acts of convict are not less than custodial rape. That convict has projected himself as Godman and took undue advantage of his position/authority and committed rape upon innocent

girls and it is not ordinary case but rarest of rare case which has larger implications for the entire society and accordingly, convict deserves maximum punishment for each count for which he has been convicted. It has been further submitted that convict is very influential figure and must be sentenced appropriately to send a deterring message for potential offenders and also to give message to the society and in case of awarding lesser than maximum punishment, it would shock the collective conscience of the nation. It is also submitted that instances of rapes by the convict by taking benefit of his privileged position/authority, threatening the defenceless and hapless victims with dire consequences in the event of disclosing of crime to anyone etc. are some of the aggravating factors which must be taken into consideration while awarding punishment to the convict. In support of their arguments, they have placed reliance upon law laid down in **State of Punjab Vs. Gurmit Singh 1996 (1) RCR 533, Tulsidas Kanolkar Vs. State of Goa (SC) 2003 (4) RCR (Criminal) 964, Criminal Appeal Nos. 609-10 of 2017 SLP (Criminal) Nos. 5027-5028 of 2014) titled as Mukesh & another Vs. State for NCT of Delhi & Other (Popularly known as Nirbhaya Case, Dhanajay Chaterjee Vs. State of West Bengal 1994 (1) RCR (Criminal) 429, State of U.P. Vs. Sanjay Kumar, 2012 (4) RCR (Criminal) 676, State of M.P. Vs. Bablu Lal & Others 2013 (4) RCR (Criminal), State of M.P. Vs. Bala @ Balram 2005 (4) RCR (Criminal) 341, State of U.P. Vs. Krishan 2005 (1) RCR (Criminal) 365, Kamalanatha and Others Vs. State of Tamil Nadu AIR 2005 Supreme Court 2132.**

4. On the other hand, convict vide his separately recorded statement, has stated that he is 50 years old and is suffering from hypertension, acute diabetes and severe bachache problem for the last more than 8 years. He is into the welfare works for the society. He has already placed on record medical treatment documents vide separate application today. The documents attached are Annexure A1 to

A35. He is having his old aged mother suffering from various old age diseases. There are so many institutions like, school, college which are being run by the Trust under his motivation and thousands of people are employed in various institutions of the Trust and prayed that lenient view be taken by considering these facts.

5. Learned Senior counsel representing the convict has submitted that convict is engaged in social works of varied nature and has motivated people to do social works including tree plantations etc. He has further submitted that convict is running maximum social work in the State of Haryana, especially when Govt. of Haryana has failed to do such works. It is also submitted that convict has motivated people to marry even prostitutes and has played commendable role in drug de-addiction in society. It is also submitted that 133 welfare works are in progress under the able guidance of convict. Further, by making reference to various certificates placed on record vide separate application moved today, it is submitted that convict has received commendation certificates of the good deeds. Convict has brought on record a booklet of social works undertaken by his organization/Dera. It is also submitted that convict is suffering from three diseases i.e. disc problem, blood pressure and high sugar and his long incarceration would affect his health adversely. It is also submitted that convict is a law abiding citizen and sentence lesser than minimum, prescribed under unamended section 376 of IPC as existing prior to year 2013 would be applicable in the case of convict. .

6. Having due regard to the peculiar facts and circumstances of the case as well as rival contentions, this court is of the view that if acts of convict in sexually exploiting his own female disciples and intimidating them of dire consequences, is taken note of, then such kind of person do not deserve any sympathy of

the court. The Hon'ble Supreme Court invariably has observed that rape is not merely physical assault, it is destructive of the whole personality of the victim. Both the prosecutrix/victims put the accused/convict on the pedestal of 'god' and revered him like that only. However, convict committed breach of gravest nature by sexually assaulting such gullible and blind followers. Such criminal acts of a particular individual/ convict, who is stated to be heading a religious organization known as Dera Sacha Saudha, Sirsa having its headquarter at Sirsa, are bound to shatter images of pious and sacred spiritual, social, cultural and religious institutions existing in this country since times immemorial, which in turn reflects irreparable damages caused by the acts of the convict to the heritage of this ancient land.

7. The Hon'ble Supreme Court in **Sham Sunder Vs Puran and another 1990 (4) SCC 731** has observed that the court in fixing the punishment for any particular crime should take into consideration the nature of the offence, the circumstances in which it was committed, the degree of deliberation shown by the offender. The measure of punishment should be proportionate to the gravity of the offence. Still further, the Hon'ble Supreme Court in **Shyam Narain Vs State (NCT of Delhi) 2013 (7) SCC 77** has ruled that primarily, it is to be borne in mind that sentencing in any offence has a social goal. The fundamental purpose of imposition of sentence is based on the principle that the accused must realize that the crime committed by him has not only created a dent in the life of the victim but also a concavity in the social fabric. The purpose of just punishment is designed so that the individuals in the society which ultimately constitute the collective do not suffer time and again for such crimes. It serves as a deterrent. It has further been observed by the Hon'ble Supreme Court, on a number of occasions, that opportunity may be granted to the convict for reforming himself but it is equally true that the

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principle of proportionality between an offence committed and the penalty imposed are to be kept in view. It has to be borne in mind that while carrying out this complex exercise, it is obligatory on the part of the court to see the impact of the offence on the society as a whole and its ramifications on the immediate collective as well as its repercussions on the victim. Further it has also been held that undue sympathy to impose inadequate sentence would do more harm to the justice dispensation system to undermine the public confidence in the efficacy of law. The court must not only keep in view the rights of the victim of crime but also society at large while considering the imposition of appropriate punishment. Further, the Hon'ble Supreme Court in **Sumer Singh Vs Suraj Bhan Singh and others, (2014)7 SCC 323** has ruled that it is the duty of the court to impose adequate sentence, for one of the purposes of imposition of requisite sentence is protection of the society and a legitimate response to the collective conscience. In a way it is an obligation to the society which has reposed faith in the court of law to curtail evil. While imposing the sentence it is the court's accountability to remind itself about its role and the reverence for the rule of law. It must evince the rationalized judicial discretion and not an individual perception or moral propensity. It has also been observed by Hon'ble Supreme Court that the old saying "the law can hunt one's past" cannot be allowed to be buried in an indecent manner and the rainbow of mercy, for no fathomable reason, should be allowed to rule. The conception of mercy has its own space but it cannot occupy the whole accommodation. Further it has also been observed that though punishment is designed to protect society by deterring potential offenders as also by preventing the guilty party from repeating the offence; it is also designed to reform the offender and reclaim him as a law abiding citizen for the good of the society. Reformatory, deterrent the punitive aspects of punishment thus play their due part in judicial thinking while determining

the question of awarding appropriate sentence. Reliance in this regard may be placed on **B.G.Goswami Vs Delhi Administration 1974 (3) SCC 85.**

8. Mahatma Gandhi, popularly known as father of our Nation, has stated as under:

6th "To call woman the weaker sex is a libel; it is man's injustice to woman. If by strength is meant brute strength, then, indeed, is woman less brute than man. If by strength is meant moral power, then woman is immediately man's superior. Has she not greater intuition, is she of more self-sacrificing, has she not greater powers of endurance, has she not greater courage? Without her, man could not be. If nonviolence is the law of our being, the future is with woman. Who can make a more effective appeal to the heart than woman."

9. The Hon'ble Supreme Court in **Ankush Shivaji Giakwad Vs. State of Maharashtra 2013 (6) SCC 770** has held that after order of conviction, it is mandatory duty of the Court to consider the question of award of compensation to victim of crime. However, it is discretion of court to award or not to award compensation. It has further been held that section 357 Cr.P.C. confers a duty on the Court to apply its mind to the question of compensation in every criminal case and court must disclose that it has applied its mind to this question. Disclosure of application of mind is best demonstrated by recording reasons in support of the order or conclusion. This power is not ancillary to other sentences but in addition thereto.

10. Further, Hon'ble Supreme Court in **Sarwan Singh And others Vs. State of Punjab 1978 (4) SCC 111** has held that it is the duty of the Court to take into account the nature of the crime, the injuries suffered, the justness of the claim for compensation, the capacity of the accused to pay and other relevant circumstances in fixing the amount of fine or compensation. Still further, Hon'ble Supreme Court in **Dilip S. Dahanukar Vs. Kotak Mahindra Company Ltd and another 2007 (6) SCC 528** has held that Section 357 (3) Cr.P.C. does not impose

any limitation on power of court to award compensation but such jurisdiction cannot be exercised at the whims and caprice of a Judge. Before issuing a direction to pay compensation, the capacity of accused to pay the same must be judged. A fortiori, an enquiry in this behalf even in summary way may be necessary. Now coming to facts of the case, convict Baba Gurmeet Ram Rahim Singh is stated to be head of Dera Sacha Sauda, Sirsa which runs a number of institutions, as submitted by learned counsel for the convict himself. At the cost of repetition, learned counsel for convict has submitted that more than 7-8 thousand people are working in the institution of the convict. It is also a matter of record that during the course of trial, convict moved several applications seeking permission to visit abroad for the purpose of promotion of films directed and produced by him. While moving the aforesaid application, accused/convict himself pleaded that million of rupees were spent/invested in producing such films, for the promotion of which he had sought permission to visit abroad and has visited abroad many times and all these facts clearly establish that convict has no dearth of wealth and is a man possessing huge self and has enough financial resources to compensation the victims of his criminal acts

11. With above observations and having the facts of the case in mind, this court is of the considered view that when the convict did not even spare his own pious disciples and had acted like wild beast, he does not deserve any mercy. In other words, a man who has no concern for humanity, nor has any mercy in his nature, do not deserve leniency from the court. Convict Baba Gurmeet Ram Rahim Singh has been held guilty for committing rape upon prosecutrix-A punishable under Section 376 IPC as well as criminally intimidating said prosecutrix punishable under Section 506 IPC and further convict has also been held guilty and convicted

for committing rape upon another prosecutrix-B and also found guilty for criminally intimidating said prosecutrix, thereby committing offences punishable under Section 376 IPC and Section 506 IPC qua prosecutrix-B. Keeping in view the entirety of the facts as well as the principles of law discussed here-in-above, convict Baba Gurmeet Ram Rahim Singh is directed to undergo rigorous imprisonment for a period of 10 years and also to pay fine of Rs.15,00,000/- for committing offence under Section 376 IPC qua prosecutrix-A and in case of default for not making the payment of fine, he shall further undergo rigorous imprisonment for two years. Further, convict is also directed to undergo rigorous imprisonment for a period of 2 years and to pay a fine of Rs.10,000/- for committing offence under Section 506 IPC qua prosecutrix-A and in default of payment of fine, convict shall further undergo rigorous imprisonment for three months. It is further directed that out of fine of ₹15,00,000/-, an amount of ₹14,00,000/- shall be paid to prosecutrix-A/victim as compensation so as to facilitate her rehabilitation. Both the above sentences awarded to the convict qua prosecutrix-A shall run concurrently.

12. Further, convict Baba Gurmeet Ram Rahim Singh is directed to undergo rigorous imprisonment for a period of 10 years and also to pay fine of Rs.15,00,000/- for committing offence under Section 376 IPC qua prosecutrix-B and in case of default for not making the payment of fine, he shall further undergo rigorous imprisonment for two years. Further, convict is also directed to undergo rigorous imprisonment for a period of 2 years and to pay a fine of Rs.10,000/- for committing offence under Section 506 IPC qua prosecutrix-B and in default of payment of fine, convict shall further undergo rigorous imprisonment for three months. It is further directed that out of fine of ₹15,00,000/-, an amount of ₹14,00,000/- shall be paid to prosecutrix-B/victim as compensation so as to facilitate her rehabilitation. Both the above sentences awarded to the convict qua pros-

ecutrix-B shall run concurrently.

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13. It is further directed that sentences qua prosecutrix-A and qua prosecutrix-B shall run consecutively. To clarify further, it is directed that on completion of term sentences so awarded to the convict under Section 376 IPC and 506 IPC qua prosecutrix-A, the term sentences awarded for committing offences under Section 376 IPC and 506 IPC qua prosecutrix-B shall commence. The period of custody already undergone by the convict during the investigation and trial of trial of this case shall be set off against the substantive sentences as per the statutory provision under Section 428 Cr.P.C. **Fine not paid.** Let conviction warrants be prepared accordingly.

14. Copy of judgment of conviction dated 25.08.2017 and order of sentence dated 28.08.2017 be provided to the convict free of cost.

15. Case property, if any, be disposed of as per rules after lapse of period of filing of appeal or revision against this judgment or the outcome of the same, as the case may be. File be consigned to record room after due compliance.

Announced in open Court.
Dated :Dated: 28.08.2017

(Jagdeep Singh)
Special Judge(CBI)
Haryana at Panchkula.
UID Number:HR0125
Makeshift Court in District Jail
Rohtak at Sunaria
(Haryana).