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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 2492/2018**

**HARVINDER PAL SINGH**

..... Petitioner

Represented by: Ms. Sonika Tyagi, Advocate.

versus

**STATE**

..... Respondent

Represented by: Ms. Rajni Gupta, APP with SI  
Satyawati, PS Khyala.  
Mr. Jaspreet Singh, Advocate for  
complainant.

**CORAM:**

**HON'BLE MS. JUSTICE MUKTA GUPTA**

**ORDER**

**17.12.2018**

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By this petition, the petitioner seeks bail in case FIR No. 161/2016 under Section 376/354C/506/354D/356/385/313/323/174A IPC registered at PS Khyala.

The complainant in the FIR lodged on 17<sup>th</sup> March, 2016 alleged that she came in contact with the petitioner on 10<sup>th</sup> November, 2015 as he was a friend of her brother. He established physical relation with the complainant on false promise of marriage and took ₹3 lakhs and some gold items from her given to her by her ex-husband at the time of divorce.

After some days the petitioner represented that he was in need of money and had to get released his brother from jail who was arrested in a case of dacoity. He asked her to mortgage the diamond set given by the accused to her which she did and got ₹3.5 lakhs. Later it transpired that

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the said diamond set was a case property in the case in which the brother of the petitioner was involved. It is alleged that the petitioner kept on pressurizing her to give more money. The petitioner had also taken her obscene photographs, assaulted her, snatched her purse, mobile phone etc.

The prosecutrix has since been examined before the Trial Court wherein she reiterated these allegations. She deposed that she asked the petitioner to marry her, when the petitioner stated that until and unless the diamond set is returned back by the jeweller and he is not able to earn ₹5 lakhs, his brother would not allow their marriage.

It is alleged that thereafter there were continuous demands. The complainant alleges again forcible physical relation on 26<sup>th</sup> January, 2016 when the petitioner visited her residence and later on snatched her gold chain, purse, mobile phone etc.

Learned counsel for the petitioner points out to certain admissions of the prosecutrix in her cross-examination which would indicate that the relationship was consensual in nature.

The petitioner has been in custody since 14<sup>th</sup> January, 2017 and the prosecution has been able to examine only one witness that is the prosecutrix till date. Thus, the trial is likely to take some time. Considering the fact noted above this Court deems it fit to grant bail to the petitioner.

It is, therefore, directed that the petitioner be released on bail on his furnishing a personal bond in the sum of ₹25,000/- with one surety bond of the like amount, subject to the satisfaction of the learned Trial Court, further

subject to the condition that in case of change of residential address the same will be intimated to the Court concerned by way of an affidavit.

Petition is disposed of.

Order dasti.

**MUKTA GUPTA, J.**

**DECEMBER 17, 2018**  
**‘yo’**