

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

% **Judgment Reserved On: 06.12.2019**
Judgment Pronounced On: 18.03.2020

+ **BAIL APPLN. 2757/2019 & CrI.M.A. 39627/2019**

GURDEV SINGH @ SURAJ

..... Petitioner

Through: Ms. M.Theepa along with Mr.
Mukesh Kr., Mr. Anand Kr.
Pandey and Mr. Anil Sharma,
Advocates.

versus

THE STATE
(GOVT. OF NCT OF DELHI)

..... Respondent

Through Mr. G.M.Garooqui for
the State.

SI Anshu Kadian: PS Tilak
Nagar.

CORAM:

HON'BLE MR. JUSTICE BRIJESH SETHI

J U D G M E N T

BRIJESH SETHI, J.

1. Vide this order, I shall dispose of a bail application u/s 439 Cr.P.C. filed by the petitioner **Gurdev Singh @ Suraj** in FIR No. 307/2019, u/s. 354D/366/342/451/376/506 IPC, P.S. Tilak Nagar, Delhi.

2. Ld. Counsel for the petitioner has prayed for bail on the ground that petitioner is innocent and has been falsely implicated. Petitioner is in judicial custody since 19.08.2019. The present case was got

registered just to extort money and to harass the petitioner. Ld. Trial court has failed to consider and appreciate the fact that physical relations between the prosecutrix and the petitioner were consensual and no forceful injury marks were found on the body of the prosecutrix. There are several contradictions in the statement of the prosecutrix recorded under section 164 Cr.P.C. as well as in the FIR. There is a delay of 13 days in lodging the FIR. It is further submitted that as per MLC, no external injury marks were seen. Ld. Trial Court has failed to consider the fact that it was the prosecutrix who had herself invited the petitioner to the hotel to indulge into sexual intercourse. It is further submitted that petitioner is aged about 21 years and has deep roots in the society. It is further submitted that sections 354D/366/343/376/451/506 IPC are not made out against the petitioner as he has nothing to do with the alleged offence. It is further submitted that investigation is complete and charge sheet has been filed and therefore, petitioner be released on bail in the interest of justice.

3. Ld. APP for the state has opposed the bail application on the ground that allegations against the petitioner are serious in nature.

Petitioner has made forceful sexual relationships with the victim. The conduct of petitioner is also under cloud as he was an absconder during the course of investigation and proceedings under Section 82 Cr.P.C. were initiated against him. Statement of the victim is yet to be recorded. Ld. APP has, therefore, prayed for dismissal of the bail application.

4. I have considered the rival submissions. The prosecution version is that on 07/8th June, 2019, petitioner had sent phone messages to the victim to meet him at her Bua's residence. When she went to her Bua's residence, petitioner met her near her bua's residence and took her to Gurudwara Fateh Nagar in his car. After sitting in the car, petitioner locked the car and offered her Coke and after drinking the same, she had become unconscious. Thereafter, the petitioner had taken her to a hotel near Airport and there he had put vermillion and made her wear Chura etc. and established forceful physical relationship with her and then dropped her near Gandhi Cycle, Tilak Nagar, Delhi. Thereafter, victim lodged a complaint to the police and present FIR bearing no. 307/2019 was recorded.

5. It is argued by Ld. Counsel for the petition that there are material contradictions in the statement of prosecution recorded under Section 164 Cr.P.C. as well as in the FIR. However, this court is of the view that at the stage of bail, the evidence need not be discussed and examined or analyzed in detail and no mini trial can be conducted while deciding the bail application. Moreover, statement of victim is yet to be recorded in the court. The offence committed by the petitioner is serious in nature. As per prosecution version, he has made forceful physical relations with the victim on the pretext of marriage. Victim has also corroborated her version mentioned in the FIR in her statement recorded under Section 164 Cr.P.C. during investigation. As stated above, the victim is yet to depose in the court. In view of the above facts appearing on record and also keeping in mind the gravity of offence, no grounds for bail are made out at this stage. The bail application along with the other application is, therefore, dismissed and stands disposed of accordingly.

BRIJESH SETHI, J

MARCH 18, 2020

(AK)