



\$~3

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

+ **BAIL APPLN. 3904/2022**

PRABHJOT SINGH

..... Petitioner

Through: Mr.Taranpreet Singh and Mr.Rishapreet
Singh, Advocates

versus

THE STATE (NCT OF DELHI)

..... Respondent

Through: Mr. Sanjeev Sabharwal, APP for State
Mr.Karan Sunjeja, Advocate for complainant with
complainant in person

CORAM:

HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER

05.04.2024

%

1. The present application has been filed under Section 438 Cr.PC. seeking anticipatory bail in FIR No.414/2022 registered under Sections 498A/377/406/34 IPC at P.S. KN Katju Marg.
2. Learned counsel for the petitioner/applicant submits that the applicant has joined the investigation on number of occasions. On merits, he submits that the marriage between the petitioner and the complainant was solemnized on 08.11.2020, whereafter the first complaint was preferred by the complainant on 28.02.2022, wherein only allegations with respect to the offence punishable under Section 498A IPC was levelled. Another NCR came to be filed on 02.03.2022, wherein allegations with respect to the offence punishable under Section 323 IPC was made. The applicant also



filed a complaint against the complainant on 04.03.2022, as a result of which on 07.03.2022, the complaint with respect to the present FIR came to be filed before CAW Cell resulting in registration of the present FIR. He submits that in the prior two complaints, no allegations with respect to the offence under Section 377 IPC were made, though in the FIR, the said offence is alleged to have taken place on the date of the marriage i.e., on the night of 08.11.2020. He submits that insofar as the offence under Section 313 IPC is concerned, an additional status report has been filed, wherein the said offence is found not to have taken place as the pregnancy of 6 weeks was found to be non-viable and the complainant was advised termination as per the medical advice.

3. Learned APP for the State as well as learned counsel for the complainant have resisted the bail application. It is stated that serious allegations have been levelled against the applicant.

4. Considering the totality of the facts and the reading of the FIR in the light of the first two complaints as well as the additional status report, wherein allegations with respect to the offence under Section 313 IPC was found to be not made out, the interim protection granted to the applicant vide order dated 25.08.2023 is made absolute and it is directed that in the event of arrest, the applicant be released on bail subject to him furnishing a personal bond in the sum of ₹25,000/- with one surety of like amount to the satisfaction of the Arresting Officer/Investigating Officer/SHO of the concerned Police Station and also subject to the following further conditions:-



- (i) At the time of furnishing bail bond, the applicant shall provide the mobile number, which he undertakes to keep operational at all times during the pendency of the trial.
 - (ii) The applicant shall join the investigation as and when asked.
 - (iii) The applicant shall inform the concerned Investigating Officer about his current residential address.
 - (iv) In case of change of residential address/contact detail, the applicant shall promptly inform the same to the concerned Investigating Officer/SHO.
 - (v) The applicant shall not directly or indirectly try to get in touch with the complainant or any other prosecution witnesses or tamper with the evidence.
 - (vi) The applicant shall regularly appear before the trial Court.
5. The application is disposed of in the above terms.

MANOJ KUMAR OHRI, J

APRIL 5, 2024

na