



2025:DHC:873



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% Pronounced on: 12th February, 2025+ BAIL APPLN. 72/2025

AMARDEEP SINGH
S/O LATE SH. SUKHDEV SINGH VIRK
THROUGH HIS PEROKAR/MOTHER
SMT. JASJIT KAUR
W/O LATE SH. SUKHDEV SINGH VIRK
R/O F-8/1, MALVIYA NAGAR
DELHI-110017

.....Petitioner

Through: MR. Lokesh Kr. Mishra, Advocate.

versus

1. STATE (GNCT OF DELHI)
THROUGH SHO,
PS- MALVIYA NAGAR, DELHIRespondent No.1.
2. XXXX (PROSECUTRIX/COMPLAINANT)
D/O XXXX
R/OXXX
(TO BE SUMMONED THROUGH SHO/IO).....Respondent No.2.
Through: Mr. Shoaib Haider, APP for State.
Mr. Nitin Saluja, Advocate, DLSA &
Mr. K.S. Jaggi, Advocate for R-2.
Mr. Rahul Sharma, Advocate (newly
engaged counsel) for R-2.
S.I. Pinki Rana, PS Malviya Nagar,
Delhi.

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T

NEENA BANSAL KRISHNA, J.



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1. Second Bail Application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*hereinafter referred to as 'BNSS'*) has been filed by the Applicant, Amardeep Singh for grant of Regular Bail in FIR No.512/24 under Sections 376/313 of the Indian Penal Code, 1860 (*hereinafter referred to as 'IPC'*).
2. The Bail Application filed before the learned ASJ, has been dismissed on Order dated 07.01.2025.
3. It is submitted that there was no promise to marry between the Complainant and the Applicant and the relationship between them was purely consensual. He had been falsely trapped in a pre-planned conspiracy by the Complainant with the sole intention to put pressure on him and his family members either for marriage or to extort huge amount of money. The contents of the FIR are completely fabricated and concocted and the FIR is the gross abuse of the process of law.
4. It is in fact, a case of honey trapping as the relationship between the parties was consensual and they had established physical relationship of their own free will. The parties had met on a dating app 'Bumble' on 08.03.2024 and not through any matrimonial app. This Dating app is usually used by the people for meeting for the purpose of enjoyment and not for serious relationship like marriage. The Prosecutrix intentionally got into a consensual relationship with the Applicant to which she is trying to give the colour of rape on the pretext of marriage.
5. The Hotels were booked and paid by the Prosecutrix. Therefore, the relationship cannot be termed as rape. Apart from this, the Prosecutrix used to reside for many days at the address of the Applicant which further



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reinforces the fact that their relationship was with consent. The CDR calls and the location details of the Hotels have been duly collected during the investigations.

6. The Complainant is a 27 year old highly qualified woman, doing private job and residing in a Metropolitan City. She has the comprehension to understand what is good and bad. She had ample opportunity to raise alarm, which she has not done at any point of time. Moreover, there is a delay of six months in registration of FIR.

7. It is further asserted that when the Prosecutrix came to know that the Applicant belongs to an affluent family, she started to demand money on one pretext or the other. Rs.20 lakhs have already been extorted in cash and in kind, out of which Rs.8 lakhs was transferred to her account through RTGS, on 15.09.2024. She was also forcing the Applicant to sell the property or transfer the same in her name.

8. The video conversations between the Prosecutrix and his sister as well as between the father of the victim and Jija of the Applicant clearly reflect that the entire story as narrated by the Prosecutrix, is a concocted one.

9. There is no medical document relating to forceful abortion to substantiate her allegations of Section 313 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as 'Cr.P.C.'*). Furthermore, there are major contradictions in her statement under Section 164 of Cr.P.C. She has even refused to give her phone to the IO which shows that she intends to conceal everything. On the other hand, Applicant has already handed over his original phone, video, chatting, financial transactions and Hotel details to the IO for their verification, which has already been done.



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10. The Chargesheet has already been filed and the matter has been committed for trial, which would take long to get concluded. No fruitful purpose would be served in keeping the Applicant in custody for unlimited period of time. The Applicant belongs to a respectable family and is a permanent resident of F-8/1, Malviya Nagar, New Delhi and there is no chance of his absconding; and is willing to face the trial.

11. The Applicant has placed reliance on the case of Sanjay Chandra vs. CBI, (2012) 1 SCC 40 and on Jitendra vs. State of NCT, 2016 SCC OnLine Del 1170 decided by the Coordinate Bench of this Court.

12. It is further stated that there is no likelihood of the Applicant influencing the witnesses and to abide by the directions of the Court. Hence the bail is sought by the Applicant.

13. ***Status Report has been filed on behalf of the State*** wherein it is submitted that the medical examination of the Prosecutrix was done on 09.10.2024 wherein she stated in her statement that she got pregnant in April, 2024 and that she had been emotionally abused to abort the pregnancy. She again got pregnant in August, 2024 but was again being compelled to undergo abortion for which she has refused.

14. Chargesheet has already been filed under Section 376/313 of IPC. The bank account of the Applicant confirms that Rs.8 lakhs had been deposited in the account of victim on 15.09.2024. The details of the Fab Hotel, Delhi has also been collected. In the end, it is submitted that the matter is now fixed for framing of Charges.

15. ***Learned counsel on behalf of the Prosecutrix*** has vehemently contended that the parties had met on a social media and she had told the



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Applicant initially itself that she was not looking for a relationship but was interested in marriage. The Applicant all throughout kept on promising that he would marry her and on this false pretext established relationship with her. She was compelled to get her abortion done on one earlier occasion but this time she has refused to get the baby aborted as she is serious about this relationship and wants to carry the pregnancy to full term.

16. It is further submitted that the Prosecutrix was taken to meet the mother and has also talked to the sister of the Applicant, but they have shown no inclination for getting the parties married. Though Applicant has never refused, but it is quite evident from the entire conduct that the Applicant under the false pretext of marriage, has obtained the consent of the Applicant for sexual relationship. It is a blatant case where Applicant has cheated and has falsely obtained her consent. Considering the gravity of the allegations, the Bail Applicant is opposed.

17. Submissions heard and record perused.

18. The Prosecutrix in her Complaint made to the Police on 09.10.2024, had stated that they both met on Bumble dating App on 08.03.2024 and they both interacted. She in the first meeting, made it clear that she was only inclined for a marriage and not to waste her time. They had talks for sometime on the App only and she initially refused to give her mobile number to him. It is on 19.03.2024 when she was sure about the sincerity of the Applicant that they both exchanged their WhatsApp numbers and she also revealed about him to her family. They met on certain occasions.

19. On 25.03.2024, he came to her house with a bouquet of flowers and proposed, but she told him that she did not want to take any decision in a



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hurry and wanted some more time to understand the Applicant. Thereafter, they were in continuous touch and he assured that soon he would speak to his mother and they would get married. On 02.04.2024, he invited her to his house to meet his mother who was also keen to meet her. She accordingly, went to his house in Malviya Nagar but the mother had gone to Gurudwara to thank God for their alliance and was not available. Thereafter, they had physical relationship and the Applicant assured that everything was in the clear and that they would soon get married.

20. On 19.04.2024, she realized that she has conceived and was pregnant. When the Applicant was told, he responded that the child needs to be aborted since it would not be in the interest of their image in Society. She thus, took medicines and the pregnancy got aborted.

21. In the meanwhile, she and the Applicant kept on meeting on the assurance of the Applicant that they would soon marry. However, he did not make her meet the mother on one pretext or the other which she believed to be genuine. She then realised that the Applicant was scheduled to leave India and he was just manipulating her for physical relationship. The Applicant used to force her for physical relationship even though she was reluctant to do so before marriage as she was frightened with the previous conception. However, he kept on emotionally blackmailing her and told her that he was looking for a future relationship while the Prosecutrix was behaving differently. He instilled fear in her that if she said “No” to their relationship, she would risk to lose him. They continued to have physical relationship.

22. She again got pregnant on 16.09.2024 but the Applicant insisted on



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abortion to which she did not agree. She then insisted on meeting his family to which he became hostile and abused her by calling all names. She told him that she would like to carry the pregnancy.

23. After sometime, he proposed that they enter into an MoU for *live-in relationship* and she abort the pregnancy and thereafter, they would get married.

24. She tried calling the mother of Applicant but she blocked her. She also tried to contact Ms. Harpreet Seth, sister of the Applicant but she also told her to first get the child aborted. The Applicant took her to Shyama Hospital on 04.10.2024 and insisted on termination of pregnancy, for which she denied. Her efforts to reason with the Applicant did not succeed. It was thus, claimed that he had established physical relationship with her by giving her false hope of marriage.

25. The averments made in the Complaint show that both the parties met on a Dating App and after satisfying herself about the good intentions of the Applicant to marry her, she exchanged mobile number and developed proximity with him. There are confirmations of certain money transactions being made in her account. She is an adult, 27 years old woman who after understanding all the pros and cons of the relationship, had developed her friendship and intimacy with the Applicant.

26. Whether there was any inducement or false promise to marry, can be determined only after trial. Pertinently during the course of arguments, learned counsel for the Prosecutrix stated that it is the family members of the Applicant who are adamant against marriage while Applicant himself has never denied the marriage, but has insisted on prior abortion for any further



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action.

27. The Applicant/accused is in judicial custody since 09.10.2024. Chargesheet has already been filed and committed for trial.

28. Considering the nature of allegations and that the investigations are complete, the Applicant is admitted to Regular Bail, on the following conditions:

- a) The Applicant/Accused shall furnish a bail bond in the sum of Rs.35,000/- and one surety of the like amount, subject to the satisfaction of the learned Trial Court.
- b) The applicant shall surrender his Passport before the learned Trial Court and shall not leave the country during the trial except with the permission of the Court;
- c) The Applicant/Accused shall appear before the Court as and when the matter is taken up for hearing;
- d) The Applicant/Accused shall provide mobile number to the IO concerned which shall be kept in working condition at all times; and in case of change of number, he shall duly intimate the same to the Investigating Officer;
- e) The Applicant/Accused shall not communicate with or come in contact with the prosecutrix or try to influence the witnesses; and
- f) In case of change of the residential address, the same shall be intimated to this Court and in the Police Station, by the Applicant.

29. A copy of this Order be communicated to the concerned Jail



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Superintendent as well as to the learned Trial Court.

30. The Bail Application is accordingly disposed of.

(NEENA BANSAL KRISHNA)
JUDGE

FEBRUARY 12, 2025

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