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

+ **BAIL APPLN. 721/2024 & CRL.M.A. 28948/2025**

SAURAV SINGH

.....Petitioner

Through: Mr.Jitendra K.Singh, Mr.Manish
Kumar and Mr.Lav Kush Tyagi,
Advocates

versus

STATE NCT OF DELHI

.....Respondent

Through: Ms.Richa Dhawan, APP for the State
alongwith SI Inderjeet, P.S.-Jaitpur
Ms.Gayatri Nandwani, Advocate for
prosecutrix

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

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24.09.2025

1. Having remained under incarceration since 10.01.2021 (more than 4 years and 08 months) in a criminal case arising out of FIR No.0011/2021 dated 09.01.2021 *inter alia* for the alleged offence punishable under Sections 376, 354(C), 506 of IPC and 6, 12 of POCSO, registered at Police Station Jaitpur, the applicant seeks bail.

2. Briefly speaking, the case set up by the prosecution/complainant as per FIR is that:-

2.1 The complainant/victim, who was about 17 years old at the time of the incident (presently 21 years old), alleged that Saurav Singh (Applicant herein), who lives in the same vicinity i.e. three to four houses away from the complainant, approached her around the time of Holi, expressing a desire



to be friends, saying that he liked her, and even threw a slip with his phone number in front of her house.

2.2 Thereafter, the applicant called on the complainant's mother's phone, which was answered by the complainant, and again requested to be her friend. Despite the complainant's refusal and warning him not to call, he continued to contact her.

2.3 A few days before Diwali 2020, the applicant compelled the complainant to meet him near Pir Baba, Jaitpur. He persuaded her to sit on his bike, took her to an OYO room in a hotel, and forcibly committed sexual intercourse with her against her will. During the said incident, the accused recorded a video of the act and threatened the complainant that he would make the video viral if she disclosed the incident to anyone.

2.4 After Diwali 2020, the applicant again called the complainant and threatened to viral the said video if she did not meet him, and compelled her to meet him. Out of fear, she met him, and the applicant again took her to an OYO room and repeated the wrongful act.

2.5 Subsequently, the complainant noticed that she had missed her menstrual cycle for two months and disclosed the entire incident to her mother. Upon using a pregnancy kit, she confirmed that she was pregnant.

2.6 On 09.01.2021, the complainant, accompanied by her parents, approached Police Station Jaitpur, narrated the incident, and was provided counselling through the DCW counsellor. Her written complaint was thereafter recorded, and the aforesaid FIR was registered. Thereafter, the applicant was arrested on 09.01.2021.

2.7 During the investigation, the victim was produced before the Child Welfare Committee (CWC), which passed an order for the medical



termination of her pregnancy, which was conducted at AIIMS hospital.

3. In the aforesaid backdrop, I have heard the rival contentions and perused the case file.

4. Learned counsel for the Applicant would *inter alia* argue on the lines of the following grounds:-

4.1 That the Applicant has been in judicial custody since 10.01.2021 for more than 4 years and 08 months, while the trial is yet to conclude. Furthermore, after the framing of the charges, the evidence of the victim was concluded on 25.11.2023, and only formal witnesses remain to be examined. The counsel further submits that the conduct of the Applicant in jail has been satisfactory, and nothing adverse has been reported against him. Thus, such prolonged incarceration amounts to pre-trial punishment and violates the fundamental right under Article 21 of the Constitution of India.

4.2 That the applicant has been falsely implicated, and the allegations in the FIR, along with the statements of the complainant, are *prima facie* concocted, self-contradictory, stage-managed, and appear to be an afterthought, being wholly inconsistent with the facts and circumstances of the case. Moreover, the allegation in the statement under Section 164 CrPC that the applicant recorded videos of the complainant and threatened the parents of the complainant that the applicant would circulate them is false, incorrect, and an afterthought only made to fill lacunae in the FIR.

4.3 That this is a classic case where the applicant and the complainant developed a romantic relationship, and subsequently, when the complainant was found to be pregnant, her family allegedly compelled her to file the present case. Moreover, the counsel submits that the pregnancy alone cannot be a ground for refusing bail, more so when there is no past criminal history



of the Applicant, who belongs to a respectable family and has clean antecedents and good conduct in jail.

4.4 That there are material contradictions and discrepancies in the prosecution's version. The learned counsel submits that the deposition of PW-9 Rahul Kashyap categorically stated that the applicant never visited Hotel Mahadev Palace @ M Palace. Similarly, PW-11 (victim) deposed that she was not aware of the date, time, or place of visit and does not remember if any ID documents were submitted to the hotel reception.

4.5 That there is no possibility of tampering with evidence or influencing witnesses as all material evidence is in the custody of the police. Since the testimony of the prosecutrix has already been recorded, there cannot be any apprehension of the main witness being influenced. It is further submitted that the applicant is a permanent resident of Delhi living with his family and has deep roots in society. There is no possibility of his absconding or fleeing from justice.

4.6 That the learned Sessions Court erred in dismissing the bail application mechanically, without properly appreciating the above facts and the settled principle that bail is the rule and jail is the exception as reiterated by the Hon'ble Supreme Court in catena of judgments. That this Court in ***Bail Application No. 489/2023*** titled "***Shubham Pal vs. State of NCT of Delhi***" and in "***XXX vs State Govt. of NCT***" (***Bail Application 2729/2022***) has held that consensual romantic relationships between young adults should not be criminalised under POCSO.

4.7 That reliance is placed on ***Dharmender Singh Vs. The State (Govt. Of NCT, Delhi) (Bail Application 1559/2020)*** where similar observations were made and it was held that while considering bail at the post-charge



stage under Section 29 of the POCSO Act, real-life considerations must be factored in such as comparative age of victim and accused, absence of threat, intimidation, violence or brutality, absence of repeat offence, consensual nature of relationship indicated from the prosecutrix's testimony, lack of likelihood of the accused accessing or influencing the victim if released on bail etc.

4.8 Thus, the counsel submits that in the present case there is no evidence of threat or violence, and the Applicant has no criminal antecedents, which weigh in favour of the grant of bail.

5. Opposing the submissions, the learned APP points out that although the petitioner does not have any prior criminal antecedents, the nature and gravity of the present allegations are serious, heinous and sensitive in nature. It is submitted that there exists a real apprehension that, if released on bail, the applicant may abscond, threaten or intimidate the witnesses, tamper with the evidence or otherwise obstruct the course of justice. It is further submitted that the earlier bail application of the applicant was dismissed by the learned ASJ, Saket Courts *vide* order dated 10.01.2024. It is therefore urged that the continued custody of the applicant is necessary to ensure a fair trial and to prevent any misuse of liberty, and the instant petition deserves to be dismissed, being devoid of merit.

6. Having heard, *prima facie*, I am of the view that there may be some substance in certain of the arguments addressed on merits by the learned counsel for the applicant, but the same are a matter of trial. However, at this stage, in light thereof, it appears to be a case for bail.

7. The prosecution case seems to stem out from a consensual romantic relationship, with the complaint allegedly filed under family pressure after



the complainant's pregnancy. The applicant has no criminal history, belongs to a respectable family, and has maintained good conduct in custody. Material contradictions exist in the prosecution's evidence, including depositions of PW-9 and PW-11. With statements in police custody and the prosecutrix's testimony already recorded, there is no risk of tampering or influencing witnesses.

8. However, these observations are being made solely for the purpose of this bail application, and it is for the Trial Court to adjudicate on them at the appropriate stage.

9. The applicant was arrested on 09.01.2021 and has already remained in custody since 10.01.2021 for more than 4 years and 08 months. Investigation is over *qua* him as the charge sheet has been filed on 08.03.2021. This prolonged pre-trial detention, coupled with the slow progress of proceedings at snail's pace, are contributory factors for bail, and further continued incarceration would cause undue hardship to the applicant's family and serve no useful purpose, especially when the trial is not likely to conclude in the near future, as it violates the fundamental rule, i.e. *bail is the rule and jail an exception*.

10. As regards the apprehension of tampering with evidence or influencing witnesses is unfounded and seems illusory. The applicant has cooperated throughout the investigation, and there is nothing on record to suggest that he would interfere with evidence or influence witnesses.

11. There is also no likelihood of the applicant absconding, given that he is a well-settled individual, a permanent resident of Delhi who lives with his family and has deep roots in society, and hence not a flight risk.

12. Considering that the primary purpose of bail is to secure the presence



of the accused during trial, coupled with the fact that the applicant has clean antecedents and poses no risk of absconding, his continued detention at this stage would serve no purpose other than to punish him prior to conviction.

13. As an upshot and taking a wholesome view of the matter, particularly the undertaking given by learned counsel for the applicant and apart from what has been recorded hereinabove, I am of the view that it is a case of bail at this stage.

14. Thus, the applicant is directed to be released on bail on his furnishing personal bond with solvent surety of like amount to the satisfaction of the Trial Court/Duty Judge concerned, as the case may be, subject to the other usual conditions to be imposed by the learned Trial Court/Duty Court.

15. Any observation made herein above is only for the purpose of disposing of the instant bail application and not to be construed, in any manner, as any expression on the merits of the pending case, and the trial shall proceed without being influenced either way by the same.

16. Accordingly, the bail application stands disposed of.

ARUN MONGA, J

SEPTEMBER 24, 2025/dy