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

+ **BAIL APPLN. 1167/2025, CRL.M.A. 8920/2025**

MED SINGH

.....Petitioner

Through: Mr. Karan Dewan, Mr. Kartik Yadav,
Mr. Sanjeev Kumar, Advs.

versus

STATE GOVT OF NCT OF DELHI & ORS. & ANR....Respondents

Through: Mr. Digam Singh Dagar, APP for the
State with SI Sweety Malik, PS
Paharganj
Ms. Inderjeet Sidhu, DHCLSC with
Mr. Lalit Choudhary, Adv. for
Proxecutrix

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

12.12.2025

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1. This application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ seeks regular bail in proceedings arising from FIR No. 541/2024 registered under Sections 376/328/506/509 of the Indian Penal Code, 1860² at P.S. Pahar Ganj. A chargesheet has been filed under Sections 376/328/383/506/509 IPC against the accused.

2. Earlier, the proceedings were being adjourned to await completion of the prosecutrix's testimony before the Trial Court. Mr. Digam Singh Dagar, APP for the State, states that while the examination-in-chief of the prosecutrix stands concluded, further cross-examination is pending only on account of the FSL report, which is yet to be received. Since the Applicant

¹ "BNSS"



continues to remain in custody and the issue of personal liberty is involved, the Court proceeds to consider the present bail application.

3. The case of the prosecution, in brief, is as follows:

3.1. The complainant appeared at Police Station Paharganj on 18th September, 2024, and submitted a written complaint alleging that the Applicant, Med Singh, a Constable in BSF, had over the past several years subjected her to repeated sexual assault, extortion, criminal intimidation and online harassment. She alleged that after initially contacting her through Facebook, the accused obtained access to her personal data by inducing her to share an OTP, thereafter monitoring her calls and messages, sending sexually explicit communications, and threatening to circulate her photographs to her husband and relatives.

3.2. It is alleged that in February 2021, under threat of exposure, she delivered INR 1,80,000 to the accused at Gurgaon, where he took her to Hotel Plaza, administered an intoxicant, and sexually assaulted her. She further alleged that on 08th/09th January, 2023, on the pretext of deleting her photographs, the accused took her to Hotel Pash Palace Dx, Paharganj, where he again raped her and withheld her phone. According to the complainant, despite her attempts to block him, the accused continued to contact her from multiple numbers, created a fake Facebook ID using her nude photographs, circulated obscene material to her relatives, and issued threats to kill her, her husband and her children.

3.3. Her statement under Section 183 BNSS substantially corroborates these allegations. During investigation, the accused was arrested and his mobile phone was seized and sent to FSL, the report of which is awaited.

² “IPC”



The complainant's sisters confirmed having provided funds to her for payment to the accused, leading to addition of Section 383 IPC. The hotel records from Hotel Central Plaza, Gurgaon reflected an entry of both the accused and the complainant in February 2022. FSL is awaited

4. Mr. Karan Dewan, Counsel for the Applicant, submits that the FIR has been lodged as a counterblast to the complaint earlier filed by the applicant at Jalpaiguri and is a result of a consensual relationship that subsequently turned sour. It is submitted that the investigation is complete, the chargesheet stands filed, and there is no requirement of further custodial interrogation or for effecting any recovery. The Applicant has been in custody for more than 1 year and continued incarceration serves no purpose. It is argued that there is an unexplained delay of over 3 years in filing of the FIR. He submits that the Applicant is a government servant with clean antecedents, has deep roots in society, and is not a flight risk.

5. Mr. Digam Singh Dagar, APP for the State, opposes the application. He submits that the allegations disclose grave offences of rape, extortion, stalking, and criminal intimidation, committed over a prolonged period, during which the Applicant allegedly hacked the prosecutrix's phone, created a fake Facebook profile using her nude photographs, sent obscene messages, and repeatedly threatened to kill her and her family. It is submitted that the Applicant's conduct demonstrates a real likelihood of influencing or intimidating witnesses, particularly in view of the threats attributed to him. Mr. Dagar further submits that the prosecutrix has consistently narrated the sequence of events, and that the hotel records from Plaza Hotel, Gurgaon, reflecting the presence of both the Applicant and the prosecutrix in February 2022, corroborate her account. In such



circumstances, the Applicant should not be released on bail.

6. The Court has considered rival contentions. The allegations are undoubtedly serious, but certain circumstances emerging from the record require consideration at this stage. The FIR has been lodged after a substantial delay of almost 3 years, the first alleged incident being of February 2021 and the second of January 2023. The explanation for this delay, as well as the complainant's continued interaction with the Applicant over an extended period, including accompanying him to hotels on more than one occasion even after the first alleged assault, are matters that may bear upon the nature of the relationship and the voluntariness of her conduct. Whether such a conduct indicates a consensual relationship is an issue that can only be determined at trial. However, the same has a bearing at the stage of consideration of bail.

7. The complainant's statement in court has also been recorded. Further cross-examination is stated to be pending only because the FSL report has not yet been received. The chargesheet has been filed. The Applicant's mobile phone has been seized and sent for forensic analysis. There is nothing on record to indicate that the continued custodial detention of the Applicant is necessary. In these circumstances, the continued detention of the Applicant only on account of the pending FSL report does not appear justified.

8. The Court has also interacted with the complainant, who is present in Court. She submits that she does not oppose the grant of bail, provided adequate safeguards are put in place to ensure her protection and to restrain the Applicant from contacting her or any of her family members in any manner.



9. It is well established through catena of judgments by the Supreme Court that the object of granting bail is neither punitive nor preventative. The primary aim sought to be achieved by bail is to secure the attendance of the accused person at the trial.³

10. Having regard to the totality of the circumstances, including the period of custody already undergone by the Applicant, the fact that the investigation stands completed and the chargesheet has been filed and the complainant's statement that she does not oppose the grant of bail subject to adequate safeguards, the Court is of the considered view that the Applicant has made out a case for grant of regular bail.

11. The Applicant is directed to be released on bail on furnishing a personal bond for a sum of INR 25,000/- with two sureties of the like amount, subject to the satisfaction of the Trial Court/Duty MM, on the following conditions:

- a. The Applicant shall cooperate in any further investigation as and when directed by the concerned IO;
- b. The Applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case, in any manner whatsoever;
- c. The Applicant shall not contact the victim or any of her family members;
- d. The Applicant shall under no circumstance leave the country without the permission of the Trial Court;

³ See also: *Sanjay Chandra v. CBI*, (2012) 1 SCC 40; *Satender Kumar Antil v. Central Bureau of Investigation*, (2022) 10 SCC 51.



- e. The Applicant shall appear before the Trial Court as and when directed;
 - f. The Applicant shall provide the address where he would be residing after his release and shall not change the address without informing the concerned IO/ SHO;
 - g. The Applicant shall not reside within 3 km radius of the residence of the victim and shall also furnish proof of his residence to the concerned IO. The Applicant shall also not move in the vicinity of the victim in any manner.
 - h. The Applicant shall, upon his release, give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times.
 - i. The Applicant shall report to the concerned PS on first Friday of every 3 months;
12. Needless to state, any observations concerning the merits of the case are solely for the purpose of deciding the question of grant of bail and shall not be construed as an expression of opinion on the merits of the case.
13. A copy of the order be sent to the Jail Superintendent for information and necessary compliance.
14. With the foregoing directions, the present application is disposed of. Pending application(s), if any, are disposed of as infructuous.

SANJEEV NARULA, J

DECEMBER 12, 2025

Pallavi