



\$~8

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

+ **BAIL APPLN. 1861/2024**

SANDEEP SINGH

.....Petitioner

Through: Ms. Swati Verma, Adv.

versus

STATE OF NCT OF DELHI & ANR.Respondents

Through: Mr. Aashneet Singh, APP with SI
Aarti Yadav, PS Kapashera

CORAM:

HON'BLE MR. JUSTICE JASMEET SINGH

ORDER

20.01.2025

%

1. This is a petition seeking bail in FIR No. 477/2019 registered at PS Kapashera under Sections 363/376 IPC and Section 6 of the POCSO Act.
2. Ms. Verma, learned counsel for the petitioner states that in the present case, the testimony of the father and uncle are contradictory. While the father states that the petitioner was not present when the child was found, the uncle states that the petitioner was present.
3. In addition, she states that there is no CDR linking the petitioner with the victim.
4. She draws my attention to the statement of the victim made under Sections 161 and 164 Cr.P.C. and the evidence to state that the prosecutrix has been changing her statement from time to time regarding how she went to Eta, Uttar Pradesh.
5. Lastly, she states that the petitioner is in custody since 18.02.2020 and



has suffered 5 years of incarceration.

6. I have heard learned counsel for the parties.

7. In the present case, the fact remains that the prosecution in her statement made under Sections 161, 164 of Cr.P.C. and the evidence has remained consistent regarding forceful sexual intercourse by the petitioner and the prosecutrix got impregnated due to the said fact.

8. The paternity matching could not be done.

9. It is a case where the DNA profile has not been done and not a case where the DNA profile does not match with that of the petitioner.

10. I am also informed that the prosecution evidence is over and the matter is now listed for statement of the accused under Section 313 Cr.P.C. and thereafter the evidence of the petitioner.

11. In the present case, the allegations against the petitioner are serious and there is nothing materially inconsistent with the statement of all the witnesses.

12. The case is before the learned ASJ, Fast Track and there is no undue delay in trial.

13. For the said reasons, I am not inclined to entertain the petition and the same is dismissed.

14. However, it is requested to the Sessions Court to conclude the hearing as early as possible.

15. The petition is disposed of.

JASMEET SINGH, J

JANUARY 20, 2025/DM

Click here to check corrigendum, if any