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

+ **BAIL APPLN. 2381/2025**

JAGTAR SINGH

.....Petitioner

Through: Mr. Rishi Pal Singh and Ms. Radha Rani, Advocates.

versus

THE STATE OF NCT OF DELHI

.....Respondent

Through: Mr. Sanjeev Sabharwal, APP for the State with SI Pinki, P.S.- Kanjhawala. Ms. Sanya Kumar, Advocate (DHCLSC) alongwith Complainant in person.

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

% **09.09.2025**

1. Applicant, paternal uncle/grandfather (*chacha dadu*) of the victim, is before this Court seeking regular bail in FIR No. 362/2023 registered on 16.09.2023 under Sections 376 of IPC and Sections 4 and 21 of Prevention of Children from Sexual Offences Act, 2012 registered at PS Kanjhawala, Delhi submitting to the effect that the applicant is in judicial custody since 16.09.2023.
2. Wife of the applicant and father of the victim are also co-accused but they were not arrested during investigation and were merely bound down by the investigating officer. FIR was lodged on the complaint of mother of the victim/her minor daughter.
3. Briefly speaking, per FIR, the complainant mother of the victim (her



daughter), aged about 5 years at the time of the incident, stated that her daughter on 08.09.2023 went to play with her uncle in law (accused), Jagtar Singh. She came back after an hour and told the complainant that she was feeling pain. Subsequently, she started crying and told the complainant that dadu (uncle in law) had put his finger on the place where she urinates from. The complainant noticed that there was swelling and redness on her private area.

3.1. The complainant told about the incident to her husband who told her that he will talk to his uncle. But on the next day, when she talked about this to her husband, he started quarreling about this and ignored her, and she was scared wrecking her house, hence did not take any step.

3.2. She remained silent for days, but when she did not receive any positive response from her husband, in order to preserve her daughter's safety, she mustered the courage and got the FIR registered.

4. In view of the aforesaid, I have heard the rival contentions and perused the case file.

5. Learned counsel for the applicant would inter alia argue as below:-

5.1. That the applicant has been falsely implicated in the matter to cause harassment to the family of the complainant's husband in view of the strained matrimonial ties.

5.2. That there is no scientific and FSL evidence against the application/accused except the bare statement of the complainant/prosecutrix which is made to extort the money from the applicant/accused and co-accused father of the victim.

5.3. That the application is a married man with two daughters and one son, aged 54 years old, having clean antecedents.



5.4. That the investigation against the applicant is complete and the chargesheet has been filed, charges have also been framed.

5.5. That the version/testimony of the victim is itself completely showing that she was tutored by the complainant which can be seen from her examination.

5.6. That as per the MLC, injury is neither found on genitalia/genital part nor on any other external part as observed by the doctor.

6. *Per contra*, the Learned APP and the learned counsel of the complainant would argue that the applicant has committed a grave and gruesome criminal act and shouldn't be granted any indulgence by this Hon'ble Court.

6.1. Moreover, it is urged that the statement of the victim as well as the complainant has remained consistent till the stage of statement under Section 164 CrPC.

6.2. The learned counsels would contend that the family members of the accused person live in the same house with the complainant and victim and have been continuously threatening and mentally harassing to take back the case, otherwise they will throw them out of the house.

6.3. That the father of the victim and husband of the complainant, Amandeep Singh, has stopped providing financial support to his wife and victim daughter, and is threatening to divorce the complainant.

7. Having heard the rival contentions and perused the case file, I am of the view that a case for bail is made out for the reasons stated hereinafter.

8. First and foremost, I am conscious that the sensitivity and the nature of offence is such that if proved, the consequences envisage not less than 20 years of imprisonment.



9. I have also examined the testimony of the minor victim. She has remained consistent with her earlier statements, and her examination-in-chief has largely withstood cross-examination. However, what weighs on my mind is, if the applicant alone is alleged to be the perpetrator, then why was it necessary to implicate his wife, and even husband of complainant (father of victim)? A mere bald allegation that the complainant or victim purportedly told them about the perpetrator may not suffice.

10. Prima facie, there appears to be no justification for arraying the applicant's wife and the victim's father as accused. The record discloses no material to show that they had knowledge of the alleged offence, apart from a bald allegation that the victim had informed them and yet they failed to report the matter when told by the victim's mother.

11. It has further emerged that the relationship between the victim's mother and her husband is strained.

12. It is now also alleged that because of the FIR in question, the victim's mother is being threatened with dire consequences if she does not withdraw her complaint or pursue the charges against the applicant.

13. With regard to the allegations of threats, I am of the view that the applicant shall, as a condition of bail, furnish an undertaking that upon release he will relocate himself for the entire duration of the trial and will not, in any manner, approach the prosecutrix or her family either directly or indirectly. In addition, the applicant shall report to the Investigating Officer (I.O.) once every 15 days.

14. The I.O., who is present in Court, is directed to provide her mobile number to the mother of the victim. In the event that the applicant threatens, intimidates, or attempts to approach her in any manner, and she furnishes



proof of the same, the I.O. shall be at liberty to initiate appropriate proceedings for cancellation of bail.

15. The I.O. is further directed to ensure that the beat constable of the concerned area makes periodic visits to the complainant (mother of the victim) to check on her welfare.

16. The applicant has no criminal antecedents other than the FIR in question, wherein he is implicated, and given that he is a well-settled individual, having deep roots in society, and living with his family in Delhi, thus doesn't seem to be a flight risk.

17. Qua tampering of the evidence and/or otherwise influencing the witness, I do not see any probability of the same at this stage as the material witnesses i.e. both the victim as well as her mother testimony has already been recorded.

18. At this stage, while order was under dictation, learned counsel for the applicant has handed over a copy of the maintenance petition filed by the mother of the victim i.e. Sheetal Kaur in the Family Court (under Section 144 of BNSS) for grant of maintenance. The same is taken on record.

19. My attention has been drawn to para 4 thereof, wherein, it is stated that:

“the behavior and attitude of the respondent remained normal, for some days, but thereafter the other in-laws of the respondent viz. Amrik Singh (Father-in-law), Tasem Kaur (Mother-in-law), Hardeep Kaur @ Deepu w/o Jeetu (Nanad), Smt. Gurro (Nanad) w/o Sh. Deepak, Kulvinder Kaur wife of Sh. Jagtar Singh (Aunt-in-law), Sweeti D/o Jagtar Singh (cousin sister-in-law), Tannu (cousin sister-in-law) and



Gudeep Singh s/o Sh. Jagtar Singh (cousin brother-in-law) instigating the respondent against the Petitioner no. 1 and they all used abusive language for the petitioner no. 1. The petitioner no. 1 tolerated the cruel behavior and attitude of the respondent and his family members.”

20. The acrimony between the parents of the victim is thus quite palpable and as it started from almost beginning of the marriage, as per complainant's (mother of victim) own version.

21. In light thereof, reverting once again to the testimony of victim, although I have noted above that it has remained unshaken, but the possibility of the minor victim having been tutored cannot be ruled out, particularly since other relatives have also been implicated, possibly with the motive of settling personal disputes. At the relevant time, these disputes had not culminated in formal matrimonial proceedings, but as reflected in the maintenance application, the relationship between the husband and wife started to deteriorate immediately after the marriage.

22. Learned counsel for the complainant (mother of the victim) suddenly submits in midstream that merely directing the applicant to relocate would not be sufficient, as the complainant is also being intimidated by other family members of the applicant.

23. Per contra, learned counsel for the applicant, on instructions from the family members who are present in Court, unequivocally undertakes that the entire family shall relocate during the pendency of the trial. Accordingly, it is directed that, pursuant to this undertaking, the applicant and his family shall arrange alternative accommodation within two months from the date of this order.



24. In the entirety of matter, the applicant is directed to be released on bail upon furnishing a personal bond along with one solvent surety of the like amount to the satisfaction of the Trial Court/Duty Judge concerned, subject to the condition that he shall relocate for the entire duration of the trial and shall not, in any manner, approach the prosecutrix or her family either directly or indirectly. The Trial Court/Duty Court shall impose the other usual bail conditions as well as deems fit.

25. It is clarified that the observations made herein are confined to the adjudication of the present bail application and shall not, in any manner, be construed as an expression on the merits of the case. The trial shall proceed uninfluenced by the present order. Further, in the event the applicant is found to be involved in any repeat offence while on bail, the prosecution shall be at liberty to seek cancellation of the bail granted by this order.

26. The family members of the applicant, who are present in Court today, are bound by the statement made by learned counsel and are accordingly directed to secure alternative accommodation within two months from the date of this order.

27. In the parting, I may hasten to add here that having seen the entirety of the sensitivity of the matter, it would be appreciated if the learned Trial Court proceeds in the matter as expeditiously as possible without granting unnecessary adjournments at the instance of the either side.

28. Accordingly, the bail application stands disposed of.

ARUN MONGA, J

SEPTEMBER 9, 2025/rs