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

+ **BAIL APPLN. 4098/2024, CRL.M.A. 1511/2025**

DILBAG SINGH

.....Petitioner

Through: Mr. Anil Dutt Sharma, Ms. Ridhima Jain, Mr. Hitender Kumar and Mr. Rishu Kumali, Advocates.

versus

STATE (NCT OF DELHI)

.....Respondent

Through: Mr. Amit Ahlawat, APP for State with Mr. Archit Upadhayay, Advocate (DHCLSC) for Prosecutrix.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

23.05.2025

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1. The present application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ seeks grant of pre-arrest bail in the proceedings arising from FIR No. 255/2024 registered at Police Station Laxmi Nagar, under Sections 376(2)(n)/313/506 of the Indian Penal Code, 1860².

2. The allegations forming the basis of aforementioned FIR are summarised as follows:

2.1 The Complainant, "PJ," alleges that she came into contact with the Applicant, Dilbag Singh, through the matrimonial portal *Jeevansathi.com*, where he had sent her a marriage proposal. The Applicant, a serving member of the Indian Army and a resident of Punjab, travelled to Delhi on

¹ "BNSS"

² "IPC"



31st May, 2024, where he met the Complainant near V3S Mall, Nirman Vihar. It is alleged that he subsequently stayed at her residence for approximately four to five days. During this period, the Complainant alleges that the Applicant administered intoxicants to her in her beverage, and established physical relations with her under the false pretext of marriage. It is alleged that such acts were repeated on multiple occasions, including during their visits to Shimla and Chandigarh.

2.2 The Complainant further alleges that during the course of their relationship, she became pregnant, and that the Applicant forced her into undergoing an abortion. Based on these allegations, the present FIR was registered under Sections 376(2)(n), 313, and 506 of the IPC. Pursuant thereto, investigation was initiated, and the Complainant underwent a medical examination at Dr. Hedgewar Aarogya Sansthan, Karkardooma, East Delhi.

2.3 On 10th September, 2024, the statement of the Complainant was recorded under Section 183 BNSS, wherein she reiterated the contents of the FIR. During investigation, the Complainant produced an ultrasound report confirming a single intrauterine gestational sac. She alleged that the Applicant took her to Haryana Multi-Speciality Hospital in Sonipat, Haryana on 10th July, 2024, where the ultrasound was conducted. Investigation revealed that payment for the procedure was made *via* UPI from the Applicant's bank account.

2.4 On 28th September, 2024, the Applicant filed an anticipatory bail application before the Trial Court, which was dismissed *vide* order dated 5th October, 2024.

2.5 On 10th October, 2024, a notice under Section 41A CrPC read with



Section 35(3) BNSS was served upon the Applicant, directing him to join the investigation on 14th October, 2024. However, he failed to comply with the same. Consequently, Non-Bailable Warrants were issued against him on 22nd October, 2024, and he was declared a Proclaimed Person on 17th December, 2024.

2.6 Thereafter, the Applicant filed the present anticipatory bail application. By order dated 17th January, 2025, this Court directed the Applicant to join the investigation and to hand over his mobile devices for forensic examination. In compliance, the Applicant appeared before the IO on 20th January, 2025, and surrendered two mobile phones. The devices were forensically analysed, and no objectionable photos or videos were recovered.

2.7 During the course of investigation, the Complainant was also directed to produce her mobile phone, which she failed to do. She, however, submitted screenshots of messages alleged to be exchanged with the Applicant, indicating a romantic relationship between the parties.

2.8 The Complainant has made allegations against the Applicant's father in relation to demands for dowry. In consequence, Section 4 of the Dowry Prohibition Act, 1961, has been invoked, and the Applicant's father has been bound down in the present proceedings.

3. Counsel for the Applicant urges that the case does not merit custodial interrogation and seeks protection from arrest on the following grounds:

3.1 The Applicant has been falsely implicated in the present case. The allegations are a result of a personal misunderstanding that has escalated into a criminal complaint. The Applicant neither made any false promise of marriage nor engaged in non-consensual physical relations with the



Complainant. Rather, the relationship between the parties was entirely consensual, as evident from the chats exchanged between them.

3.2 The Complainant had earlier lodged a complaint on 20th June, 2024, but significantly, the said complaint did not contain any allegations regarding sexual assault or coercion. On the following day, i.e., 21st June, 2024, the Complainant herself submitted a written statement before the police, stating that she did not wish to pursue any legal action arising out of that complaint. This sequence of events casts serious doubt on the subsequent allegations raised by the Complainant.

3.3 The Applicant and the Complainant participated in a customary *roka* ceremony in the presence of their respective families, thereby affirming their mutual intent to marry. At the time of the ceremony, there was no discord between the parties. However, later the Complainant and her family began exerting undue pressure on the Applicant to expedite the marriage.

3.4 The investigation stands concluded and the charge sheet has already been filed before the competent court. No incriminating material has been recovered from the Applicant, and he has joined the investigation as directed by this Court. In such circumstances, custodial interrogation is no longer necessary and the continued threat of arrest serves no legitimate purpose, save to expose the Applicant to unwarranted hardship and the stigma of incarceration.

4. On the other hand, Mr. Amit Ahlawat, APP for the State, and Mr. Archit Upadhayay, counsel appearing on behalf of the Complainant, strongly oppose the application. They contend that the allegations levelled against the Applicant pertain to offences of a grave and deeply distressing nature, including repeated acts of sexual assault and forced medical



termination of pregnancy, both punishable under Sections 376(2)(n) and 313 of the IPC. It is urged that such offences inflict not only physical injury but also lasting psychological trauma upon the survivor, and that they merit a custodial investigation to ensure a fair and comprehensive inquiry.

5. Mr. Upadhyay further submits that, at the time the Applicant initiated a relationship with the Complainant, he was already legally married to another woman, a fact that was wilfully concealed. It is contended that the Applicant deliberately misrepresented his marital status in order to gain the Complainant's trust and induced her into an intimate relationship under a false promise of marriage. Furthermore, it is alleged that when the Complainant conceived, the Applicant coerced her into undergoing an abortion. These facts, taken together reflect a sustained course of exploitative conduct on the part of the Applicant. In such circumstances, it is argued that the nature and gravity of the accusations, coupled with the conduct attributed to the Applicant, disentitle him from the discretionary relief of pre-arrest bail.

6. The Court has duly considered the rival submissions advanced by the parties. Since the chargesheet has already been filed, the Applicant's contention that custodial interrogation is neither necessary nor justified, *prima facie* warrants consideration. Pursuant to this Court's earlier directions, the Applicant has joined the investigation and submitted his mobile devices for forensic analysis. The Prosecution has confirmed that no obscene or offensive material relating to the Complainant was found on the said devices. This, coupled with the fact that the Applicant has not evaded or impeded the investigation process subsequent to the directions of this Court, weighs in favour of granting protection from arrest. His conduct reflects



prima facie compliance with investigative requirements and does not suggest a likelihood of tampering with evidence or fleeing from justice.

7. Turning to the merits of the matter, the core allegation against the Applicant is that he repeatedly engaged in non-consensual physical relations with the Complainant under the purported false promise of marriage. It is further alleged that during the subsistence of the relationship, the Complainant became pregnant, and that the Applicant coerced her into terminating the pregnancy. A third facet of the allegation pertains to the Applicant's alleged concealment of an existing marriage at the time of initiating the relationship, thereby rendering the promise of marriage illusory and fraudulent in nature.

8. The Applicant, for his part, contests the narrative and maintains that the relationship between the parties was consensual throughout. A pen drive purportedly containing chat records exchanged between the parties was handed over to the Investigating Officer, and a copy of the same has also been produced before this Court during the course of the proceedings. While this material must ultimately be tested at trial, the content of the chats has been perused by the Court solely for the limited purpose of forming a *prima facie* impression regarding the nature of the relationship. At this stage, what emerges is the existence of competing and irreconcilable versions advanced by the parties, which squarely fall within the domain of trial for proper adjudication.

9. The Complainant alleges that the Applicant surreptitiously administered spiked drinks, causing her to lose consciousness, and thereafter subjected her to forcible physical relations on multiple occasions, including at her residence and at a hotel in Shimla. However, it is of some significance



that in an earlier complaint filed on 20th June, 2024, the Complainant made no mention of any such sexual assault or coercion. On the contrary, she appeared at the police station the very next day and conveyed her unwillingness to pursue the matter further. The subsequent FIR, which now incorporates graver allegations, thus raises questions of timing and consistency that cannot be overlooked even at the pre-trial stage. Furthermore, the Applicant has placed reliance on the chat history between the parties, which *prima facie* suggests that the Complainant not only initiated and sustained communication with the Applicant, but also expressed a desire to meet him and willingly travelled with him to various locations, including Shimla and Chandigarh. While as observed above, the evidentiary weight of these chats remains a matter for trial, the Court cannot be unmindful of their relevance at this stage, particularly where the question of the consensual nature of the relationship forms the fulcrum of the defence. On a *prima facie* appraisal, the chats do lend support to the Applicant's claim that the relationship was voluntary and developed over a period of mutual interaction.

10. It is also pertinent to note that a *roka* ceremony between the Applicant and the Complainant was held on 13th July, 2024, in the presence of respective families. This development, in the Court's view, is indicative of an intention to formalize the relationship and lends credence to the Applicant's claim that the relationship was not clandestine or unilateral, suggesting, at least *prima facie*, mutual commitment to the relationship at that stage.

11. The Complainant, however, contends that following the *roka*, the Applicant abruptly ceased all communication and disappeared, effectively



reneging on his promise to marry. In contrast, the Applicant presents a different version, alleging that it was the Complainant's family that began exerting undue pressure on him and his family to hasten the wedding arrangements. He maintains that he has been wrongfully entangled in a complaint that is motivated by frustration and unmet expectations.

12. The Prosecution also contends that the Applicant was already legally married at the time he entered into a relationship with the Complainant and failed to disclose this fact, thereby rendering the alleged promise of marriage fraudulent. The Applicant disputes this assertion, claiming that the Complainant was fully aware of his prior marital status. To support this claim, he has placed reliance on specific chat messages exchanged between them, which, according to him, demonstrate the Complainant's knowledge of his marital history. While the veracity of these rival narratives cannot be determined conclusively at this stage, the fact that a *roka* ceremony took place, and that there is contemporaneous digital material suggesting a consensual relationship, must weigh in the balance when considering the Applicant's prayer for anticipatory bail.

13. The Supreme Court has repeatedly emphasized that the provision of anticipatory bail, under Section 438 Cr.P.C., is rooted in Article 21 of the Constitution, which guarantees personal liberty. This calls for an interpretation of the provision that upholds the fundamental principle that every individual is presumed innocent until proven guilty. Section 438 aims at protecting the personal liberty of an individual, who, at the time of seeking anticipatory bail, has not been convicted of the alleged offence and



is entitled to the presumption of innocence.³ It is significant to note that the investigation stands concluded and the chargesheet has already been filed. Thus, the apprehension of the Prosecution, as regards securing the Applicant's presence for the purpose of investigation, stands redressed. In light of the foregoing, and bearing in mind the cardinal principle of presumption of innocence, this Court does not find any compelling reason to deny the relief sought.

14. Accordingly, the Applicant, in the event of arrest, is directed to be released on bail on furnishing a bail bond for a sum of INR 25,000/- with one surety of the like amount subject to the satisfaction of the concerned SHO, on the following conditions:

- a. The Applicant shall join and cooperate with the investigation as and when directed by the IO;
- b. The Applicant shall not leave the boundaries of the country without informing the IO/ SHO concerned;
- c. The Applicant shall not contact the witnesses or tamper with the evidence in any manner;
- d. The Applicant shall give his mobile number to the concerned IO/SHO and shall keep his mobile phone switched on at all times;
- e. The Applicant shall not indulge in any criminal activity and shall not communicate with or come in contact with the Complainant/Prosecutrix or any member of the Complainant/Prosecutrix's family in any manner.

³ Gurbaksh Singh Sibbia and Others v. State of Punjab, (1980) 2 SCC 565; Siddharam Satlingappa Mhetre v. State of Maharashtra and Others, (2011) 1 SCC 694.



15. In the event of there being any FIR/DD entry/complaint lodged against the Applicant, it would be open to the State to seek redressal by filing an application seeking cancellation of bail.

16. It is clarified that any observations made in the present order are for the purpose of deciding the present bail application, and should not influence the outcome of the trial and also not be taken as an expression of opinion on the merits of the case.

17. The application is allowed in the aforementioned terms.

SANJEEV NARULA, J

MAY 23, 2025

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