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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **BAIL APPLN. 4169/2025**
DALJEET SINGHPetitioner

Through: Mr. Ashwin Vaish, Mr. Aaditya
Sharma, Mr. Uttam Panwar, Ms.
Yashasvi Dasari and Ms. Shubhi
Vijaywargiya, Advocates.

versus

STATE GOVT. OF NCT OF DELHIRespondent

Through: Mr. Hemant Mehla, APP.
SI Mukesh Yadav, P.S. Rajouri
Garden.
Mr. Birendra Kr. Pandey and Mr.
Vikash Kumar Singh, Advocates for
victim with victim (in-Person).

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

% **24.12.2025**

1. This application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023¹ (corresponding to Section 439 of the Code of Criminal Procedure, 1973²) seeks regular bail in the proceedings arising from FIR No. 105/2025 dated 10th February, 2025, registered at P.S. Rajouri Garden, Delhi, under Sections 64(1), 351(3) and 3(5) of the Bharatiya Nyaya Sanhita, 2023³ (corresponding to Sections 376(1), 506 and 34 of the Indian Penal Code, 1860⁴) and Section 6 of the Protection of Children from Sexual Offences Act, 2012⁵. Upon conclusion of investigation, a chargesheet was filed against the Applicant under the same offences.

¹ "BNSS"

² "CrPC"

³ "BNS"

⁴ "IPC"

⁵ "POCSO Act"



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

2.1. A written complaint was filed by the victim, 'Y', a student of Class XII, aged 17 years of age, wherein she alleged that she was in a relationship with the Applicant, Daljeet Singh @ Vijay, and that between 11th–13th September, 2024, he forcibly established sexual relations with her in his car, at Chhatri Wala Park, Subhash Nagar, under the pretext of marriage. Thereafter, on 17th–18th October, 2024, the Applicant, along with co-accused Gaurav Sharma, administered her an intoxicating drink, rendering her unconscious, whereafter both sexually assaulted her and recorded obscene videos. The Applicant allegedly threatened to make the said videos viral. It is also alleged that the Applicant's cousins, Gervant, Harpreet @ Sanju and Golu @ Amrik Singh, who were residing near the victim's house, harassed her by making comments pertaining to the said videos.

2.2. The victim was medically examined at DDU Hospital on 10th February, 2025 *vide* MLC No. 43/2025, wherein she declined internal examination. Her first 183 BNSS statement was recorded on 11th February, 2025, before JMFC, Mahila Courts-01, West District, Tis Hazari Courts, Delhi, wherein she supports the FIR version. During investigation, the victim's mobile phone was seized. Despite efforts, the Applicant could not be traced and was absconding. Non-Bailable Warrants were issued against him on 18th February, 2025, which were subsequently cancelled.

2.3. On 14th February, 2025, the victim made a supplementary statement before another JMFC, Mahila Court-03, Tis Hazari Courts, under Section 183 BNSS alleging that her friends, Kanishka (aged 18) and Simran (aged 22), had on 08th February, 2025, advised her to implicate co-accused Gaurav Sharma due to a personal dispute involving her father, with an assurance to



assist her in clearing her debts. Thereafter, on 07th April, 2025, a third statement under Section 183 BNSS was recorded, wherein the victim reaffirmed her initial allegations against the Applicant.

2.4. On 29th July, 2025, the Applicant was apprehended from near Sadar Police Station, Jaipur, Rajasthan. His disclosure statement was recorded, wherein he admitted his involvement while denying Gaurav's role. The Applicant was medically examined and was thereafter remanded to judicial custody, and police custody remand for two days was obtained on 30th July, 2025, for recovery of his mobile phone and the vehicle allegedly used in the incident, however, neither could be recovered.

2.5. During investigation, the victim produced her matriculation certificate, reflecting her date of birth as 6th January, 2008, which was seized and verified from CBSE. CDR of the victim and the Applicant were obtained, indicating frequent telephonic communication and co-location within the same area. The victim's mobile phone, and that of co-accused Gaurav Sharma, was sent to FSL, Rohini. Co-accused Gervant, Harpreet @ Sanju and Golu @ Amrik Singh were interrogated, and Sections 12 of the POCSO was added against them in the charge sheet. The Trial Court has taken cognizance against the accused.

3. Counsel for the Applicant makes the following submissions:

3.1. The prosecution case is rendered inherently unreliable due to material contradictions in the prosecutrix's versions. While the FIR alleges forcible sexual intercourse by the Applicant between 11th-13th September, 2024, her first statement under Section 183 BNSS dated 11th February 2025 changed the nature of allegation to one of molestation. In her subsequent statement dated 14th February, 2025, she exonerated co-accused Gaurav and alleged



rape solely against the Applicant, only to once again change her stand in her third 183 BNSS statement dated 7th April, 2025, by re-implicating Gaurav Sharma and restoring allegations of forcible intercourse. These variations strike at the root of prosecution's case.

3.2. There is an unexplained delay of nearly five months in lodging the FIR, as the alleged incidents are stated to have occurred in September and October 2024, whereas the FIR was registered only on 10th February, 2025. This delay assumes significance in light of the admitted prior relationship between the victim and the Applicant since June 2023, and the absence of any contemporaneous complaint.

3.3. The Call Detail Records and conduct of the victim belie the allegation of forcible intercourse. Despite alleging rape at around 9:00 PM between 11th–13th September, 2024, the victim made and received multiple calls with the Applicant immediately thereafter, including prolonged conversations late into the night, and continued to remain in frequent telephonic contact with him until October 2024. Tower location and co-location data, by themselves, do not establish physical presence together.

3.4. There is absence of medical or forensic corroboration. The victim declined internal medical examination, no injuries were noted in the MLC, and no medical material supporting forcible intercourse has been placed on record. Significantly, in her 11th February, 2025 statement, she herself stated that she was only molested, using the words “*jabardasti karne ki koshish ki...mujhe molest kiya gaya*”, thereby contradicting the allegation of rape.

3.5. The Sessions Court failed to appreciate material circumstances in favour of the Applicant, including the observations of this Court in its order dated 20th February, 2025, passed in W.P.(Crl.) No. 553/2025, which



indicate that the victim was acting under the influence and tutoring of certain persons. The finding that the Applicant was absconding is also contrary to record, as he had travelled abroad between 5th January and 5th April, 2025, and was thereafter residing at his permanent address in Jaipur, from where he was apprehended only after the police sought permission for an out-station visit on 28th July, 2025.

4. On the other hand, Mr. Hemant Mehla, APP for the State, and Mr. Birendra Kr. Pandey, counsel for the victim, oppose the bail application contending that the offences alleged are grave and serious in nature and that the Applicant is directly involved in the commission thereof. There exists a strong apprehension of the Applicant repeating similar offences, particularly in view of the hostility between the parties. The Applicant, if released on bail, may influence, threaten or induce the victim or other witnesses, and may also tamper with evidence or cause its disappearance. Emphasis is placed on the fact that the Applicant allegedly remained absconding for several months despite issuance of Non-Bailable Warrants, reflecting deliberate evasion of the legal process, and that there is a real likelihood of his fleeing abroad. The Applicant does not have clean antecedents.

5. The Court has considered the aforementioned submissions and has perused the material placed on record. The offences alleged are undoubtedly grave and serious in nature. However, it is equally well settled that the seriousness of the accusation, by itself, cannot be the sole determinative factor while considering an application for bail. The Court must keep in mind several factors, such as the existence of a *prima facie* case, nature and gravity of the accusation, severity of potential punishment, risk of the accused absconding



or fleeing if released on bail, likelihood of the offence being repeated, etc.⁶

6. At this stage, the prosecution case primarily rests on the testimony of the victim. The Court is conscious of the settled position that the sole testimony of a victim in cases of sexual offences can form the basis of conviction, if found credible and trustworthy. However, the appreciation of such testimony is a matter for trial. For bail, the Court is required to examine whether the material on record discloses a *prima facie* case of such strength as would justify continued incarceration of the Applicant.

7. In the present case, the Court cannot be unmindful of the *prima facie* variations emerging from the victim's versions at different stages. While the initial complaint alleges forcible sexual intercourse by the Applicant between 11th-13th September, 2024, the first statement recorded under Section 183 BNSS on 11th February, 2025 reflects an allegation of molestation against the Applicant in the said duration. In the subsequent statement dated 14th February, 2025, the role of co-accused Gaurav Sharma was completely denied, whereas in the third statement dated 7th April, 2025, the prosecutrix reverted to allegations of forcible intercourse and again implicated the said co-accused, along with the Applicant. Though the variations may predominantly relate to the role of the co-accused, there is also a *prima facie* inconsistency regarding the nature of assault attributed to the Applicant.

8. It is also relevant to note that co-accused Gaurav Sharma has not been charge-sheeted and has been placed in Column No. 12. The Trial Court has not taken cognizance of any offence against him. This circumstance, coupled with the aforementioned variations, *prima facie* create a doubt in

⁶ *Prasanta Kumar Sarkar v. Ashis Chatterjee & Anr.* (2010) 14 SCC 496.



the prosecution version, though the final determination is a matter to be adjudicated during trial.

8. Further, there is an admitted delay of approximately five months in the registration of the FIR. While delay in reporting sexual offences is not uncommon and may be satisfactorily explained during trial, the same remains a relevant consideration at the stage of bail, particularly in a case where the parties were admittedly in contact with each other during the interregnum at least until October 2024.

9. As regards the contention relating to antecedents, the Nominal Roll placed on record reflects that the Applicant does not have any prior conviction and his jail conduct has been reported as satisfactory. The Status Report makes a reference to prior involvement, however no specific details have been provided. In fact, the Nominal Roll does not reflect any antecedents. Nonetheless, the mere pendency of another criminal case, without more, cannot be treated as an absolute bar to the grant of bail. The Supreme Court in *Prabhakar Tiwari v. State of Uttar Pradesh*⁷ has observed that while antecedents and involvement in other criminal cases are relevant considerations, they cannot, by itself, form the sole basis for denial of bail. Each case is required to be assessed on its own unique facts and circumstances.

10. It is well settled through a catena of judgments of the Supreme Court that the object of grant of bail is neither punitive nor preventive, but to secure the presence of the accused during trial.⁸ The Applicant has remained in judicial custody for about four months and eight days as on 6th December,

⁷ AIR Online 2020 SC 96

⁸ See also: *Sanjay Chandra v. CBI*, (2012) 1 SCC 40; *Satender Kumar Antil v. Central Bureau of*



2025. The investigation stands completed and the charge-sheet has already been filed. The Call Detail Records and tower location material relied upon by the prosecution are matters of evidence which are required to be tested during trial and do not, at this stage, warrant continued incarceration. The apprehension expressed by the State regarding influencing the witnesses or absconding can be adequately addressed by imposing stringent conditions.

11. The Applicant is, therefore, 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;
- 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;

Investigation, (2022) 10 SCC 51.



g. The Applicant shall not reside within 3 km radius of the residence of the victim. 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 the first Friday every third month.

13. 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.

14. 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.

15. Accordingly, the present application is disposed of along with any pending application(s).

SANJEEV NARULA, J

DECEMBER 24, 2025/as