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IN THE HIGH COURT OF DELHI AT NEW DELHI*Date of decision: 29th January, 2025*

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CRL.M.C. 1672/2018**SUNITA YADAV**

.....Petitioner

Through: Mr. L C Rajput, Advocate through
VC.

versus

1. **STATE**Through Standing Counsel (Criminal),
Delhi High Court, New Delhi

.....Respondent No. 1

2. **PREM VEER**S/o Shri Balwant Singh,
R/o House No. A-23, Shanti Niketan Colony,
Roorkee Road, Meerut, U.P.

.....Respondent No. 2

Through: Mr. Satinder Singh Bawa, APP for
State.
S.I. Ranjana, PS Subzi Mandi, Delhi.**CORAM:****HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA**

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J U D G M E N T (oral)

1. The present Petition under Section 439(2) read with Section 482 of the Code of Criminal Procedure, 1973 has been filed on behalf of the Petitioner seeking to cancel the Order dated 26.02.2018 *vide* which the Respondent No. 2 has been admitted to Regular Bail in FIR No. 10/2018 under Sections 376(2)(b)/354/420/506/120B of the Indian Penal Code, 1860 (*hereinafter referred to as "IPC, 1860"*) registered at Police Station Subzi



Mandi, Delhi.

2. The main grounds on which the cancellation of the bail has been sought, are that the first Bail Application of the Respondent No. 2 had been dismissed *vide* Order dated 12.01.2018 on the ground that the Respondent No. 2 by misusing his official position as a Public Servant cheated the Petitioner/Complainant to the tune of Rs. 12,00,000/- and also sexually exploited her and also there was no substantial delay in lodging the FIR and the said allegations are serious in nature and also the investigation is at the crucial stage.

3. Thereafter, barely after a month, the second Bail Application had preferred by the Respondent No. 2 which was allowed by the learned Additional Sessions Judge *vide* Order dated 26.02.2018 without there being any fresh grounds agitated by the Respondent No. 2.

4. It is submitted that in the First Bail Application, Respondent No. 2 had sought Bail on two grounds viz., (i) the Respondent No. 2 was in Judicial Custody from 11.01.2018; and (ii) that there was delay in lodging the FIR. These two grounds were considered in his first Bail Application, but the Application was dismissed on 12.01.2018.

5. However, barely after a month, Respondent No. 2 was admitted to Bail *vide* Order dated 26.02.2018 on the same grounds, irrespective of the fact that these are the grounds which had already been considered and rejected in the first Bail Application.

6. It is also submitted that the Respondent No. 2 had taken a sum of Rs. 12,00,000/- from the Petitioner/Complainant and also sexually exploited her. In the light of gravity of offences, the Bail should not have been granted to



the Respondent No. 2.

7. **Learned Additional Public Prosecutor** on behalf of the State has referred to the decision in Harjeet Singh vs. State of Punjab, 2002 (1) SCC 649, wherein it was observed that where a Bail Application of an accused is heard by the Court, the subsequent Bail Application should also be considered by the same Court to argue that second Bail Application should not have been decided by a different Judge.

8. Moreover, looking at the nature of allegations, the bail should not have been granted.

9. It is further submitted that the Charges have already been framed and the Prosecution Evidence is being recorded. The testimony of two prosecution witnesses has already been recorded while the four witnesses are yet to be recorded. The statement of the Petitioner/Prosecutrix has already been recorded.

10. **Submissions heard and record perused.**

11. The Petitioner/Complainant had made an initial Complaint on 17.03.2017 to Incharge, Police Post, Tis Hazari Court, Delhi wherein she stated that she had a case in the Tis Hazari Court and during this period she met the Respondent No. 2/Prem Veer who introduced himself as Reader. On the pretext of helping her as he claimed to know many Judges, he extracted Rs. 12,00,000/- by luring her that he would get the work done and also established sexual relationship with her.

12. On 17.03.2017 at about 04:00 P.M., when the Petitioner was in Tis Hazari Court, Delhi, she met one Arun who took her to the Western Wing Park and misbehaved with her.



13. Eventually, the present FIR was registered on 08.01.2017 on the Complaint of the Petitioner, wherein more details were given. She further added that on 09.11.2016, the Respondent No. 2 took the Petitioner to Monta Park Civil Lines, Delhi and established physical relationship and also made a false promise of marriage. The Petitioner had recorded the conversations on her mobile phone on 23.02.2017. She further added that the Respondent No. 2 had many a times threatened to kill her and also to commit wrong acts with her.

14. On the Petitioner's Complaint, the present FIR No. 10/2018 under Sections 376(2)(b)/354/420/506/120B of the IPC, 1860 registered at Police Station Subzi Mandi, Delhi.

15. ***The first Bail Application*** filed on behalf of the Respondent No. 2, was dismissed on 12.01.2018 by the learned Additional Sessions Judge on the ground of the seriousness of allegations and the conduct of the Accused-Respondent No. 2 in misusing his position as a Public Servant.

16. ***The second Bail Application*** was filed on behalf of the Respondent No. 2 which was allowed *vide* Order dated 26.02.2018. Pertinently in the said Bail Order, it was submitted that the co-accused Satbir and Arun Kumar, who had similar roles, have been admitted to Bail on 01.02.2018 and 17.02.2018 respectively.

17. The learned Additional Sessions Judge thus, granted Bail to the Respondent No. 2 *vide* Order dated 26.02.2018 on the conditions specified therein.

18. The main contention on which the cancellation of the Bail of the Respondent No. 2 has been sought, is that the second Bail Application had



been preferred by the Respondent No. 2 barely one and a half month later and there was no change in circumstance. On the same allegations, the first Bail Application of the Respondent No. 2 in the first instance, was rejected. The second Bail Application of the Respondent No. 2 wherein same grounds were re-agitated, has been allowed which was preferred barely after one and a half month of the rejection of first Bail Application. However, it is mentioned in the Bail Order dated 26.02.2018 that the other two co-accused Satbir and Arun Kumar having similar roles have already been granted Bail. This was a new circumstance from the date of rejection of earlier Bail.

19. It cannot therefore, be said that the Bail Order dated 26.02.2018 suffers from any inherent illegality which warrants cancellation of the Bail.

20. Pertinently, the Bail was granted on 26.02.2018. Since then the Chargesheet has been filed and the Charges have been framed. The statement of two witnesses, including the prosecutrix has also been recorded and the testimony of four witnesses remains to be recorded. There are no allegations of misuse of Bail by the Respondent No. 2 in last 7-8 years since it was granted.

21. In view of above, there is no ground for cancellation of the Bail of the Respondent No. 2.

22. Accordingly, the present Petition is dismissed.

(NEENA BANSAL KRISHNA)
JUDGE

JANUARY 29, 2025
S.Sharma