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

+ **BAIL APPLN. 3704/2025**

GURPAL SINGH

.....Petitioner

versus

THE STATE OF NCT OF DELHI

.....Respondent

+ **BAIL APPLN. 4870/2025**

SHABANA

.....Petitioner

versus

STATE OF NCT OF DELHI

.....Respondent

Appearance:-

Mr. Gautam Khazanchi & Mr. Digaant Kumar,
Advocates (DHCLSC) for Applicant in Item No. 1

Ms. Sowjhanya Shankaran, Advocate (DHCLSC) Mr.
Akash Sachan, Ms. Anuka Bachawat & Ms. Charu
Sinha, Advocates for Applicant in Item No. 2.

Ms. Manjeet Arya, APP for State.

Mr. Kumar Shailabh, Advocate for the Complainant.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

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23.03.2026

1. The applicants, who are husband and wife, seek regular bail in connection with FIR No. 336/2022 registered at Police Station Mundka, Outer District, Delhi. The FIR was originally registered on 08.02.2022 under Section 363 of the Indian Penal Code, 1860 ["IPC"], but Sections 341/343/368/114/506 of the IPC, Sections 17/21 of the Protection of Children from Sexual Offences Act, 2012 ["POCSO Act"], and Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015 have subsequently been added.

2. I have heard Mr. Gautam Khazanchi, learned counsel for the



applicant in BAIL APPLN. 3704/2025, Ms. Sowjhanya Shankaran, learned counsel for the applicant in BAIL APPLN. 4870/2025, Ms. Manjeet Arya, learned Additional Public Prosecutor for the State, and Mr. Kumar Shailabh, learned counsel for the complainant.

3. The prosecution has also filed a status report, a copy of which is on record.

4. The prosecution case is that the FIR was registered at the instance of the mother of the prosecutrix, who stated that her 14-year-old daughter had gone missing from home on 07.02.2022. The prosecutrix was traced on 15.02.2022 at a location at 35A, Khasra No. 12, Dharampura Extension, Najafgarh, Delhi, where she was found in the company of Riyaz Ahmad, son of Akram, at the house of one Shahin Khan @ Sanya, wife of Atikur Rehman.

5. The statement of the prosecutrix under Section 161 of the Code of Criminal Procedure, 1973 ["Cr.P.C."] was recorded, wherein she stated that she had been induced to leave home on the promise of marriage by the said Riyaz Ahmad. However, she was taken to the aforesaid premises at Najafgarh and was kept confined there, where the present applicants were also present. Although no allegation of sexual assault has been made against the present applicants, it is alleged that the applicant, Gurpal Singh, supplied alcohol and cigarettes to the main accused, and that the prosecutrix was also compelled to consume alcohol prior to the commission of the aforesaid acts upon her.

6. It has further been stated that when she sought help from the applicants, they threatened her to remain silent, failing which she would face dire consequences.



7. Learned counsel for the applicants submit that no overt act of a sexual nature has been attributed to the applicants, and that such offences are alleged only against the main accused, Riyaz Ahmad and Shahin Khan @ Sanya. It is further submitted that these allegations were not made in the statement of the prosecutrix under Section 164 Cr.P.C., but were introduced subsequently in her testimony before the Court. Learned counsel also submit that the applicants have been in custody for over four years, and that although 10 witnesses have been examined, 23 witnesses remain to be examined.

8. Ms. Shankaran further submits that the applicant, Shabana, is the mother of a four-year-old child, who is presently lodged with her in jail.

9. Ms. Arya and Mr. Shailabh, however, submit that even though no overt act of sexual assault is attributed to the present applicants, Sections 16 and 17 of the POCSO Act deal with abetment and provide that abetment is punishable with the same punishment as the principal offence.

10. In the present case, the offences, including Section 6 of the POCSO Act against the main accused, carry a punishment of imprisonment for a term not less than 20 years, which may extend to life imprisonment, or even the death penalty. It is submitted that the applicants, if found guilty of abetment, would be liable for the same punishment. Mr. Shailabh also submits that the applicants were absconding and were arrested only on 02.03.2022. It is further submitted that the allegations of abetment are consistent with the testimony of the prosecutrix recorded before the learned Sessions Court.

11. Having heard learned counsel for the parties, I am of the view that



this is not a fit case for grant of regular bail. Offences under POCSO are doubtless very serious offences, in this case affecting a child who was then only 14 years of age. Her testimony has been recorded before the learned Sessions Court, in which the presence of the applicants in the house has been reiterated. They are referred to therein as Shabana and Raj Kumar; I am informed that Raj Kumar is an *alias* of the applicant Gurpal Singh. She also identified all four accused, including the applicants. The prosecutrix was kept at the same location for seven days. During this period, it is specifically stated that the present applicants used to assist and facilitate the main accused, and that the applicant Gurpal Singh also threatened her with beating and forced her to drink liquor and smoke cigarettes.

12. Although learned counsel for the applicants are right in saying that these particular allegations did not find a place in the statement under Section 164 of the Cr.P.C., I find *prima facie* that similar allegations were made in the initial statement under Section 161. Although the probative value and the effect of testimony rendered by the prosecutrix will have to be examined at trial¹, having regard to the nature of the allegations and the material on record, I do not consider this an appropriate case for the grant of bail to the applicants.

13. The applications are therefore dismissed.

14. At this stage, learned counsel for the applicants request that the trial be expedited. They may make such a request to the learned Sessions Court, which the Sessions Court may consider in accordance with its

¹ Union of India v. K.A. Najeeb [(2021) 3 SCC 713]; State of U.P. v. Anurudh [2026 SCC OnLine SC 40].



Board and the age of other matters pending before it. Ms. Arya assures the Court that the prosecution will cooperate in this process.

PRATEEK JALAN, J

MARCH 23, 2026

'pv/JM'/'