



\$~9

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

+ BAIL APPLN. 4680/2025 & CRL.M.A. 36071/2025

AMANDEEP SINGH

.....Petitioner

Through: Mr. Zahied Chouhan, Ms. Iqra Khan, Ms. Nida Praveen, Ms. Aakansha Chauhan and Mr. Kunwar Sultan, Advocates.

versus

STATE NCT OF DELHI & ANR.

.....Respondents

Through: Ms. Manjeet Arya, APP with Mr. Abhimanyu Arya, Advocate.
Mr. Mandeep Singh and Mr. Samrik Singh, Advocates for complainant.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **26.02.2026**

1. By way of this application, the petitioner seeks anticipatory bail in connection with FIR No. 24/2025, dated 09.01.2025, under Sections 64(2)(m)/115(2)/351(2) of the Bharatiya Nyaya Sanhita, 2023 ["BNS"], registered at Police Station Nihal Vihar.

2. I have heard Ms. Iqra Khan, learned counsel for the petitioner, Ms. Manjeet Arya, learned Additional Public Prosecutor for the State, and Mr. Mandeep Singh, learned counsel for the prosecutrix.

3. The petitioner had earlier filed an application for anticipatory bail before the Sessions Court, which was dismissed *vide* order dated 01.04.2025. The prosecution's case, as stated in the status report filed before the Sessions Court [Annexure 2 to the bail application], are as follows:

A. The said FIR has been registered on the complaint of the



prosecutrix on 09.01.2025.

- B. The prosecutrix got married to Hardeep Singh on 25.02.2024.
- C. It is alleged that the prosecutrix was continuously sexually harassed by the petitioner herein, who is her brother-in-law, in the months of June and July 2024.
- D. She alleges that on 10.08.2024, she was raped by the petitioner, who tore her clothes and also tightened her neck using cloth, due to which she became unconscious. Her mother-in-law was present in the house at the time of the incident, and did not help despite her cries for help. She alleges that, in fact, the mother-in-law slapped her, took her torn clothes and told her not to disclose the event to anyone.
- E. On 11.08.2024, the prosecutrix, upon her father-in-law coming home, informed him about the aforesaid incident, but he started beating her and locked her in a room. Thereafter, the petitioner, alongwith her parents-in-law, threatened her not to disclose the incident to anyone.
- F. The prosecutrix further alleged that the petitioner again raped her on 18.08.2024, when they were alone in the home, as her mother-in-law was not at home, her father-in-law was in Meerut, and her husband was at his job.
- G. She informed her husband about the incidents on 19.08.2024, who threatened to abandon her if she reported the matter to the Police. She was also threatened and beaten up by her mother-in-law and aunt-in-law.
- H. Pursuant to her complaint, the medical examination was conducted



in SGM Hospital, wherein she corroborated the initial allegations in her MLC. It was further revealed that the prosecutrix was pregnant at the time of the alleged incidents. She also stated therein that her husband's family also threatened to kill her family members.

- I. Statement of the prosecutrix under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023 ["BNSS"] was recorded on 13.01.2025, wherein she again corroborated her stand, and, in fact, provided a detailed account of the alleged incidents. She further stated that on 03.10.2024 she came to her parental home. She called her husband the next day, as she wanted to reside with him, but was sent to her parental home forcefully by her mother-in-law. She further stated that on the same day, her husband and the petitioner came to pick her up around 11:00 PM to take her back, as they thought she would tell her parents about the said incidents. She alleged that mid-journey, her husband changed the route and went towards a "Nala", and tried to throw the victim into the "Nala". She also alleged that her husband then slapped her and called her parents, who picked her up and took her back home. She further stated that she told her parents about the said incidents in December 2024, after which she approached the police.
- J. The police issued notices under Section 35(3) BNSS upon the prosecutrix's husband and father-in-law, who joined the investigation on 09.01.2025. Notice under Section 35(3) BNSS was also issued to her aunt-in-law, who also joined investigation on 28.01.2025.



K. A chargesheet has already been filed in respect of the husband, father-in-law, and the aunt-in-law.

L. The petitioner has not joined the investigation, and the Trial Court has, in fact, issued non-bailable warrants against him on 18.02.2025 and 25.03.2025.

4. The order of the Sessions Court dated 01.04.2025 refers to the gravity of offence and the fact that the petitioner has not joined the investigation, chosen to remain abroad, and also did not place on record any travel history prior to registration of FIR to show his *bona fides*.

5. While issuing notice in the present bail application, this Court granted limited interim protection to the petitioner by order dated 03.12.2025, recording a statement on behalf of the petitioner that he will return to India, to ensure his participation in the investigation.

6. At the outset, Ms. Khan submits that pursuant to the interim protection granted to him, he has joined the investigation twice, and is not in breach of any of the conditions imposed upon him.

7. Ms. Khan, on merits, submits that the present FIR has been registered on account of a premediated conspiracy orchestrated by the prosecutrix and her family members, arising out of a matrimonial dispute between the prosecutrix and the petitioner's brother. She further submits that the said FIR was registered after an unexplained delay of five months, which according to her, lends credence to the FIR being an afterthought. In further support of this contention, Ms. Khan draws my attention to a video annexed to the bail application [Annexure 12], which purportedly shows the prosecutrix celebrating Independence Day and Rakshabandhan on 15.08.2024 and 19.08.2024 respectively with the



petitioner and his family. It is submitted that these events took place around the same time as the alleged incidents, thereby casting doubt on the veracity of the allegations. Ms. Khan also refers to a transcript of a WhatsApp video call, allegedly dated 28.11.2024¹ between the petitioner's brother and the prosecutrix's father. She submits that the transcript reflects that the petitioner's brother was being threatened with criminal proceedings by the prosecutrix's father, even prior to the registration of the said FIR, further supporting the contention that the FIR is motivated and retaliatory in nature.

8. Ms. Khan also seeks parity with other co-accused persons, being the petitioner's mother, who was granted anticipatory bail by this Court *vide* order dated 05.05.2025 in BAIL.APPLN. 673/2025.

9. Ms. Arya and Mr. Singh, on the other hand, oppose the application. They submit that the allegations of rape are undeniably grave. They further submit that at the time of the alleged incidents, the prosecutrix was, in fact, pregnant, which is supported by the MLC. They submit that the prosecutrix's pregnancy at the relevant time further aggravates the seriousness and gravity of the offence.

10. Ms. Arya submits that the prosecutrix's initial allegations have been corroborated by her in her MLC, and in her statement under Section 183 of BNSS. She further submits that the petitioner does not deserve parity with the co-accused, as his role is entirely different, and that the petitioner is, in fact, the main accused. Ms. Arya also submits that custodial interrogation of the petitioner is necessary.

¹ It may be noted that the alleged transcripts at Annexure 14 of the bail application bears the date 12.02.2025.



11. Mr. Singh, while supporting the prosecution's stand, submits that the delay in registration of the FIR has been duly explained in the prosecutrix's statement under Section 183 BNSS.

12. While considering a plea for anticipatory bail, the Court must balance the public interest in a fair and effective investigation, with the prejudice to the accused by possible deprivation of his/her liberty. The Supreme Court in *Srikant Upadhyay and Ors. v. State of Bihar and Anr.*², has drawn a distinction between cases of regular bail and anticipatory bail, in the following terms:

*"30. We have already held that the power to grant anticipatory bail is an extraordinary power. Though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is the rule. It cannot be the rule and the question of its grant should be left to the cautious and judicious discretion by the court depending on the facts and circumstances of each case. While called upon to exercise the said power, the court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence. We shall not be understood to have held that the court shall not pass an interim protection pending consideration of such application as the section is destined to safeguard the freedom of an individual against unwarranted arrest and we say that such orders shall be passed in eminently fit cases....."*³

13. Having heard learned counsel for the parties and having regard to the aforesaid principles, I am of the view that this is not a fit case for the grant of the extraordinary remedy of anticipatory bail to the petitioner. The allegations against the petitioner are of rape, which is undoubtedly serious in nature, and is punishable by life imprisonment. In the present case, the petitioner is accused of committing the offence on his sister-in-

² (2024) 12 SCC 382.



law, while she was pregnant. The prosecutrix's statement as recorded in the MLC, and under Section 183 BNSS, has corroborated the initial allegations. The investigation is still at a nascent stage, in respect of the present petitioner, as he did not initially join the investigation.

14. While the petitioner relies upon videos of various celebrations to show cordial relations even after the alleged incidents, this is not the stage for conducting a mini trial. I am also not persuaded by the reliance placed on the transcript of the WhatsApp call, alleging threats by the father of the prosecutrix. Even assuming such threats were made on 28.11.2024, no complaint was lodged by the petitioner or his family at that time.

15. The argument on parity also does not commend to me. The role attributed to the mother-in-law of the prosecutrix, who has been granted anticipatory bail, is entirely distinct from that ascribed to the present petitioner. The petitioner is alleged to be the principal perpetrator, against whom the allegations of rape have been levelled.

16. I am not inclined to take a different view, merely due to the alleged delay in registration of the FIR. In her statement recorded under Section 183 of the BNSS, the prosecutrix has stated that she returned to her matrimonial home on 03.10.2024 and disclosed the alleged incidents to her parents only in December 2024. Thereafter, the prosecutrix made a complaint against her husband and in-laws under Section 85 of BNS, which has not yet been lodged as an FIR. In the facts and circumstances of the case, particularly when there may be some reluctance or hesitation to make such a complaint against her husband's brother, this explanation

³ Emphasis supplied.



cannot be said to be wholly implausible or untenable.

17. In view of the above facts and circumstances, it cannot be said at this stage, that custodial interrogation of the petitioner is ruled out. The Supreme Court has clearly held that custodial interrogation is more effective and elicits the truth more efficiently than interrogation while the accused is clothed with the protection of the Court. Reference in this connection may be made to the judgment of the Supreme Court in *State v. Anil Sharma*⁴, which observed as follows:

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well ensconced with a favourable order under Section 438 of the Code. In a case like this effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”⁵

The same view has been expressed in *P. Krishna Mohan Reddy v. State of A.P.*⁶

18. Further the discretion conferred upon the Court while adjudicating an application for anticipatory bail is to be exercised with due circumspection. Even if custodial interrogation may not be required, other considerations, such as the *prima facie* material available, have to be

⁴ (1997) 7 SCC 187.

⁵ Emphasis supplied.



examined. In this context, reference may be made to the judgment of the Supreme Court in *Sumitha Pradeep v. Arun Kumar C.K.*⁷, wherein it was observed as under:

“12. We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like Pocco and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside. In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline anticipatory bail. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”⁸

19. Having regard to the nature of allegations, I am of the view that the material placed on record does not justify the exercise of discretion in favour of the petitioner. I am therefore not inclined to accept the prayer for anticipatory bail at this stage.

20. The application is accordingly dismissed.

⁶ 2025 SCC OnLine SC 1157, paragraph 19.

⁷ 2022 SCC OnLine SC 1529.

⁸ Emphasis supplied.



21. It is clarified that any observations made in the present order are solely for the purpose of deciding the present bail application, and shall not influence the trial proceedings, nor shall they be construed as an expression on merits of the case.

PRATEEK JALAN, J

FEBRUARY 26, 2026/Sh/AD/