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IN THE HIGH COURT OF DELHI AT NEW DELHI
BAIL APPLN. 4815/2025 & CRL.M.A. 37029/2025 CRL.M.A.
37030/2025

Order reserved on: 27.01.2026

Order delivered on: 09.02.2026

GAGANDEEP MEHRA

.....Petitioner

Through: Mr. Samrat Nigam, Sr. Advocate with
Mr. Kunal Mittal, Ms. Arpita Rawat,
Ms. Rishika, Advocates.

versus

STATE

.....Respondent

Through: Mr. Shoaib Haider, APP for the State.
SI Madhu Bala, P.S.: Lajpat Nagar.
Mr. Nitin Kumar and Ms. Maheep
Kaur, Advocates for prosecutrix.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

09.02.2026

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By way of the present petition filed under section 483 of the Bharatiya Nagarik Suraksha Sanhita 2023, the petitioner seeks regular bail in case FIR No.390/2024 dated 11.11.2024 registered under sections 64(1)/70(1) of the Bharatiya Nyaya Sanhita, 2023 ('BNS') and section 4 of the Protection of Children from Sexual Offences Act, 2012 ('POCSO') at P.S.: Lajpat Nagar, New Delhi. Consequent upon completion of investigation, offences under sections 35/3(5) of the BNS and section 8 of the POCSO have been added *vidé* chargesheet dated 07.01.2025.

2. Notice on this petition was issued on 11.12.2025.



3. Learned APP has placed reliance on status report dated 08.09.2025 filed in a connected BAIL APPLN. No.3349/2025, since that status report covers the factual matrix relating to the present petitioner as well.
4. Though nominal roll has not been called-for in the present case, Mr. Samrat Nigam, learned senior counsel for the petitioner has submitted that the petitioner was arrested on the same date as co-accused persons, viz., Amal Pal, Ashish @ Ashu @ Anshuman, and Sivam @ Kaku; and that the petitioner's period of incarceration is the same as for those co-accused persons.
5. Pursuant to order dated 27.01.2026, learned counsel for the petitioner had given a brief note of arguments dated 28.01.2026, which is taken on record.
6. Briefly, the case of the prosecution is that four persons (*not* including the petitioner) initially approached 02 prosecutrices ("R" and "S") at the Underpass Club near Defence Colony flyover, Lajpat Nagar on the intervening night of 08–09.11.2024. It is further alleged that those 04 persons alongwith the prosecutrices drove from Defence Colony to Gurugram and then returned to a room near Lajpat Nagar, New Delhi.
7. It is the prosecution case, that the petitioner was already present at the room/flat near Lajpat Nagar where prosecutrix "R", who was major, was taken after the drive; and the petitioner is alleged to have committed rape upon "R" in that room.
8. In the course of trial, prosecutrix "R" has identified only co-accused Ashish and Sivam @ Kaku as the persons who raped her in turns; and in her deposition before the learned trial court on 19.09.2025,



prosecutrix “R” has *not* identified the petitioner Gagandeep Mehra, and has therefore turned hostile *qua* him.

9. Upon hearing Mr. Nigam and Mr. Haider; and after perusing depositions dated 07.11.2025, 19.09.2025, and 15.01.2026 of prosecutrix “R”, what weighs with the court *at this stage* are the following considerations:

- 9.1. That prosecutrix – “R” is a major. She is stated to have accompanied four accused persons alongwith her niece viz., prosecutrix “S”, who (latter) has deposed *vidé* statement dated 06.01.2026 before the learned trial court that both of them accompanied the four accused persons in their car, and they roamed around the colony, and thereafter, went to Gurugram; and returned to the flat of one of the persons near Lajpat Nagar, where “R” stayed back with four accused persons, while “S” left in the car with Aman;
- 9.2. That in the course of her deposition dated 19.09.2025 recorded before the learned trial court, prosecutrix “R” *has not identified* the petitioner as one of the accused persons who stayed back and committed the alleged offence upon her;
- 9.3. That there is a police picket right next to the residence of prosecutrix “R”; and yet she did not make any complaint at the police picket nor did she lodge the FIR at her own instance; and
- 9.4. That, as in the case of the other prosecutrix “S”, a complaint came to be filed in respect of both prosecutrices by the attending doctor, when prosecutrix “R” went for medical examination complaining of abdominal pain.



10. On 27.01.2026, prosecutrix “R” was present in court. The court had interacted with her. Upon being queried, she had confirmed that she has never been approached or threatened by the petitioner; and that though she had given her statement before the learned trial court on 19.09.2025 of her own free will and volition but she does not oppose the grant of bail to the petitioner.
11. As noticed in the case of Aman Pal, Ashish @ Ashu @ Anshuman, and Sivam @ Kaku, upon being queried, on instructions of the I.O. who is present in court, learned APP has confirmed that the petitioner Gagandeep Mehra was also arrested along with the aforesaid co-accused persons and has been in custody ever since. The I.O. has also confirmed that the petitioner has no other criminal involvements. Accordingly, the petitioner has been in custody for about 10 months as of 04.09.2025.
12. Upon a conspectus of the facts and circumstances of the case, this court is inclined to allow the present petition, thereby granting to the petitioner – **Gagandeep Mehra s/o Rakesh Mehra** – *regular bail*, subject to the following conditions:
 - 12.1. The petitioner shall furnish a personal bond in the sum of Rs. 20,000/- (Rs. Twenty Thousand Only) with 02 sureties in the like amount from family members, to the satisfaction of the learned trial court;
 - 12.2. The petitioner shall furnish to the Investigating Officer a cellphone number on which the petitioner may be contacted at any time and shall ensure that the number is kept active and switched-on at all times;



- 12.3. If the petitioner has a passport, he shall surrender the same to the learned trial court and shall not travel out of the country without prior permission of the learned trial court;
- 12.4. The petitioner shall not contact, nor visit, nor offer any inducement, threat or promise to any of the prosecution witnesses or other persons acquainted with the facts of case. The petitioner shall not tamper with evidence nor otherwise indulge in any act or omission that is unlawful or that would prejudice the proceedings in the pending trial; and
- 12.5. In case of any change in his residential address/contact details, the petitioner shall promptly inform the I.O. in writing.
13. Since the petitioner is facing trial and would therefore be appearing before the learned trial court from time-to-time, it is not considered necessary to impose a reporting requirement as a condition of regular bail.
14. The petition is disposed-of in the above terms.
15. Pending applications, if any, also stand disposed-of.

ANUP JAIRAM BHAMBHANI, J.

FEBRUARY 09, 2026

V.Rawat