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

+ **BAIL APPLN. 4008/2025**

SUMIT SINGH

.....Petitioner

Through: Mr. Hitesh Thakur and Mr. Shubham Tyagi, Advocates.

versus

STATE NCT OF DELHI AND ANR

.....Respondent

Through: Mr. Naresh Kumar Chahar, APP for State.

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

17.10.2025

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1. By way of the present application, the applicant is seeking grant of anticipatory bail in case arising out of FIR bearing no. 302/2025, registered at Police Station Sangam Vihar, Delhi, for the commission of offences punishable under Sections 64(2)/115(2)/127(2)/351 of Bharatiya Nyaya Sanhita, 2023 (hereafter 'BNS') and Section 4 of the Protection of Children from Sexual Offences Act, 2012 (hereafter 'POCSO Act').
2. Issue notice. Mr. Naresh Kumar Chahar, learned APP for the State accepts notice.
3. The brief facts of the present case are that the FIR in this case was registered on the complaint of a minor victim aged about 17 years, alleging that she had known the accused-applicant, Sumit Singh Singhal, resident of Sangam Vihar, for the past 3–4 years as he lived in her neighbourhood. On



26.06.2025, at about 6:00 p.m., when no one was at her home, she had gone to meet him near Hamdard, from where he had taken her to his friend Nikhil's house at Govindpuri, where the accused had beaten her and forcibly committed sexual intercourse with her several times. Around 10:00 p.m., he had let her go, after which she had gone to her friend's house in Tughlakabad but had not disclosed about the incident to anyone out of fear. The next morning, on 27.06.2025, she had gone to Govindpuri Metro Station and contacted her friend, but before she could disclose the incident, the police had arrived and taken her to the police station, where her family was also present. Out of fear, she had not revealed the details of sexual assault and had refused medical examination. The victim has alleged that the accused had threatened to kill her if she will disclose the incident to anyone. On 05.07.2025, after an altercation between the mother of the accused and the prosecutrix, she had finally disclosed the incident to her mother, following which they had approached the police, and the present FIR was registered. During the course of investigation, the medical examination of the victim was conducted at AIIMS, and her statement under Section 183 of BNSS was recorded.

4. The learned counsel for the petitioner has argued that the prosecutrix herself has admitted that the FIR was registered following a dispute between her family and the applicant's family. It is further argued that there was an inordinate delay of 11 days in lodging the FIR. The counsel also argues that the applicant has no prior involvement in any criminal activity and has clean antecedent. Additionally, it is pointed out that there is a discrepancy in the prosecution's story, as the alleged incident is stated to have taken place on 26.06.2025, whereas the investigation reveals the date as 25.06.2025.



5. The learned APP for the State argues that the allegations against the applicant/accused are serious in nature. It is further argued that the investigation is at initial stage and that the arrest of the applicant is necessary, as the place of the incident and other material aspects are yet to be ascertained. It is also argued that the applicant/accused may pose a threat to the prosecutrix. Therefore, it is prayed that the present application be rejected.

6. This Court has heard arguments addressed on behalf of the learned counsel for the applicant and the learned APP for the State and has perused the material on record.

7. This Court finds that the contention raised on behalf of the applicant that there has been a delay in lodging the FIR or that there is a discrepancy regarding the date of the missing report of the victim-complainant cannot be conceded to at this stage as the same is a matter of trial. Further, having gone through the statement of the prosecutrix recorded under Section 183 of BNSS, this Court finds that the applicant had befriended the minor prosecutrix through Instagram, called her to meet him on 26.06.2025, and subsequently taken her to his friend N's flat in Govindpuri where he had allegedly physically assaulted her, confined and had also repeatedly sexually assaulted her before finally letting her go around 10:00 P.M. Quite naturally, it was owing to the fear and trauma of the said incident that the complainant had initially resisted from disclosing about the incident to her parents, until 05.07.2025 when she mustered courage to inform her mother.

8. The record further shows that on 27.06.2025, the prosecutrix appearing distressed from her unfortunate experience, was found at Govindpuri Metro Station where she had borrowed an internet access from a



stranger to contact her friend through Instagram and had asked to meet her at Govindpuri Police Station. Meanwhile, as it appears, the parents of the complainant had lodged a missing report in the meantime.

9. This Court is of the view that being a minor, she was under trauma and a sense of shame that had precluded her from disclosing anything to her parents and the police, as evidenced from her statement that she did not want to be medically examined in presence of her parents or inform the police about it, while her parents were present. However, more notably, on 05.07.2025, she had disclosed the said incident to her mother. Further, the MLC of the victim reveals the presence of a linear bruise under the left eye of the victim, besides a mild abrasion (0.5 cm) on posterior fourchette and a broken hymen.

10. The contention on behalf of the applicant that the applicant and the complainant were friends and therefore, it could be a case of consensual relationship, cannot be accepted by this Court, since even if the parties concerned were friends, friendship does not give any license to the applicant to rape the victim repeatedly, confine her in his friend's house and beat her mercilessly, as prima facie disclosed by the complainant in her statement recorded under Section 183 of BNSS, duly corroborated by the medical records.

11. Additionally, this Court is conscious of the fact that the applicant has still not joined the investigation, despite his anticipatory bail application having been either withdrawn or rejected on four occasions in the past.

12. Therefore, in view of the foregoing circumstances, coupled with the serious nature of allegations levelled in the present case, prima facie corroborated by the material on record, this Court finds that no case for



grant of anticipatory bail is made out.

13. Accordingly, the present application stands dismissed.

14. It is, however, clarified that nothing observed herein above shall tantamount to an expression of opinion on the merits of the case.

15. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

OCTOBER 17, 2025/vc

