

**IN THE COURT OF MR. HARGURVARINDER SINGH JAGGI,
ADDL. SESSIONS JUDGE (FTC– 01), SOUTH DISTRICT, SAKET
COURTS, NEW DELHI**

Bail Matter No.: 1849/2025
CNR No.: DLST010142082025



FIR No.: 395/2025
Police Station: Sangam Vihar
u/Section: 69, BNS

IN THE MATTER OF:

State *v.* *Guneet Singh*

Date of filing of application(s): 02.09.2025
Date of reserving order: 17.09.2025
Date of pronouncement of order: 19.09.2025

ORDER
19.09.2025

1. Guneet Singh (Guneet) has moved an application under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking regular bail in FIR No. 395/2025 dated 27.08.2025 (subject FIR) lodged at police station Sangam Vihar for the offence punishable under Section 69 of the Bharatiya Nyaya Sanhita, 2023 (BNS). Guneet was arrested on 27.08.2025.

2. The subject FIR was lodged at the behest of a young woman. To maintain the anonymity of the complainant/victim, hereinafter the complainant/victim is either addressed interchangeably as “she”, “her” and/or “the complainant/victim”.

3. The brief facts of the case discerned from the subject FIR are that Guneet met her at their workplace in June 2021 and became friends. With passage of time their friendship brewed and Guneet told her that he has developed romantic feelings towards her and he wants to get married. On 19.08.2021 Guneet proposed to her in a very romantic manner and brought gifts and flowers for her. Guneet in his meetings with her, tried to get intimate, however, she refrained initially as she was shy and not very comfortable. She told Guneet very clearly that the only reason she will get close to him once he agrees to get married to her. Both of them developed physical intimacy, as Guneet promised her and represented to her that they will soon get married and he is already spoken about her to his sister-in-law and brother.

4. In December 2021, there was a gathering at her place to celebrate her joining a new workplace when Guneet told her that he wanted to make out and they developed physical intimacy.

5. Guneet introduced her to his family members. Guneet’s mother on meeting her gave a sum of ₹3100/- in cash as *shagun* and good offerings. Guneet’s mother told her that even though both of them belong to different religions, they do not believe in this and what

matters to them is their happiness. It is also alleged in the subject FIR that despite working long hours at her job, she was made to behave like Guneet's wife, catering to his physical needs, mental needs, financial needs, and even attending to his family's requirements. Guneet's mother and her mother during their telephonic conversations, categorically agreed to every condition set by Guneet's family, including the issue of religious(*sic*) conversion. Her mother assured them that either both of them could retain 'our religions', or 'even if she had to convert', the mother had no objection.

6. She has stated in the subject FIR that she was always warmly welcomed by Guneet's family, taken on trips along with them to Kasauli, Manali, Shimla, Mashobra, Goa, Dehradun and even on his office trip to Kasauli. She was made to feel that she was already their daughter-in-law. Guneet and she maintained sexual relations on numerous occasions at different places, including their residences and hotels. It was Guneet who always booked hotel rooms under his own name many times on hourly basis. She was always made to believe not only by Guneet, but also by his entire family that soon both of them will get married.

7. On one occasion, Guneet's brother and sister-in-law even discussed marriage ceremonies and stated that they will be spending this much on the cocktail ceremony from their side. She has alleged that she was made to believe wholeheartedly that marriage was certain. Guneet gave repeated assurances to her that he would marry her at all costs, he would fight the world for her and would not give up

on their relationship. She being young and trusting, believed Guneet and invested herself completely in their relationship.

8. She has alleged in the subject FIR that Guneet's behaviour changed towards her and he used to only meet her for having sex. He started sending weird and rude messages to her, if she refused to meet him or have sex with him. On several occasions, under the influence of alcohol, Guneet forced her to watch obscene pornography videos, and compelled her to replicate those acts completely ignoring her refusal and discomfort. She has alleged that instead of being treated as a partner, she was degraded to the level of an object for his gratification.

9. In the month of June 2025, Guneet and herself travelled to Dehradun with his family. Even there both of them maintained their sexual relationship. However, during the trip, she noticed that Guneet was chatting with strange girls and liking their pictures. When she confronted Guneet, he pushed her and abused her. Thereafter, she shifted to different room. After this, she was shocked to learn that when she spoke about the incident to Guneet's mother to which her reply was that Guneet has always been like this and she cannot do anything about it. After a lot of arguments between Guneet and herself, Guneet told her that once we reach back to Delhi, we can discuss all the issues. Strangely, after coming back to Delhi, Guneet blocked her everywhere and stopped talking to her. She tried to contact him as well as his family members, but only evasive replies were given.

10. Guneet used to make reservations at various hotels spread across Delhi in Paschim Vihar and Rajouri Garden. On 27.07.2025 Guneet and herself met at a hotel. During their meeting, Guneet forced her to have sex. Guneet not only compelled her to have unnatural sex with him, but also recorded the act on his phone. It is alleged that earlier also Guneet was in a habit of filming and taking pictures of her without her consent during their intimate moments and used to tell her that he would delete all of them, but he never did. After the meeting, Guneet again stopped talking to her or meeting her. On an occasion when Guneet picked-up her call, he told her that he is not willing to get married to her now. She went to his house on multiple occasions, but he did not meet her. She even called Guneet's mother and tried to talk to her, but his mother shouted at her and hurled abuses.

11. In the subject FIR, she has alleged that now she feels that she was treated not as a sex worker but as a sex slave to Guneet, as a sex worker at least knows the terms of her exchange, and whereas she was deceived, betrayed exploited under false promises of love and marriage. It is also alleged in the subject FIR that Guneet along with his family members conspired and abetted as they were all fully aware of the promise to marry made by Guneet to her, and they encouraged and supported Guneet and exploited her for years, knowing well that marriage would never take place.

12. *Lastly*, she has requested for initiation of legal action by registering an FIR against Guneet for offences punishable under BNS and investigate the matter as per law by seizing all records from Hotel
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D Crown, Rajouri Garden, including CCTV footage, booking registers, ID proofs and payment receipts, especially for the date 27.07.2025 and other dates of their visits. It is also requested by her to seize and examine the telephone recordings between her mother and Guneet' sister-in-law, which will expose the family's conspiracy and deceit.

13. Pursuant to the registration of the subject FIR, Guneet was arrested on 27.08.2025, hence the bail application.

14. The investigating officer (IO), Sub Inspector Namita filed her reply dated 03.09.2025 to the bail application. It is stated in the reply that during the course of investigation, Sections 376, 354A IPC were also added in the case after discussion with senior officers. The complainant/victim was repeatedly requested to join the investigation and record her statement under Section 183 BNSS before the Court. Initially, the complainant/victim cited health concerns and subsequently contact could not be re-established. It is averred in the reply that the application of Guneet of seeking bail is strongly opposed in the interest of justice.

15. On 03.09.2025 when the bail application was listed before Court, the deputed IO submitted that the statement of the victim has not yet been recorded under Section 183 BNSS and adjournment was requested on behalf of the IO to file additional reply after recording the statement of the victim. The Court issued notice to the victim through IO for the next date of hearing i.e., 12.09.2025 with directions

to file additional reply, if any, for production of the case diary and also for arguments by the parties on the bail application.

16. On 12.09.2025, Inspector Devender Singh appeared on behalf of IO, SI Namita, who informed the Court that the statement of the complainant/victim was recorded on 10.09.2025 before the learned relieving Judicial Magistrate First Class/Civil Judge, South District. An additional reply dated 12.09.2025 was also filed on behalf of the IO. In the additional reply, it is stated that the complainant/victim in her statement under Section 183 BNSS has corroborated the facts of sexual relation on the pretext of marriage.

17. During the course of hearing on 12.09.2025, the Court inquired from the Sub-Inspector Devender Singh, whether the mobile devices of the accused and the complainant/victim have been seized by the police? SI Devender Singh answered that the mobile device of accused was seized during the course of investigation and a seizure memo was also prepared. With regard to the seizure of the mobile device of the complaint/victim, SI Singh submitted that the same has not been seized, however, the complainant/victim present in the courtroom submitted to the contrary and stated that her mobile device was handed over to one Manisha as the IO/SI Namita was not present. The Court observed that the mobile devices of accused and the complaint/victim are relevant and material pieces of evidence and therefore directed the IO to place a status report with regard to the same before the Court on or before the next date of hearing.

18. On 12.09.2025, the learned counsels for the parties advanced their arguments, which find their mention in the ensuing paragraphs of this order. The Court also interacted with the complainant/victim to ascertain about the nature and circumstances of her giving a written request/intimation to the SHO PS Sangam Vihar on 27.08.2025¹ that discussions of compromise are going on between the parties and no action be taken against the accused. The complainant/victim during the course of hearing submitted that she was forced and pressurised by the family members of Guneet to give the representation in writing.

19. On 17.09.2025, IO, PSI Nisha Yadav appeared before the Court and informed that the investigation of the case has been assigned to her. IO, PSI Nisha Yadav filed a status report dated 17.09.2025. The case diary along with record was also produced before the Court, the same was seen and returned to the IO. The IO further informed that the mobile devices of the accused and the complainant/victim were seized on the first day itself and the same have been sent to the Forensic Science Laboratory (FSL) for examination and gathering of evidence.

20. Mr. Kushal Kumar, learned counsel for the applicant, Mr. Himat Singh, learned Additional Public Prosecutor (APP) for the State and Mr. Avinash Kapoor advanced their arguments for and against the motion before the Court on 12.09.2025 and 17.09.2025.

¹ See **Annexure-2** to the bail application filed by the *paikar* for the accused.

21. Mr. Kushal Kumar, learned counsel for the applicant submitted that Guneet and the complainant met at their workplace back in the year 2021 and they started dating each other. With passage of time, both of them developed physical relationship as girlfriend-boyfriend and the same was consensual. Both of them were well aware about their religions and their identities.

22. Mr. Kumar submitted that the complainant is an educated progressive girl, who willingly and consensually entered into a relationship with Guneet. Now that after running a rough patch and they breaking-up, the complainant has gone ahead and embroiled Guneet in a baseless and bogus case of false promise to marry.

23. Mr. Kushal Kumar submitted that no case of rape against Guneet is made out, as both of them dated each other for almost four years and they had consensual sex as equal partners. Mr. Kumar submitted that the mobile device of the complainant would reveal that both of them had extensive conversations and their relationship hit the *cul-de-sac* when the complainant asked Guneet, a Sikh by religion to convert to Islam if they get married.

24. Mr. Kushal Kumar further submitted that Guneet never forced the complainant/victim to have sexual intercourse as a matter of fact the consent of the complainant/victim was free, without any misconception as Guneet never concealed the *factum* of their religious differences and made false promises to her.

25. Mr. Kumar strenuously submitted that mere failure to marry between two consenting adults does not always amount to misconception of fact and so much so that the consent was obtained under false promise of marriage.

26. To buttress his arguments, the learned counsel placed reliance upon the judgments of Hon'ble Supreme Court of India in the case of *Druvaram Murlidhar Sonar v. State of Maharashtra*², *Maheshwar Tigga v. State of Jharkhand*³ and the judgment of the Hon'ble High Court of Delhi in the case of *Sujit Ranjan v. State*⁴.

27. Mr. Kumar concluded by submitting that the applicant is willing to abide by any terms and conditions the Court deems fit and appropriate to enlarge Guneet on bail.

28. Mr. Himat Singh, learned APP valiantly contended the submissions advanced by the learned counsel for the applicant flagging that the bail application moved by Guneet must be dismissed as the mobile phone devices of both the parties have been forwarded to the FSL and crucial pieces of evidence will surface in the examination report incriminating the accused Guneet.

29. Mr. Singh submitted that this is not a fit case for bail as Guneet may threaten the complainant/victim and also tamper with evidence.

² (2019) 18 SCC 191

³ (2020) 10 SCC 108

⁴ 2011 DHC 484

Mr. Singh further added that Guneet does pose a flight risk and may evade the process of law, which will eventually delay the trial.

30. Mr. Avinash Kapoor learned counsel for the complainant/victim adopted the contention submitted by the learned APP. In addition, Mr. Kapoor launched twin prong attack on the submissions advanced by the learned counsel for Guneet. The learned counsel submitted that *firstly*, the complainant never freely gave her consent to have sexual intercourse with Guneet, it was Guneet who used deceitful means such as false promise of marriage without intent to fulfil it.

31. *Secondly*, the intent to deceive by Guneet was not a standalone act, it was a well thought out, planned act on the part of Guneet and his family members, as they made the complainant/victim believe that she is the daughter-in-law of the family. The learned counsel further added that the complainant was asked to accompany Guneet and his family members on vacations and the same was a façade to develop physical intimacy and sexually exploit the complainant.

32. Mr. Kapoor submitted that the level of pressure, control and fear Guneet and his family members have asserted on the complainant is evident from the fact that they forced her to submit a request letter dated 27.08.2025⁵ to the SHO, police station Sangam Vihar to not take any coercive steps against Guneet as talks of compromise are going on between the parties. Mr. Kapoor added that the complainant told the

⁵ See **Annexure-2** to the bail application filed by the *paikar* for the accused.

Court on 12.09.2025 that the family members of Guneet pressurised her. Mr. Kapoor concluded his contentions by stating that the complainant/victim is within her lawful right to seek recourse to Section 69 BNS as it aims to protect individuals like the complainant herein from persons like Guneet for sexual exploitation and ensure that there is free consent.

33. Mr. Kumar rejoined his arguments and concluded on the note that such practice of jilted lovers to embroil their male partner under the garb of ‘promise to marry’ and press trumped up charges for rape under the BNS is uncalled for and the case before this Court is nothing but utter falsehood and based upon preposterous allegations.

34. To answer the question, whether Guneet deserves to be enlarged on bail, the Court has to consider the weighty and acrimonious submissions advanced at the bar and also carefully go through the material placed before the Court.

35. Section 69, BNS is reproduced in verbatim, which reads as under:

***“Section 69. Sexual intercourse by employing deceitful means, etc.—Whoever, by deceitful means or by making promise to marry to a woman without any intention of fulfilling the same, has sexual intercourse with her, such sexual intercourse not amounting to the offence of rape, shall be punished with imprisonment of either description for a term which may extend to ten years and shall also be liable to fine.*”**

Explanation.— “deceitful means” shall include inducement for, or false promise of employment or promotion, or marrying by suppressing identity.”

36. Section 69 is a new provision roped in the penal code of our country by the Parliament in the year 2023 by enactment of the Bharatiya Nyaya Sanhita, 2023 (BNS). The key ingredients of Section 69 are by deceitful means or by making promise to marry to a woman without any intention of fulfilling the same.

37. Guneet is Sikh by religion and the complainant is a Muslim by religion. Both the complainant and Guneet are well educated and cosmopolitans. As per the complainant’s allegation in the FIR, the first act of sexual intercourse between Guneet and the complainant took place at her own house in the month of December 2021, as she had kept a gathering to celebrate her joining a new workplace. However, at that point in time, the complainant did not make any complaint to anyone, including her own family members that Guneet established sexual relations with her based on an express promise to marry her in future.

38. The complainant has come out with her case in the subject FIR lodged on 27.08.2025 that the first act of sexual relation between her and Guneet (though under pressure as per the complainant) took place at her own house. The complainant after three and half years has alleged for the first time in the subject FIR that Guneet, who was on friendly terms rather in a relationship (read as dating) with the

complainant, pressurised her to have sexual intercourse in the year 2021.

39. The complainant has alleged in the subject FIR that Guneet developed physical intimacy with her and repeatedly had sexual intercourse at hotel rooms, whose booking was made by Guneet. The complainant has alleged that Guneet deceived her continuously since December 2021 to establish sexual relations on the pretext of promise to marry. The prolonged period of three and half years during which sexual relations continued unabatedly between the parties, is sufficient to conclude that there never was an element of pressure, force or deceit in the relationship. From the case diary and the documents produced by the IO during the course of hearing, it was observed from the photographs of Guneet and the complainant that they shared bonhomie and an intimate relationship.

40. The Apex Court in the case of ***Mahesh Damu Khare v. The State of Maharashtra & Anr.***⁶ quashed an FIR alleging rape and cheating based on a false promise of marriage, holding that a decade-long consensual relationship without protest indicated no criminal intent or false promise from the outset, and continuing prosecution would amount to abuse of process of law.

41. As in the case at hand, the IO submitted in her reply that during course of investigation, Section 376, 354A, IPC were added in the subject FIR after discussion with senior officers. Hon'ble Mr. Justice

⁶ 2024 INSC 897
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Dr. Dhananjaya Chandrachud J., (As His Lordship then was) in the case of *Pramod Suryabhan Pawar v. The State of Maharashtra & Anr.*⁷ quashed an FIR against Pramod Suryabhan Pawar for rape and offences under the Scheduled Cases and Scheduled Tribes (Prevention of Atrocities) Act, 1989, holding that a consensual long-term relationship and a subsequent breach of marriage promise do not amount to rape unless the promise was false from the outset and induced consent. The Apex Court held that even if the complainant's statements are accepted in totality, no offence under Section 375 IPC was made out.

42. In *Jothiragawan v. State Rep. by the Inspector of Police & Anr.*,⁸ His Lordship K. Vinod Chandran J., in the erudite judgment speaking for the Court quashed rape charges against Jothiragawan, finding no evidence of inducement or promise of marriage before sexual intercourse and noting the consensual nature of the relationship. The Court observed that the allegation of forceful intercourse was not believable given the admitted relationship and the complainant's repeated willingness to accompany the accused to hotel rooms.

43. Her Ladyship, Dr. Swarana Kanta Sharma J., in the latest judgment dated 10.09.2025 of the Hon'ble High Court of Delhi in the case of *Gautam Sharma v. Govt. of NCT, Delhi & Anr.*⁹ quashed an FIR alleging rape and coercion under false promise of marriage,

⁷ 2019 INSC 939

⁸ 2025 INSC 386

⁹ 2025 DHC 7924

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finding the relationship between the parties consensual, with the prosecutrix aware of the petitioner's marital status and voluntarily continuing the relationship for over two years, including undergoing abortions.

44. The Hon'ble High Court relied on several key legal precedents in its analysis – *Deepak Gulati v. State of Haryana*¹⁰, *Dr. Dhruvaram Murlidhar Sonar v. State of Maharashtra*¹¹, *Shivashankar v. State of Karnataka*¹², *Pradeep Kumar Kesarwani v. The State of Uttar Pradesh & Anr.*¹³ and *State v. Sudershan Kumar*.¹⁴ In summary, the Hon'ble High Court's analysis was grounded in Supreme Court and High Court precedents emphasizing the importance of distinguishing consensual relationships from those involving coercion or deception, and the need for Courts to closely scrutinize the element of consent in cases involving allegations of rape on the pretext of marriage.

45. The religious diversity as the pivot of complainant and Guneet's relationship lost its balance at the anvil of their respective religion as it appears from the FIR that the conversion of religion became a sore point between the two. It is observed that during the currency of their long-term consensual relationship, the complainant and Guneet were well aware about the obstacles of inter-religion marriage, Islam and Sikhism. It is also observed that as per the allegations in the subject

¹⁰ (2013) 7 SCC 675

¹¹ (2019) 18 SCC 191

¹² (2019) 18 SCC 204

¹³ Order dated 02.09.2025 in Criminal Appeal No. 3831 of 2025 – Hon'ble Supreme Court of India

¹⁴ 2023 SCC OnLine Del 1647

FIR that even after arguments arose regarding marriage, the complainant continued to visit, reside with Guneet, proceed on vacations, and even go to hotel rooms, further indicating ongoing consent.

46. It is nobody's case that the complainant and Guneet were in a situationship. Both of them are Gen-Z consenting adults, who engaged in active sexual relationship during the currency of their relationship (dating phase) lasting over three and half years.

47. The concerns flagged by the learned APP about the forensics report *qua* their mobile phones being awaited, Guneet being a flight risk and the probability of him tampering with evidence can be taken care by saddling Guneet with stringent conditions. The Court cannot lose sight of the fact that until the subject FIR, Guneet did not have any criminal antecedents.

48. By taking into account the overall facts, circumstances and by placing reliance upon the pronouncements of the Apex Court and Hon'ble High Court of Delhi, the Court finds that it is a fit case to enlarge Guneet on bail. Accordingly, it is ordered as following:

48.1. Guneet be released on regular bail on furnishing personal bond in the sum of ₹1,00,000/- (*Rupees One lakh only*) with two sureties of the like amount subject to the satisfaction of the concerned Judicial Magistrate First Class/Duty/Link.

- 48.2. Guneet will not leave the country without prior permission of the Court.
- 48.3. Guneet shall provide by way of an affidavit, the details of the address to the trial court and the IO, at which he shall be residing. Guneet shall also intimate the Court by way of an affidavit and to the IO regarding any change in his residential address.
- 48.4. Guneet shall appear before the trial court as and when the matter is taken up for hearing and not seek any unnecessary adjournment.
- 48.5. Guneet shall join investigation as and when called by the IO concerned.
- 48.6. Guneet shall provide all mobile phone numbers to the IO concerned which shall be kept in working condition at all times and shall not change the mobile phone number without prior intimation to the IO concerned.
- 48.7. Guneet shall not directly or indirectly make an inducement, threat or promise to any person acquainted with the facts or the case so as to dissuade them to disclose such to the Court or to any other authority.
- 48.8. Guneet will not indulge in any criminal activity and shall not communicate with or come in contact with any of the

prosecution witnesses, complainant/victim, or tamper with the evidence of the case.

48.9. In the event of there being violation of any of the above conditions and/or any FIR/DD-entry/Complaint lodged against Guneet during the period of bail, liberty is accorded to the State, to seek redressal by filing an application seeking cancellation of bail.

49. Let a copy of the order be transmitted to Guneet Singh through the concerned Jail Superintendent and also to the concerned Judicial Magistrate First Class/Duty/Link through Filing Counter – Filing & Bail Section. Further, let a copy also be given *dasti* to the *paikar* of the applicant through counsel, complainant through counsel and also to the concerned IO/SHO for information and necessary compliance, if any.

50. Accordingly, the Bail Matter No. 1849/2025 in relation to FIR No. 395/2025 lodged at police station Sangam Vihar, moved by Guneet Singh stands allowed in above terms. Any observation made hereinabove for the purpose of dealing with the contentions raised during the hearing of the bail application shall not be deemed to be an expression on the merits of the case.

**Pronounced in the open Court on
September 19, 2025**

**(Hargurvarinder Singh Jaggi)
Addl. Sessions Judge (FTC-01)
South District
Saket Courts, New Delhi**

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