



2025:DHC:5251



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Judgment delivered on: 04.07.2025*+ **BAIL APPLN. 2247/2025****KIRAN PAL SINGH BAJWA**

.....Petitioner

Through: Mr. Rakesh Malhotra, Mr.  
Bharat Malhotra and Mr.  
Kushal Malhotra, Advocates

versus

**STATE NCT OF DELHI & ANR.**

.....Respondents

Through: Mr. Naresh Kumar Chahar,  
APP for the State with SI  
Jyoti, P.S. Hari Nagar.  
Mr. Akshat Kumar Mr.  
Sheezan Hashmi Mr Sarthak  
Jain Mr. Shrey K Brahmhatt,  
Advocates for R-2.

**CORAM:****HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J**

1. By way of the present application, the applicant seeks grant of regular bail in FIR No. 80/2025, registered at Police Station Hari Nagar, Delhi for the commission of offences under Sections 376/376(2)(n)/419/506 of the Indian Penal Code, 1860 [hereafter '*IPC*'].

2. The brief facts necessary for deciding the present bail



application are that a complaint was filed by the complainant alleging therein that she had been divorced in the year 2011 and was residing in Hari Nagar with her son; and that she is working in a company at Gurugram. In December 2021, she had joined the “Classic Riders Group,” wherein the applicant herein was the group admin. It is alleged that taking advantage of the complainant being a single woman, the applicant had gradually started coming close to her and had introduced himself as a DCP in the Narcotics Department. He had also begun visiting the complainant’s house under the pretext of helping her. It is further alleged that on one such evening, when the complainant was alone at home, the applicant visited her residence and, taking undue advantage of the situation, forcibly established physical relations with her on the false promise of marriage. The complainant alleged that the applicant had inserted his fingers into her vagina and had also forcibly compelled her to perform oral sex. The complainant stated that after the said incident, she had wished to distance herself from the applicant, but he had continued to compel her into maintaining relations with him by repeatedly invoking his position as a DCP and by reiterating his promise to marry her. When the complainant started insisting on marriage, the applicant allegedly sent her a copy of a divorce petition *via* WhatsApp and assured her that he would soon obtain a divorce and marry her. He had further told her that his wife, who was earlier working with the PMO, had shifted to the United States to work at the Indian Embassy, and that the divorce would be finalized once she returned to India. The



complainant further alleged that during one of the applicant's hospitalizations, she visited the hospital and discovered that the applicant was residing with his wife. Upon confronting him, the applicant allegedly threatened to make her objectionable photographs viral. It is also alleged that on 21.01.2025, the applicant uploaded some of her objectionable photographs as his WhatsApp status. On the basis of these allegations, the present FIR came to be registered.

3. The learned counsel appearing for the applicant argued that the present case is fit for the grant of regular bail as the relationship between the parties was consensual. It was contended that the complainant is 53 years old, while the applicant is 49 years old, and therefore, it cannot be said that the complainant was unaware of the consequences of her actions. It was further submitted that during their three-year-long relationship, the parties had travelled together to various places within India without any complaint ever being made, and that the complainant was fully aware that the applicant was a married man who had not yet obtained a divorce. It was urged that the alleged trigger point in the present case was the uploading of objectionable photographs of the complainant by the applicant on his WhatsApp status. The learned counsel also contended that there are material discrepancies between the complainant's initial complaint and her subsequent statement recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita, 2023 [hereafter '*BNSS*']. He submitted that the alleged promise to marry cannot be given any credence since the complainant already knew that the applicant was



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married. It was further argued that the complainant had initially refused to hand over her mobile phone to the Investigating Officer (IO), and the same had to be seized later. In view of the above, and considering that the applicant has remained in judicial custody for over five months, it was prayed that he be released on bail.

4. On the other hand, the learned APP for the State and the learned counsel for the complainant vehemently opposed the bail application. It was argued that the applicant had falsely promised marriage to the complainant and had similarly misled two other individuals – Mr. Ankit and Mr. Sunny, both practising advocates – by claiming that he could secure housing for them under the Pradhan Mantri Awas Yojana. It was submitted that the applicant had impersonated a DCP, Narcotics, not only before the complainant but also before the said advocates and several others. Two separate complaints in this regard are already under investigation. It was further contended that the applicant had sent a fabricated divorce petition *via* WhatsApp to the complainant in order to convince her that he had initiated divorce proceedings against his wife. It was also submitted that the applicant impersonated a high-ranking police officer before several individuals, including one Inspector Padam Singh, whose statement has been recorded under Section 180 of BNSS. The applicant allegedly also spoke to Inspector Padam Singh over the phone while posing as a DCP, Narcotics, and relevant WhatsApp chats between the two were placed on record. It was pointed out that on 23.01.2025, the applicant had sent a WhatsApp



message to the complainant asking whether she would marry him within a month, and printouts of these messages form part of the charge-sheet. It was further contended that one Ms. 'V', a friend of the complainant, has also given a statement under Section 180 of BNSS, stating that she was intimidated and feared that her identity would be revealed by the applicant. The learned APP contended that the applicant's repeated impersonation of a public servant and false promise of marriage clearly vitiate the consent of the complainant, and thus, no case for bail is made out.

5. This Court has **heard** the arguments addressed by the learned counsel for both the parties and has perused the record.

6. In the present case, having gone through the records, this Court is of the opinion that the charge-sheet filed by the prosecution also includes WhatsApp chats between the applicant and the complainant, wherein the applicant had introduced himself as an Ex-Navy Captain who had later joined the NSG and was part of the team during the 2008 Mumbai Attacks. He further claimed that he was presently on deputation as DCP, Narcotics, in NCP. This Court also takes note of the statement of Inspector Padam Singh recorded on 08.03.2025, wherein he clearly stated that the applicant had impersonated himself as a DCP, Narcotics. The relevant chats placed on record in the charge-sheet also reflect the applicant messaging as "*DCP Bajwa this side*".

7. Further, this Court has perused the complaint and the



statements of Mr. Sunny and Mr. Ankit, who have corroborated the allegation that the applicant introduced himself to them as DCP, Narcotics. Therefore, the contention of the learned counsel for the applicant that the complainant was not misled or that no impersonation had taken place, *prima facie*, cannot be accepted at this stage, in view of the aforementioned material placed on record by the prosecution.

8. It was also submitted on behalf of the applicant that since the complainant was 53 years of age, a divorcee, and mother of a grown-up son, she could not have been misled into giving consent on the basis of a false promise of marriage, particularly when she admittedly knew that the applicant was already married and had not yet obtained a divorce. However, this Court notes that there are specific allegations and statements on record, including WhatsApp chats, which *prima facie* reflect that the applicant had sent a fabricated divorce petition to the complainant, thereby falsely assuring her that he was in the process of obtaining divorce. These circumstances suggest that the consent obtained for the physical relationship was not informed or voluntary but vitiated by misrepresentation.

9. This Court is, therefore, of the opinion that there is no material to suggest at this stage that the physical relationship was consensually entered into by two adults of their own free will. The complainant, although a divorcee, appears to have been misled on the basis of false assurances. It has also been brought to the notice of this Court that one of the complainant's friends, namely 'V', who is a



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witness in the case, has expressed apprehension regarding the disclosure of her identity and has alleged harassment by the applicant.

10. Considering the overall facts and circumstances of the case, the fact that material witnesses are yet to be examined, and the WhatsApp chats on record, which *prima facie* indicate the gravity of the offence alleged against the applicant, this Court does not find any ground for grant of bail at this stage.

11. Accordingly, the present bail application stands dismissed.

12. It is however clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on the merits of the case.

13. The judgment be uploaded on the website forthwith.

**DR. SWARANA KANTA SHARMA, J**

**JULY 04, 2025/A**