



2026:DHC:4704



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

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*Judgment reserved on: 05.05.2026*

*Judgment pronounced on: 25.05.2026*

*Judgment uploaded on: 26.05.2026*

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**BAIL APPLN. 1275/2026 & CRL.M.A. 9995/2026**

GAGAN KHANNA

.....Petitioner

Through: Mr. Sunil Dalal, Senior Advocate with Mr. Abhishek Singh, Mr. J. Amal Anand, Mr. Elvin Joshy, Ms. Shivani Kalra, Mr. Shubhang Tandon, Mr. K.V. Vibhu Prasad, Mr. Akshat Mishra, Mr. Ankit Rana, Ms. Shipri Palli, Mr. Bharat Khurana, Advocates along with petitioner in person.

versus

STATE OF NCT OF DELHI AND ANR.

.....Respondents

Through: Mr. Manoj Pant, APP for State.  
Mr. K.K Manan, Senior Advocate with Mr. Suchakshu Jain, Ms. Udit Bali, Ms. Akanksha Chandhok, Ms. Yakshi Kataria, Mr. Rishabh Jain, Mr. Lavish, Ms. Shivani, Ms. Jagriti, Ms. Rishika, Mr. Ankur, Advocates for complainant.

**CORAM:**

**HON'BLE DR. JUSTICE SWARANA KANTA SHARMA**



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## **JUDGMENT**

### **DR. SWARANA KANTA SHARMA, J**

1. The applicant has approached this Court seeking grant of regular bail, in case arising out of FIR bearing no. 637/2025, registered at Police Station Rajouri Garden, Delhi, for the commission of offences punishable under Sections 64(1)/351(3) of the Bharatiya Nyaya Sanhita, 2023 [hereafter 'BNS'].

2. Briefly stated, the case of the prosecution is that the prosecutrix, Ms. "R", had filed a written complaint dated 20.12.2025 alleging that in August 2025, she had mistakenly transferred an amount of ₹12,000/- to the account of the present applicant/accused Gagan Khanna. Thereafter, during subsequent conversations, the accused had allegedly represented himself to be a person having influential contacts in various Government Ministries, and had assured the prosecutrix that he would arrange a Government job for her. It has been alleged that after gaining her confidence, the accused had called her on 25.09.2025 to Hotel Saga, Green Park, New Delhi, where he had introduced her to another person claiming to be a Deputy Secretary in the Union Ministry of Information and Broadcasting, Delhi. Both of them had allegedly demanded an advance amount of ₹1,00,000/- for securing employment in All India Radio, Delhi, pursuant to which the prosecutrix had paid an amount of ₹50,000/-, on two prior occasions. It is further alleged that on 17.10.2025, the accused had again called the prosecutrix to Hotel



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Wood Castle Grand, Tagore Garden, Delhi, for the payment of the remaining amount. While she was waiting in a hotel room, the accused had allegedly offered her a soft drink, after consuming which, she had lost consciousness. Upon regaining her consciousness, she had allegedly found herself to be naked, and the accused had shown her a video which had the recording of the accused forcefully establishing physical relations with the prosecutrix. The accused had then used the same to threaten, coerce, and blackmail the prosecutrix to make such content viral on social media platforms. On the basis of the said allegations, the present FIR under Sections 64(1)/351(3) of the BNS was registered on 23.12.2025, and the accused was apprehended on 23.12.2025.

3. *As per status report placed on record*, during the course of investigation, the presence of the accused and the prosecutrix at Hotel Wood Castle Grand, Tagore Garden, Delhi, was verified from the hotel entry register, IDs submitted at the time of check-in/check-out, and statements of the hotel staff. The investigation conducted at Hotel Saga, Green Park had also confirmed the presence of both the prosecutrix and the accused through the hotel records, submitted IDs, statement of the hotel manager, and mobile location analysis. The statement of the prosecutrix under Section 183 of BNSS was also recorded on 07.01.2026, wherein she had disclosed that she had met the accused on 10.09.2025 and 20.09.2025 prior to their meeting at Hotel Saga, Green Park, New Delhi on 25.09.2025. The mobile



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location analysis of both the prosecutrix and the accused had also revealed, during the course of investigation, that they were present in close proximity at the relevant time. The prosecutrix further disclosed in her statement, that on 25.09.2025, she had met the accused at Hotel Saga, Green Park, Delhi, where the accused had introduced her to one “Sardar Ji” in connection with arranging a job in All India Radio, and based on the said assurance, she had handed over ₹50,000/- in cash to the accused. The prosecutrix further alleged that the accused had deliberately instructed her to communicate with him only through FaceTime calls on the pretext that his girlfriend frequently checked his mobile phone, whereas the said arrangement was allegedly intended to avoid leaving behind digital evidence. It is further alleged that on 17.10.2025, the accused had again called the prosecutrix to Hotel Wood Castle Grand, Tagore Garden, Delhi on the false pretext of discussing a job opportunity and had offered her a soft drink allegedly laced with an intoxicating substance, after consuming which she had become unconscious. Taking advantage of her condition, the accused had allegedly forcefully established physical relations with her, recorded an objectionable video without her consent, and thereafter had shown the said video to her on another Samsung Fold mobile phone. The prosecutrix had further alleged that the accused had also taken another ₹50,000/- in cash from her and had deleted data from her mobile phone with the intention of destroying evidence and concealing the alleged offence.



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4. The applicant was arrested on 23.12.2025, and was remanded to judicial custody on 24.12.2025. Thereafter, upon moving an application seeking bail, the applicant was granted interim bail by the learned Trial Court *vide* order dated 27.12.2025, which was extended from time to time. In the meantime, the chargesheet came to be filed. Subsequently, *vide* order dated 30.03.2026, the learned Trial Court dismissed the bail application of the present applicant and directed him to surrender on 31.03.2026. Thereafter, the present bail application was filed before this Court, and the applicant was exempted from surrendering.

5. *The learned senior counsel appearing for the applicant* argues that the genesis of the present case lies in a mistaken online transfer of ₹12,000/- made by the prosecutrix to the account of the applicant on 05.08.2025, which amount was subsequently returned by the applicant through banking channels on 22.08.2025. It is submitted that despite the applicant maintaining a professional relationship, the prosecutrix had repeatedly attempted to engage with him for personal meetings and discussions relating to employment opportunities, which has subsequently been given a malicious colour by lodging the present false complaint after an unexplained delay of about 70 days. It is further contended that serious irregularities were committed by the police during the investigation. It is submitted that on 21.12.2025, the applicant was served through WhatsApp messenger with a notice, purportedly issued in relation to DD no. 105A dated 17.12.2025,



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directing him to appear before the Police Station along with his vehicle bearing registration no. HR26EZ3128. It is argued that the said DD entry had no connection with the present FIR or the said vehicle, and even the Investigating Officer had admitted before the learned Trial Court that the notice was issued only to secure the applicant's presence in connection with the present case. It is further submitted that despite the applicant having fully cooperated with the investigation by furnishing CCTV footage of his vehicle, copies of his Aadhaar Card and driving licence, he was illegally arrested, even prior to formal registration of the FIR. The learned senior counsel appearing for the applicant further submits that the learned Sessions Court, while granting interim bail *vide* order dated 27.12.2025, had taken note of several irregularities in the investigation as well as loopholes in the prosecution story, and thereafter the interim bail was extended from time to time considering the conduct and cooperation of the applicant during the course of investigation. It is further argued that the applicant was present in Gurugram, Haryana, throughout the afternoon and evening of 17.10.2025, which is corroborated from the Call Detail Records (CDRs) annexed with the chargesheet and falsifies the allegation regarding his presence in Delhi on the date of the alleged incident. It is contended that apart from the hotel records dated 25.09.2025 and 17.10.2025, which are forged and fabricated, there is no CCTV footage or independent eyewitness to establish the presence of the applicant at the alleged places of occurrence. The



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learned senior counsel also argues that the statements of the hotel officials are unreliable and uncorroborated, and that the signatures and identity proof of the applicant had been planted on the hotel guest registers. It is submitted that the guest registers of Hotel Wood Castle and Hotel Saga were seized only on 25.01.2026, after specimen signatures of the applicant had already been obtained on 23.01.2026, which indicates deliberate manipulation by the Investigating Officer. It is also argued that the allegations of applicant meeting the prosecutrix on 10.09.2025 and 20.09.2025 in Gurugram, Haryana were not levelled in the present FIR but only mentioned in the statement under Section 183 of BNSS, which are afterthought and false. It is contended that the present FIR is a result of a larger conspiracy and forms part of an organised *modus operandi* allegedly adopted to falsely implicate and extort money from innocent persons. It is therefore prayed that the applicant herein be granted regular bail.

6. *The learned APP appearing for the State* opposes the present bail application and argues that during the course of investigation, sufficient corroborative material has been collected which *prima facie* supports the version of the prosecutrix, as the presence of the applicant along with the prosecutrix at Hotel Saga, Green Park and Hotel Wood Castle Grand, Tagore Garden was verified from the hotel guest registers, identity documents submitted at the time of check-in, and statements of the concerned hotel staff and manager. It is further submitted that the mobile location analysis of the applicant



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and the prosecutrix also revealed their presence in close proximity on 10.09.2025 and 20.09.2025. The learned APP further contends that the statement of the prosecutrix recorded under Section 183 of BNSS clearly discloses the manner in which the applicant had induced her on the false pretext of arranging employment and thereafter sexually assaulted and blackmailed her by recording objectionable videos and photographs. It is submitted that the applicant had intentionally communicated with the prosecutrix through FaceTime calls in order to avoid creation of digital evidence. The learned APP further submits that the FSL report from Rohini has already been received and the supplementary chargesheet along with the FSL result has also been filed before the concerned Court on 16.04.2026. It is argued that the preliminary examination of the mobile phone of the applicant revealed highly incriminating material, including photographs of the prosecutrix, more than 40 obscene videos, and over 450 nude and obscene images. It is further submitted that the prosecutrix had also moved an application before the Police Station on 16.04.2026 seeking filing of a revised/supplementary FSL status report before this Court, wherein reference has been made to 13 WhatsApp voice notes allegedly retrieved from the mobile phone of the applicant. The learned APP submits that in one of the voice notes, conversation relating to placement/employment is allegedly reflected, while in another voice note, the prosecutrix is allegedly heard warning the applicant not to visit her residence, thereby indicating her



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apprehension and continued harassment. As regards the challenge to the arrest, the learned APP submits that the same was carried out strictly in accordance with law. It is submitted that upon receipt of the complaint and preliminary verification from Hotel Wood Castle Grand regarding the presence of the applicant with the prosecutrix, efforts were made to join the applicant in investigation. However, the applicant allegedly avoided joining the investigation and failed to appear despite service of notice. It is further submitted that when the police team reached his residence on 23.12.2025, the applicant initially refused to cooperate and allegedly attempted to flee after being informed about the complaint, whereafter he was apprehended and arrested after compliance with due procedure under the BNSS. The learned APP further submits that crucial aspects of investigation are still pending, inasmuch as the Samsung Fold mobile phone allegedly used by the applicant for recording the objectionable video is yet to be recovered, which he failed to produce despite being on interim bail, and the identity and whereabouts of the person referred to as “Sardar Ji”, allegedly introduced by the applicant to the prosecutrix on the pretext of arranging employment, are also yet to be ascertained.

7. *The learned senior counsel appearing for the prosecutrix, while assisting the learned APP, further argues that the delay of about 70 days in lodging the FIR cannot be fatal to the prosecution case, particularly in cases involving allegations of sexual assault where the*



victim undergoes psychological trauma, fear, humiliation, and social stigma. It is submitted that the prosecutrix, being a working woman with a child, had naturally taken time to come forward and disclose the incident. It is further argued that though the written complaint was submitted on 20.12.2025, the FIR itself was registered only on 23.12.2025, and any lapse or irregularity on the part of the investigating agency cannot accrue in favour of the applicant. The learned senior counsel further submits that sufficient material has been collected during investigation, including hotel records, statement of the receptionist, common mobile locations on relevant dates, and photographs of the prosecutrix recovered from the mobile phone of the applicant, which *prima facie* connect him with the alleged offence. It is lastly contended that custodial interrogation of the applicant remains necessary for recovery of the Samsung Fold mobile phone allegedly used for recording the video, tracing the person referred to as “Sardar Ji”, preservation of evidence, and ensuring that witnesses are not influenced or intimidated. This Court’s attention was also drawn to the order dated 15.04.2026, wherein this Court had noted the submission made on behalf of the prosecutrix that she had been approached and threatened twice by the applicant, and that the recorded conversation in this regard had been handed over to the Investigating Officer along with a complaint.

8. This Court has **heard** the rival submissions, perused the status reports and the material placed on record.



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9. In the present case, as per the allegations in the FIR and the statement of the prosecutrix recorded under Section 183 of the BNSS, the prosecutrix had initially come in contact with the present applicant in August 2025 after she had mistakenly transferred ₹12,000/- to his account. It is alleged that thereafter, the applicant had gained her confidence by claiming to have influential contacts in Government Ministries and had assured her of arranging a Government job for her. The prosecutrix has alleged that after meeting the applicant on 10.09.2025 and 20.09.2025, she was called by him on 25.09.2025 to Hotel Saga, Green Park, where he had introduced her to one “Sardar Ji” in connection with a job in All India Radio and had obtained ₹50,000/- from her. It is further alleged that on 17.10.2025, the applicant had again called her to Hotel Wood Castle Grand, Tagore Garden, on the pretext of discussing the job opportunity, and had offered her a soft drink after which she had become unconscious, and upon regaining consciousness, she had found herself naked and was shown a video of the accused forcefully establishing physical relationship with her, on the applicant’s mobile phone. The prosecutrix had further alleged that the applicant thereafter had threatened and blackmailed her using the said objectionable material.

10. This Court notes that during the course of investigation, material has been collected by the prosecution which, at this stage, *prima facie* lends corroboration to the allegations levelled by the



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prosecutrix. The CDR analysis placed on record reveals that the mobile locations of the prosecutrix and the applicant were found in close proximity on 10.09.2025 and 20.09.2025. Further, though it has been argued on behalf of the applicant that his CDR location analysis, of 5.09.2025 and 17.10.2025, does not place him at the concerned hotels, this Court notes that the prosecutrix has specifically alleged in her statement that the applicant was using one Samsung Fold mobile phone as well. Therefore, the discrepancy sought to be pointed out on the basis of one mobile location cannot by itself completely demolish the prosecution case or be brushed aside in favour of the applicant, at this stage.

11. This Court further notes that apart from the mobile location analysis, the prosecution has also collected records such as registers and invoices from Hotel Saga, Green Park, and Hotel Wood Castle Grand, Tagore Garden. Statements of the managers of both the hotels have also been recorded during investigation and filed along with the chargesheet. This Court has also perused the statement of the Manager of Hotel Wood Castle Grand, who has stated that all entries are duly recorded in the register maintained by the hotel. It is also noted that the entry and exit timings of the applicant and the prosecutrix on 17.10.2025 were recorded, signed by them, and details of their identity cards were also mentioned therein. The said statement further reflects that both of them had stayed in room no. 200. *Similarly*, the Manager of Hotel Saga has also disclosed the



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details of the relevant entry register, and the entries made by the applicant and the prosecutrix on 25.09.2025, and had also furnished the invoice dated 25.09.2025, for room no. T-312, which was generated in the name of present applicant Gagan Khanna.

12. In view of the aforesaid material collected during investigation, this Court is of the opinion that the plea of *alibi* sought to be raised by the applicant cannot be accepted at this stage. The contention of the applicant that the entries in the hotel registers are forged and fabricated and that the hotel managers are falsely implicating him, cannot be accepted in the absence of any material in support thereof. Needless to state, if at any later stage any material comes on record indicating fabrication or forgery of records, appropriate consequences in accordance with law would follow.

13. This Court also notes that the FSL report in respect of the mobile phone of the applicant has been received. As per the status report, the mobile phone was found containing photograph of the prosecutrix and several obscene videos and photographs. This Court also cannot lose sight of the fact that, as per the prosecution, the Samsung Fold mobile phone allegedly used for recording the objectionable video is yet to be recovered. Further, there are specific allegations that the prosecutrix had paid ₹50,000/- to one person referred to as “*Sardar Ji*” on 25.09.2025, whose identity and role are yet to be unearthed during further investigation.

14. It is also pertinent to note that prosecutrix has also alleged that



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she was approached and threatened even during the pendency of the present proceedings before this Court. This Court had also taken note of such allegations in the order dated 15.04.2026. As per the status report filed on 25.04.2026, investigation regarding the same is still pending.

15. Considering the overall facts and circumstances of the present case, the nature of allegations, the material collected during investigation, the pending aspects of investigation, and the allegations of intimidation of the prosecutrix, this Court is not inclined to grant regular bail to the applicant at this stage.

16. Accordingly, the present bail application, alongwith pending application, is dismissed.

17. The applicant is directed to surrender before the learned Trial Court within a period of three days from date.

18. Nothing expressed hereinabove shall be construed as an expression of opinion on the merits of the case, and all observations are confined solely to the adjudication of the present bail application.

19. The judgment be uploaded on the website forthwith.

**DR. SWARANA KANTA SHARMA, J**

**MAY 25, 2026/vc**  
*TD/TS*