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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRM-M-52775-2024

Date of decision: 16.05.2025

SHYAM BAHADUR

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM: HON'BLE MRS. JUSTICE **AMARJOT BHATTI**

Present: Mr. Subhash Chand, Advocate and
Mr. Yogender Nain, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

AMARJOT BHATTI, J.

Petitioner-Shyam Bahadur has filed present petition under Section 483 of BNSS, 2023 for grant of regular bail in FIR No.268, dated 27.03.2023, under Sections 363 of IPC (Section 6 of POCSO Act has been added later on) registered at Police Station Sector-58, District Faridabad.

2. As per facts of the case, complainant 'D' gave his statement that he is father of three daughters and a son. His daughter 'K' age about 16 years was giving exams of 10th standard in Government School Jhadsetli. On 23.03.2023, at about 7 a.m. she left the house without telling anybody. He along with family members searched for her but could not locate her. With these allegations, present FIR was registered under Section 363 of IPC.

As per status report, the victim was recovered on 10.04.2023 and her statement was recorded under Section 164 Cr.P.C.. After completion of investigation, challan was presented under Section 363 of



IPC and Section 6 of POCSO Act.

3. Learned counsel for petitioner argued that he was arrested in this case on 13.04.2023. Since then he is behind the bars. Allegations levelled against him are false. Prosecution has already examined material witnesses. He is ready to abide by the terms and conditions of bail order. Therefore, his regular bail application may be allowed.

4. Bail application is opposed by learned counsel representing State. As per status report, after completion of investigation, challan was presented on 24.05.2023 and charge sheet was framed on 28.07.2023. Till date, victim has been partly examined as PW-1. At the time of alleged occurrence, she was minor and her date of birth is 05.03.2007 as per school record (Annexure R-4). Report of FSL was received and no semen was detected in vaginal swabs. Other prosecution witnesses are yet to be examined. Therefore, considering the gravity of offence, he is not entitled to be released on bail.

5. I have considered the arguments and have gone through the record as referred above. Petitioner is behind the bars for the last more than two years. Till date the statement of victim is recorded as PW-1 which is Annexure P-2. Other prosecution witnesses are yet to be examined. Trial is going at a slow pace. Petitioner cannot be kept behind the bars for indefinite period. Therefore, without expressing my mind on the merits of the case, regular bail petition filed by the petitioner – Shyam Bahadur is allowed. He is ordered to be released on bail on furnishing bail bonds and surety bonds to the satisfaction of trial Court/Duty Judge concerned. He is further directed to give undertaking that he will not contact the victim or her family in any manner.



6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

(AMARJOT BHATTI)
JUDGE

16.05.2025.
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- 1. Whether speaking/ reasoned : Yes /No
- 2. Whether reportable : Yes /No