



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

CRM-M-60026-2024 (O&M)

Date of Decision:-20.05.2025

Radhey Shyam @ Radhe Shyam @ Guddu

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Vikram Singh Punia, Advocate for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana

JASGURPREET SINGH PURI J.(Oral)

1. The present petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case bearing FIR No.314 dated 28.05.2023 under Sections 365 IPC (Sections 363 and 366 of IPC were added later on) registered at Police Station Old Industrial Area, District Panipat.

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner has been in custody for more than 1 year and 2 months and all the material witnesses have been examined except the victim-girl. He submitted that as per the allegations, the complainant who is the father of the victim-girl has stated that his daughter of the age of 14 years, was kidnapped by the petitioner. He further submitted that the FIR was initially registered under Section 365 IPC and thereafter Sections 363 and 366 IPC were added. He submitted that it was wrongly stated by the complainant that the age of the

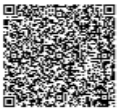


victim-girl was 14 years, whereas in fact, her age was about 18 years, as is evident from the Aadhar Card attached with the present petition. The victim-girl was also examined by the Chief Medical Officer, Gonda, who based on the X-ray report and physical appearance, opined that her age was between 18 and 19 years, vide per Annexure P-2. He submitted that the petitioner and the victim-girl are now married and considering the aforesaid facts and circumstances, the stage of the case and the period already undergone by the petitioner, he may be considered for the grant of regular bail.

3. On the other hand, learned State counsel submitted that, insofar as the custody of the petitioner is concerned, the same is correct. He also submitted that 05 prosecution witnesses, including the complainant, have already been examined. He further submitted that as per the FIR, the age of the girl was 14 years and even as per Annexure R-4, which is the school certificate of the girl, her age was about 13 to 14 years. Therefore, the petitioner does not deserve the concession of regular bail.

4. I have heard the learned counsels for the parties.

5. The custody of the petitioner is stated to be more than 1 year and 2 months and as per the learned counsels for the parties, 5 prosecution witnesses, including the complainant, have already been examined. The petitioner and the victim-girl are stated to have been married to each other. The only dispute is with regard to the date of birth of the victim-girl. Furthermore, it is neither the case of the learned State counsel nor it has been argued that if the petitioner is released on bail, he may abscond, flee from justice, influence witnesses or tamper with evidence. Therefore, considering the totality of the circumstances, particularly the custody period of the



petitioner, the stage of trial and the fact that the petitioner and the victim-girl are married to each other, this Court deems it fit and proper to grant regular bail to the petitioner.

6. Consequently, the present petition is allowed. The petitioner shall be released on regular bail, if not required in any other case, subject to furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

7. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only

(JASGURPREET SINGH PURI)
JUDGE

20.05.2025
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No