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

+ **BAIL APPLN. 3418/2025**

ASHUTOSH @ GUDDU

.....Petitioner

Through: Mr. Ashutosh Singh, Mr. Nitin Yadav, Mr. Abhinav Yadav, Mr. Shoib Malik, Mr. Kunal Yadav, Ms. Nipurna Dubey, Ms. Shivani Singla, Mr. Chandan Goswami, Mr. Inderjeet Kumar and Mr. Ankush Kumar, Advocates

versus

STATE NCT OF DELHI

.....Respondent

Through: Mr. Naresh Kumar Chahar, APP for the State with Ms. Amisha Dahiya, Advocate

CORAM:

HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

ORDER

24.11.2025

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1. By way of the present application, the applicant seeks grant of regular bail in FIR bearing no. 126/2020, registered at Police Station Paschim Vihar, Delhi, for the commission of offences punishable under Sections 363/364A/506/120B/34 of the Indian Penal Code, 1860 (hereafter '*IPC*').
2. Briefly stated, the facts of the present case are that on 13.03.2020, the complainant had reported that her eldest son, namely Aayush Pandey, aged about 7 years, had gone to a tuition class in the neighbourhood at around 07:00 PM and had left the tuition centre at about 08:30 PM, but he had not



returned home thereafter. She further alleged that some unknown person had taken away her son. On the basis of the said complaint, the present FIR under the relevant provisions of law was registered against the accused/applicant. The statement of the father of the child was subsequently recorded under Section 161 of Cr.P.C. In his statement, he stated that he is engaged in providing security guards for hotels, banquet halls, and marriage functions. He further disclosed that two individuals, namely Chander Bhan S/o Bhagirath and Ashutosh Kumar @ Guddu @ Laddu i.e., the present applicant, used to work under him but were habitual drug abusers. Due to this, he had terminated their employment, upon which they had threatened him of dire consequences. Further, it is alleged that both Chander Bhan and the applicant herein had kidnapped his son.

3. The learned counsel appearing on behalf of the applicant/accused argues that the applicant has been in judicial custody for almost 6 years and, despite such prolonged incarceration, the charges have not yet been framed. It is argued that the applicant continues to remain in custody without the commencement of trial and that the delay in the proceedings is not attributable to him. Accordingly, it is prayed that the applicant be released on regular bail.

4. The learned APP for the State, on the other hand, argues that the allegations against the accused/applicant are grave and serious in nature. It is argued that the victim child was merely 4 years old at the time of the alleged incident. It is also argued that the delay in framing of charges is on account of the non-production of one of the co-accused before the Court. Therefore, it is prayed that the present application for regular bail be dismissed.

5. This Court has **heard** arguments addressed on behalf of the learned



counsel appearing for the applicant/accused as well as the learned APP for the State, and has perused the material available on record.

6. After hearing the submissions advanced by the learned counsel for both sides and upon perusal of the case record, this Court notes that the applicant has remained in judicial custody for nearly 6 years, and yet, charges have not been framed.

7. At this stage, this Court also considers the order dated 10.01.2024 passed by the learned Coordinate Bench of this Court in Bail Application No. 2885/2023, which reads as under:

“...1. The learned counsel for the applicant complains that though the Charge-Sheet was filed on 18.06.2020, the charges are yet to be framed.

2. Learned APP explains that the delay in framing of charges is on account of the non-production of one of the co-accused before the Court. He submits that now the final direction has already been issued for the production of the said co-accused.

3. Considering the status of the case, it is expected that the learned Trial Court shall proceed further with the hearing of the submissions on framing of charges without any further delay. In case there is any further delay in framing of charges, which is not attributed to the applicant, the applicant may present a fresh application for seeking bail, which shall be considered by the learned Trial Court in accordance with law.

4. The Bail Application is disposed of with the above direction. The pending application also stands disposed of.

5. A copy of this order be sent to the learned Trial Court...”

8. The Hon'ble Supreme Court in the case of ***X v. State of Rajasthan: 2024 SCC OnLine SC 3539*** has held that *“It is only in the event if the trial gets unduly delayed and that too for no fault on the part of the accused, the Court may be justified in ordering his release on bail on the ground that right of the accused to have a speedy trial has been infringed.”*



9. Considering the overall facts and circumstances of the case, this Court is of the view that the applicant/accused is entitled to be released on regular bail on account of the inordinate delay in the conduct of the trial. Accordingly, the applicant is enlarged on regular bail, subject to verification of his residential address as well as the address of the surety, prior to acceptance of the bail bond by the learned Trial Court. The applicant shall furnish a personal bond in the sum of ₹15,000/- along with one surety of the like amount to the subject to the satisfaction of the learned Trial Court/Successor Court/Link Court/Duty Judge concerned on the following terms and conditions:

- i) The applicant shall not leave the country without prior permission of the concerned Court and if the applicant has a passport, he shall surrender the same to the concerned trial court.
- ii) In case of change of residential address/contact details, the applicant shall promptly inform the same to the concerned Court and IO/SHO concerned.
- iii) The applicant shall appear regularly before the learned Trial Court, unless exempted.
- iv) The applicant shall not communicate with, or come into contact with the complainant or any of the prosecution witnesses, or tamper with the evidence of the case, the same will become the ground for cancellation of bail.

10. Accordingly, the present bail application stands allowed and is disposed of.

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



12. The order be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J
NOVEMBER 24, 2025/zp