



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

(215)**CRM-M-20458-2026****Date of Decision: 22.04.2026**

RADHE SHYAM

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

KIRTI SINGH, J. (ORAL)

1. The jurisdiction of this Court under Section 483 of BNSS (439 of Cr.P.C.) has been invoked for grant of regular bail to the petitioner in case FIR No. 683 dated 25.08.2024 under Sections 115(2), 74, 76, 351(2), 3(5), BNS (earlier Sections 323, 354, 354-B, 506, 34 of IPC), registered at Police Station Sadar Karnal, District Karnal.

2. The translated version of the FIR is reproduced below:-

“Copy of complaint is as To, The S.H.O., Sadar Police Station Karnal. Respected Sir, it is respectfully submitted that I xxxx D/o Chaina Singh Rio Gandhi Colony, Smalkha. Today on 24.08.2024 at about 05 PM, I had brought my client Parvesh D/o Balraj Singh R/o Birholi in my car to drop her in her in-laws house Rattangarh Karnal. At about 07 PM, I made telephonic call on mobile no.868596xxxx from mobile no.989624xxxx. Radhey Shyam threatened to kill and told that this is my ancestral house. My father has disowned me. How dare you to bring my wife here. She is barren and her character is also bad. Saying this, he disconnected the call and Gurdev and Sonu standing there in the street threatened that today you have brought this whore. Today XXXXXXXXXXXXXx. The house which Parvesh has got in share, we want to buy that house. We will not let her live here. We will teach you a lesson to come here. On hearing this, I came inside and Parvesh started cooking food. At about 8.15 PM, three men came inside the house. I recorded their video. These persons on seeing us inside and while going away, locked the main gate from outside. We both got scared. Only after 10 minutes,



Hukam Chand, Rohtash, Sonu, Gurdev, Radehy Shyam and other men suddenly entered inside our room and told both of us, either do as we say. On saying this, everyone started removing our clothes. We started screaming loudly. My pant was removed. I screamed loudly. When I screamed then my clothes were torn apart. My chest was pressed with force by Rohtash. Removed my Kurtha and kicked on my private parts. I screamed loudly for saving then Rohtash hit gandasi on my head and second time hit gandasi on my hand and Sonu hit very much with saria. Hukam Chand teased Parvesh and torn apart the clothes. When Parvesh objected and screamed then Gurdev and others started hitting rods on her hand and kept on dragging by hair. We kept on screaming loudly. On hearing our screaming, people from nearby came. On seeing them, all of them ran away alongwith their weapons and while going away, they threatened us to kill that today you got saved, if again you come here then we will kill you. Strictest action may be taken against the accused persons. It shall be very kindness of you. Sd/- xxxx Applicant xxxx D/o Chain Singh R/o Gandhi Colony Ward No.5 Smalkha District Panipat 989624xxxx Date 25.08.24.”

3. Learned counsel for the petitioner submits that the petitioner, aged about 38 years, has been falsely implicated in the present case on the basis of the statement made by the complainant. It is submitted that the complainant, an advocate by profession, has leveled motivated allegations against the petitioner in order to exert pressure on him in relation to ongoing matrimonial litigation between him and his wife, to whom the complainant is well known. It is further submitted that the complainant had previously instituted as many as 10 identical complaints against various individuals, however, most of them were found to be false. Learned counsel also points out that multiple FIRs are pending against the complainant herself, in which she is currently facing trial. Infact, the complainant was convicted by the learned Additional District Judge, Panipat, and was sentenced to undergo imprisonment for a period of three years vide judgment dated 08.07.2013. Moreover, even the license of the complainant to practice law has been suspended by the Bar Council concerned. It is further submitted that there is no cogent evidence on record to substantiate the allegations against the



petitioner, who has already undergone an actual custody period of 01 year 01 month and 20 days and has clean antecedents.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. Learned State counsel states that the petitioner was actively involved in the commission of the offence. He has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone an actual custody of 01 year 01 month and 20 days. The learned State counsel, on instructions from the investigating officer concerned, submits that in the present case, charges were framed on 14.07.2025 and out of total 19 prosecution witnesses, 05 have been examined till date. Learned State counsel further submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

5. Heard the rival submissions made by learned counsel for the parties.

6. Before proceeding, a gainful reference can also be made to the observations passed by the Hon'ble Supreme Court in ***Sanjay Chandra v. CBI, (2012) 1 SCC 40***, relevant paras whereof reads thus:

"21.In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it is required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried and duly found guilty.

22.From the earliest times, it was appreciated that detention in



custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some unconvicted persons should be held in custody pending trial to secure their attendance at the trial but in such cases, "necessity" is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances."

7. Reverting to the case in hand, it is borne out from the record that charges came to be framed on 14.07.2025. Yet only 05 out of 19 cited prosecution witnesses have been examined till date. The petitioner has already remained in actual custody for a period of 01 year 01 month and 20 days.

8. While the truthfulness or otherwise of the allegations levelled against the petitioner, and the culpability, if any, would be tested and determined on the touchstone of evidence during the course of trial, the parameters governing the grant of bail necessitate a balanced consideration of the nature of accusation, the stage of the trial, the antecedents of the accused, and the likelihood of his absconding or influencing the course of justice.

9. Presently, no material has been placed on record to suggest that the petitioner poses a flight risk or that his release would impede the fair conduct of the trial, particularly when the material witnesses stand examined. Therefore, upon taking into account all the considerations stated hereinbefore, and without expressing an opinion on the merits of the case lest it may prejudice the trial, this Court is of the opinion that the continued detention of the petitioner, in the backdrop of the pace of the proceedings and the



substantial period of incarceration already undergone, would not advance the cause of justice. The guarantee of personal liberty under Article 21 of the Constitution of India, which includes the right to a speedy trial, obliges the Court to ensure that pre-trial incarceration does not assume a punitive character. The prolonged incarceration, without the prospect of the trial being concluded in the near future, would also run contrary to the settled legal principle that 'bail is the rule and jail is the exception', as reaffirmed by the Hon'ble Supreme Court in ***Dataram Singh vs. State of Uttar Pradesh and another (2018) 3 SCC 22.***

10. Accordingly, the present petition is allowed, and to ensure that the interests of justice are adequately safeguarded, the petitioner is ordered to be released on regular bail upon furnishing of adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate, subject to the following terms and conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (iii) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.
- (iv) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
- (v) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such



facts to the Court or to any police officer or tamper with the evidence.

11. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.

12. It is reiterated that the observations made in hereinabove are only for the purpose of adjudicating the present bail petition, and must not be construed as a final expression of opinion on the merits of the case.

13. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

April 22, 2026

Ritika

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>