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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CRM-M-11215-2025 (O&M)  
Date of Decision: 08.04.2025

**Radhe Shyam @ Radheshyam Tiwari**

....Petitioner(s)

Versus

**State of Haryana**

.....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present: Mr. Balvinder Sangwan, Advocate, for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

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**JASGURPREET SINGH PURI, J. (Oral)**

1. The present petition has been filed under Section 483 of BNSS for grant of regular bail to the petitioner in FIR No.35 dated 01.02.2024, under Section 346 IPC (Sections 376(2) (n), 366, 506, 120-B IPC added later on), registered at Police Station Kheripul, District Faridabad.

2. Learned counsel appearing on behalf of the petitioner submitted that it is a case where the petitioner is in custody for 1 year, 1 month and 24 days and the charges in the present case were framed on 29.07.2024 but no prosecution witness has been examined till date. He submitted that it is a case where the allegations even as per the FIR which was lodged by the father of the prosecutrix were that his daughter had left the home on 31.01.2024 at around 3.30 P.M without informing anyone and on her own will. He submitted that even as per the contents of the FIR, the daughter of the complainant had left the home on her own will and the age of the girl



was 19 years and she was major. He submitted that in fact it is a case where both the petitioner and the daughter of the complainant were in a relationship with each other and the father of the prosecutrix who is the complainant was not agreeable to the same and because of this reason, the petitioner has been falsely implicated in the present case. He submitted that even in the FIR itself the age of the prosecutrix has been recorded as 19 years and it is a settled law that two major persons can always choose their own life in this regard and it was thereafter that the petitioner himself on coming to know about the lodging of the FIR surrendered himself before the Court. He submitted that in view of the aforesaid facts and circumstances, the petitioner may be considered for the grant of regular bail.

3. On the other hand, Mr. Gagandeep Singh Chhina, AAG, Haryana appearing on behalf of the State of Haryana submitted that so far as the custody of the petitioner is concerned, the same is correct and it is also correct that the prosecutrix who is the daughter of the complainant was of the age of 19 years, even as per the FIR. He however submitted that the medical was conducted which was found to be positive and since no prosecution witness has been examined till date, the petitioner may not be granted the concession of regular bail.

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

5. The petitioner is stated to be in custody for 1 year, 1 month and 24 days. A perusal of the FIR would show that it has been so alleged by the complainant who is the father of the prosecutrix that his daughter who is of the age of approximately 19 years had left the house on her own will. In this way, it is very clear even as per the FIR that the age of the prosecutrix was



19 years and she was major. As per both the learned counsels for the parties, the charges in the present case have been framed on 29.07.2024 which is about 9 months but no prosecution witness has been examined till date.

6. In view of the aforesaid facts and circumstances, this Court deems it fit and proper to grant regular bail to the petitioner.

7. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

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

**08.04.2025**

*rakesh*

Whether speaking  
Whether reportable

**(JASGURPREET SINGH PURI)**  
**JUDGE**

: Yes/No  
: Yes/No