

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

CRM-M-1827-2025
Reserved on: 16.07.2025
Pronounced on: 31.07.2025

Harjinder Kaur ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Chander Shekhar Sharma, Advocate for the petitioner.

Mr. Jasdev Singh Thind, DAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
91	28.12.2023	Ralwalpindi, District Kapurthala	342, 386, 504, 506, 120-B IPC

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 10 of the bail petition, the petitioner declares that she has no criminal antecedents.
3. The facts and allegations are being taken from the order dated 02.02.2024 passed by learned Sessions Judge, Kapurthala, which reads as follows:

“2. xxxThe record reveals that FIR No.91 dated 28.12.2023, under Section 342/386/506/504/120-B of the Indian Penal Code, was registered at Police Station Rawalpindi, District Kapurthala, on the basis of the statement of complainant Harinder Kaul son of Sees Ram Kaul, who had stated before the police authorities that he is Advocate by profession and is practicing at Civil Court Chamber No.55, Phagwara, District Kapurthala. He had been doing practicing at Civil Courts, Phagwara. On 25.12.2023 from 1.20 P.M upto 2.59 P.M, Prabhjot Kaur wife of Harminder Singh, resident of village Rihana Jattan, Tehsil Phagwara and her accomplices gave the phone call on his mobile phone No.90415-03761 by stating that some persons of the village have tied them in their house and asked for the help. On this, he (complainant) asked them that who are they and how

they came in contact of his number. On this, the said lady said that I am Prabhjot Kaur and presently her family members are also alongwith her. On this, he replied back that he knows her and her family properly as they had been visiting him in courts. Then those persons told him (complainant) to help them out and to lodge a complaint with the police. Even the callers told him that they will also pay the legal fees to him. On assessing the situation, then the complainant took his Aactiva scooter and went to village Rihana Jattan and when he was short of their house situated at village Rihana Jattan, meanwhile one girl aged about 17-18 years came to the house. Further, complainant had submitted that when he entered their house, meanwhile one boy aged about 17-18 years, who was called by the name of Vansh also came there and he was accompanied with one lady who was aged about 30-32 years. On this, he (complainant) asked them that who is Prabhjot Kaur and they pointed at one lady that she is Prabhjot Kaur. Then Prabhjot Kaur and others took him (complainant) into one room. Meanwhile one more lady aged about 40-45 years who was called by the name of Harjinder came, who was accompanied with one boy aged in between 28-30 years, who was named Gurpreet Gopi and who was armed with datar entered the room. The said boy was called by everyone as Pardhan. The boy, who was named Vansh, was also armed with danda. On seeing the all, then he (complainant) became scared. Further, complainant had submitted that when he asked for the purpose of bringing him there, on this, they bolted the room from inside and kept him there and stated that he (complainant) is claiming to be senior Advocate and they will tell him that how cases are fought. When he resisted, on this, they started threatening him and then Prabhjot snatched his mobile phone and took the same into her possession. Even they took out the keys of his Aactiva scooter. Further, complainant had submitted that when he resisted for their acts, on this all those persons started grappling with him and also gave beatings to him. Then Prabhjot Kaur and one girl Preet took out their T-shirts and then Prabhjot Kaur told the girls that his (complainant's) cloth should also be brought down and then forcibly one packet of condom was also kept in his (complainant) jacket. Then lady Harjinder stated that younger girl Preet should be brought there and her clothes should be brought down and then they should make her video with him (complainant) so that a strong case should be registered against him. Further, complainant had submitted that all of them then forcibly made video

of him. On this, he got nervous. Meanwhile everyone also took his purse which was containing ATM cards and then all of them started blackmailing him that since his video has been made, now they will viral the same in the social media. After making the video, even they told him (complainant) that he should apologize to them. After making the video, they started calling one Harminder constantly and they made him talk with Harminder. Further, complainant had submitted that then the person who was calling him from the other side of the phone told him that he is police official and even he abused him (complainant) and told him (complainant) that false case will be registered against him. Further, complainant had submitted that then Gurpreet and Vansh made him sit in between one Aactiva scooter and then took him to the HDFC bank situated near Domeli road and told him to get the cash. Further, complainant had submitted that around 3.45 P.M, he took out the cash to the tune of Rs.50,000/- from the ATM cards which were in his name as well in the name of his wife Balwinder Kaur. Then those persons told him that he (complainant) should also use the third ATM card but since there was no cash in the same, as such, the said ATM card was never used. Then all the persons got him back to the house and demanded more money from him. Further, complainant had submitted that then he asked for his mobile phone and then from his mobile phone, he requested his fellow advocate and called him up and got transferred Rs.10,000/- and Rs.3500/- after withdrawing the same from the Paytm. Then again those two boys made him sit in between the scooter and took him to ATM machine but the person who was standing outside the machine stated that there is no money in the ATM machine. Then those persons took him (complainant) towards village Mehtiana GNA factory for withdrawing the money from the ATM machine and then again Rs.10,000/- and Rs.3500/- were withdrawn from Kotak Mohindra Bank, Phagwara. Thereafter the above mentioned persons took him to their house and started issuing him life threats and told him (complainant) that in case he will narrate the incident to anyone, then they will viral the video and false case will be registered against him. On this, he (complainant) assured them that he will not narrate the incident to anyone. Then on his request, the keys of said Aactiva scooter were handed over to him and then he returned back. Further, it was submitted by the complainant that Prabhjot Kaur wife of Harminder Singh, Harminder Singh son of Bikkar Singh, Vansh residents of village Rihana Jattan, Gurpreet @ Gopi, Rajinder, Preet

alongwith 2/3 unknown ladies have committed cheating with him and also wrongfully confined him and also snatched his articles and also abused him an also gave beatings to him and also issued life threats and also forcibly made his video and are blackmailing him and have taken Rs.63,500/- and Rs.3200/-. Thus, it was submitted that necessary action be taken.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and her family.

5. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

6. The State's counsel opposes bail and refers to the reply.

REASONING:

7. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. Per paragraph 02 of the bail petition, the petitioner has been in custody since 28.12.2023. Per the custody certificate dated 15.07.2025, the petitioner's total custody in this FIR is 01 year, 06 months and 13 days. Trial is at initial stage. Despite lapse of one and a half years, no witness has been examined so far and trial would take long time. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the clean antecedents of petitioner and the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

8. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. This order is subject to the petitioner's complying with the following terms.

12. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case, or dissuade them from disclosing such facts to the Police or the Court.

13. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

14. This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State shall file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

15. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

16. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

17. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

31.07.2025

Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.