

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

2026:PHHC:064310



214

CRM-M-15041-2026(O&M)
Date of Decision: 27.04.2026

NARINDER KAUR @ NINDER

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE NEERJA K. KALSON

Present : Mr. Sandeep Arora, Advocate
for the petitioner.

Mr. Gorav Kathuria, DAG, Punjab.

NEERJA K. KALSON, J. (Oral)

1. The present petition has been filed under Section 483 of the Bhartiya Nagarik Suraksha Sanita, 2023, (Section 439 Cr.P.C) seeking grant of regular bail to the petitioner in case bearing FIR No.179 dated 17.11.2025, under Sections 137(2), 96, 64, 62, 75(1), 75 (2), 62, 61 (2) and 351(3) of BNS, 2023 (corresponding Sections, 363, 366-A, 376, 354-A, 511, 120-B, 506 IPC, 1860) and Sections 7, 8, 18, 21 of POCSO Act, 2012 registered at Police Station Bhogpur, District Jalandhar Rural.

2. The allegation against the co-accused in the present FIR is that he kidnapped the victim on the pretext of marriage. The petitioner herein is the paternal aunt of the said co-accused and is alleged to have instigated him to take the victim away from her house to Jammu.

3. Learned counsel for the petitioner submits that the petitioner, a 40-year-old law-abiding lady, has been falsely implicated in the present case. It is contended that no specific role or allegation has been attributed to the petitioner in the FIR, and the prosecutrix has not levelled any accusations against her. The petitioner is neither alleged to have participated in the alleged occurrence nor to have committed any act of misconduct.

4. Learned counsel further submits that on the basis of the statement recorded under Section 183 of the BNS, the offences were enhanced and the petitioner came to be nominated as one of the accused in the present FIR. It is contended that the petitioner is merely a distant relative of the co-accused Simar and has been named by the prosecutrix in a vindictive manner, with an intent to pressurize the family of the said co-accused.

5. Learned counsel further contends that the prosecutrix has already been examined as PW-1, and in her deposition, she has categorically stated that the petitioner had no role in the alleged kidnapping and was never involved with co-accused Simar in any wrongful act. It is submitted that no allegations have been levelled by the prosecutrix against the present petitioner, namely Narinder @ Ninder.

6. Finally, learned counsel submits that the material witnesses have already been examined and have not supported the case of the prosecution, and there is no conclusive evidence with regard to the age of the prosecutrix. The petitioner is stated to have clean antecedents and has never been declared a proclaimed offender in the present case or in any other case.

7. Learned counsel points out that the similarly situated co-accused Gian Kaur, has already been granted concession of anticipatory bail by this Court vide order dated 22.04.2026 passed in CRM-M-7111-2026.

8. *Per contra*, learned State counsel submits that the petitioner is specifically named in the statement of the prosecutrix and has played an active role in the commission of the alleged offence by instigating the co-accused to take the victim away. It is contended that the allegations are serious in nature and pertain to the abduction of a minor, and thus, custodial interrogation of the petitioner is necessary for a fair and effective investigation. The prayer for grant of anticipatory bail is, therefore, opposed.

9. I have heard learned counsel for the parties and have perused the record.

10. Considering the submissions made by learned counsel for the parties, this Court finds that the petitioner is a 40-year-old lady. The allegations attributed to her are primarily in the nature of instigation, whereas the substantive allegations of kidnapping are directed against the co-accused, who already stands in custody. At this stage, the applicability and veracity of the allegations are matters to be adjudicated during the course of trial.

11. This Court further notes that the prosecutrix has already been examined as PW-1 and has not supported the case of the prosecution qua the present petitioner. The material witnesses have been examined and there is no specific or direct evidence connecting the petitioner to the alleged occurrence. The petitioner is stated to have clean antecedents and is not involved in any other case.

12. Accordingly, the present petition is allowed. The petitioner, namely, Narinder Kaur @ Ninder is ordered to be released on regular bail. Subject to furnishing of adequate bail bonds and surety bonds to the satisfaction of the concerned CJM /Duty Magistrate.
13. It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.
14. Pending application(s), if any, stands disposed of.

27.04.2026
Atul

(NEERJA K. KALSON)
JUDGE

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