

2026.PHHC.023978



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
CRM-M-47780-2025

Reshma
Versus
State of Punjab
...Petitioner
...Respondent

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	13.02.2026
2	The date when the judgment is pronounced	17.02.2026
3	The date when the judgment is uploaded on the website	17.02.2026
4	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Mani K. Moudgil, Advocate for the petitioner.
Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

MANISHA BATRA, J :-

The instant one is the second petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) by the petitioner seeking grant of regular bail in case bearing FIR No. 208 dated 30.10.2024, registered under Sections 333, 308(5), 308(4), 308(6), 309(2) and 61(2) of Bharatiya Nyaya Sanhita, 2023 at Police Station City Rupnagar. His previous petition bearing CRM-M-10383-2025 had been dismissed as withdrawn vide order dated 28.02.2025.

2. The aforementioned FIR was registered on the basis of the

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statement recorded by complainant Kulwant Singh alleging therein that he was a retired person and was residing along with his younger son as his wife had died. He was in search of a housemaid for doing domestic works. One of his acquaintances had given him the contact number of Reshma i.e. the present petitioner. On being called by him, she came to his house on 10.02.2023 and by assuring that she would be joining the next day, she left. On 11.02.2023, she came and started working in the house of the complainant. When someone knocked at the door, the complainant opened the gate and saw the accused Satnam, who introduced himself as a Press Reporter. He started saying that the complainant had abducted a woman and had kept her confined and had also committed rape upon her. He was carrying a cellphone and started making a video with the same after forcibly entering inside. Thereafter, he showed a pistol to the complainant and told him to follow his instructions. The complainant was forced to remove his lower clothing. The petitioner, in connivance with the co-accused, also removed her clothing and a video of the complainant with petitioner was prepared by the co-accused in that condition. Thereafter, both, the petitioner and co-accused extended threats to upload the said video on social media and demanded a sum of Rs. 4 Lakhs, otherwise they would disrepute the complainant. They took away cash amount of Rs.3 Lakhs and gold ornaments lying in his house and withdrew an amount of Rs.1 Lakh from his ATM. Thereafter, both of them started blackmailing him through phone by posing themselves as police officers and also extended threats to kill his son and himself. In this manner, they extorted an amount of

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Rs.43,89,005/- from the complainant. After registration of the FIR, investigation proceedings were initiated. The petitioner and co-accused were arrested on 30.10.2024. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that she has been falsely implicated in this case. She is in custody since 30.10.2024. Trial will take considerable time to conclude as only 05 out of 15 prosecution witnesses have been examined so far. There is no material on record to show that any money had been paid by the complainant to her at any point of time. There has been delay in reporting the matter to the police. No video recording allegedly prepared by the petitioner and co-accused has been recovered. Her antecedents are clean. No purpose is going to be served by her further incarceration. She has permanent abode. The co-accused whose case is on similar footing has already been extended benefit of bail. With these broad submissions, it is urged that the petition deserves to be allowed.

4. Learned State counsel has argued that there are serious allegations against the petitioner. Her previous petition has been dismissed as withdrawn and this petition being second one is not maintainable. There are chances of her absconding or committing similar offences, if extended benefit of bail. Therefore, it is stressed that the petition does not deserve to be allowed.

5. This Court has heard learned counsel for the parties at considerable length.

6. The petitioner along with the co-accused is alleged to have extorted a huge amount of money from the complainant by putting him in fear

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of making his video viral. This video had been alleged to be made by the petitioner and the co-accused by extending threats to the complainant and by showing the petitioner in objectionable condition with the complainant. The allegations are that all these had been done by the petitioner to extort money from the complainant. The allegations make out a prima facie case for commission of subject offences against the petitioner, however, she is in custody since 30.10.2024. A period of about one year has been passed since the date of dismissal of her previous petition as withdrawn and there was delay of one year and nine months in reporting the matter to the police. Trial is likely to take considerable time to conclude. The petitioner is not involved in any other case. It is well settled that pre-trial incarceration should not be a replica of post-conviction sentencing and that bail is the rule and jail is an exception. The object of jail is to secure appearance of the accused during trial, and it cannot be preventive or punitive. There is no possibility of conclusion of trial in near future as a substantial number of witnesses are yet to be examined. This factor, in the opinion of this Court, is a ground to move for bail afresh.

7. The Hon'ble Apex Court has observed in a catena of cases that an accused cannot be kept in custody for an indefinite period of time, and the bail application can be considered on its own merits even if it is filed repeatedly. This principle is a part of the broader approach emphasizing that law prefers bail over jail, aiming to balance the right of the accused with the requirements of the criminal justice system. Prolonged detention itself is a ground for reconsideration of bail since settled proposition of law is that

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detention prior to trial should not become punitive. As such, this Court is of the considered opinion that no fruitful purpose would be served by detaining the petitioner in custody. In view the above facts and circumstances, the petition is allowed, and the petitioner is ordered to be released on bail subject to his furnishing personal as well as surety bonds to the satisfaction of the learned Chief Judicial Magistrate/trial Court/Duty Magistrate concerned.

8. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

9. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

17th February, 2026
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |