



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

(121)

CRM-M-63146-2025 (O&M)

Date of Decision: 08.4.2026

Priya Bansal

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Bhriagu Dutt Sharma, Advocate
for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

KIRTI SINGH, J. (ORAL)**CRM-9485-2026**

The application is allowed as prayed for. Annexures P-5 and P-6 are taken on record.

CRM-10578-2026

The application is allowed as prayed for. Annexure P-7 is taken on record.

CRM-M-63146-2025

1. The jurisdiction of this Court under Section 483 of BNSS, 2023 has been invoked for grant of regular bail to the petitioner in case FIR No. 80 dated 04.4.2025 under Section 75 of BNS and Sections 8, 10, 17 and 21 of the POCSO Act, registered at Police Station Rama Mandi, District Jalandhar.

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

“Statement of Sh.Mukesh son of late Sh.Ram Parkash resident of Chowk Farid, Gali Urian Wali, H.No.2012, Amritsar aged about 36 years, Phone No.79863-xxxx, stated that I am resident of above mentioned address and my marriage was solemnized on 17.01.2012



with Priya daughter of Tarsem Garg resident of Mohalla No.16, H.No.12, Jalandhar Cantt. I have two children elder son Krishna aged 10 years younger daughter xxxx 4 year. The age of my wife Priya is 32 years. Who is harassing me from the beginning. After visiting her parental home she meet to the bad persons at their place and is indulging in this profession with the consent of her parents. On many occasions, I and my family tried to make understand her, but she is very quarrelsome nature and cleaver lady. She is out of control. My both children are studying and residing with me. But my wife Priya has bring my 4 years daughter with her to her parental home at Jalandhar. She bring my daughter with her at the place of profession at village Dhilwan, near Rama Mandi, Jalandhar, which is running by Geeta Dalal, whose mobile no.86992xxxx and mobile number of priya no.77174xxxxx, 77194xxxx, 70097xxxx and daily she is going to her parental home at Jalandhar to do the bad work by bringing my daughter with her. On dated 18.12.2024 I brought my daughter xxxx with me to Amritsar. My daughter xxxx told me that an uncle is come whose name is Buge Bhaiya. He come and beating me and is touch my private part and doing bad act with my mummy in my presence. My son has tracked the mobile phone of my wife, from which all these things has been started. But she is threatening me to kill me from her men and they are abusing me. They are saying that we will take away the girl. Whereas I want to keep my daughter with me. She is sending me vulgar pictures from the mobile of her friends i.e. m.no.73407-xxxx, 78141xxxxx and are doing bad activities. I and my children may be saved from her clutches and after taking legal action against these bad persons, justice may be deliver to me. I and my family is living in danger to our life. I have already given an application in the counseling cell Amritsar for taking action, I am producing pandrive of photographs before you. Strict legal action may be taken. Today, I come to you and got recorded my statement, which is correct.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner, aged 33 years, is the mother of the victim, and has been falsely implicated in this case by the complainant, who is her husband, due to a matrimonial dispute inter se them. It is submitted that in fact the petitioner was subjected to cruelty and exploitation by her husband since the date of their marriage, and he also attempted to force the petitioner into illicit activities for financial gain. Upon refusal of the petitioner, she was thrown out of the matrimonial house and since then she has been living separately along with her daughter. It is further submitted that the present FIR is a



counterblast to FIR No 08 dated 21.1.2025, which was got registered by the petitioner against the complainant. It is also submitted that initially, on the same set of allegations, the complainant got registered an FIR No. 29 dated 26.2.2025 under Section 8 of the POCSO Act and Section 75 of BNS wherein the petitioner has not been named as an accused, which proves the ulterior motive of the complainant behind the subsequent nomination of the petitioner in the present FIR. Even, there is an unexplained delay of 106 days in lodging the present FIR. Learned counsel for the petitioner submits that vide order dated 30.1.2026 passed by this Court in CRM-M-44506-2026, co-accused Joginder Singh alias Nikka has been granted the concession of regular bail. It is submitted that the petitioner has undergone an actual custody of 11 months and 30 days.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. She states that the petitioner was actively involved in the commission of the offence. She 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 11 months and 30 days. The learned State counsel, on instructions from SI Sukhdev Singh, submits that in the present case, charges were framed on 23.5.2025 and out of total 15 prosecution witnesses, 06 have been examined till date. She submits that in view of the serious allegations against the petitioner, she is not entitled to the concession of regular bail.

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

6. Trite to say that at the stage of considering a petition seeking bail, the Court, though not required to make a roving inquiry into the



the punishment and *prima facie*, the involvement of the accused and the material on record.

7. Before proceeding, a gainful reference can 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."

8. Reverting to the case in hand, it is borne out from the record that charges came to be framed on 23.5.2025. Yet, only 06 out of 15 cited prosecution witnesses have been examined. The pace of the proceedings, thus, indicates that the conclusion of trial is not imminent. The petitioner has already remained in actual custody for a period of 11 months and 30 days.

Co-accused Joginder Singh @ Nikka has already been granted the concession of regular bail by this Court on 30.1.2026.



9. While the truthfulness or otherwise of the allegations levelled against him 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.

10. Presently, no material has been placed on record to suggest that the petitioner poses a flight risk or that her 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.***

11. 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 she 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.

12. 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.

13. 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.

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

(KIRTI SINGH)
JUDGE

April 08th, 2026
Gurpreet Singh

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