



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

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**CRM-M-21674-2025(O&M)
Decided on : 26.05.2025**

NARINDER KUMAR BANSAL ALIAS LUCKY

. . . Petitioner(s)

Versus

STATE OF PUNJAB

. . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Shiv Kumar Sharma, Advocate,
Mr. Mohit Sharma, Advocate and
Mr. Paras Khindri, Advocate for the petitioner.

Mr. Luvinder Sofat, Sr. DAG, Punjab.

Dr. Rau PS Girwar, Advocate,
Ms. Archana Arora Rau, Advocate,
Ms. K.T.Rau, Advocate and
Mr. Ashish Sharma, Advocate for the complainant.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 483 of BNSS has been invoked for grant of regular bail to the petitioner in case FIR No.163 dated 19.12.2024 under Sections 384, 341, 201, 506, 376 and 120-B IPC, registered at Police Station Kotwali, District Bathinda.

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

*“Application PGD No.468398. To, The D.I.G., Bathinda.
Subject: Application against Rohit Kumar Bansal, mobile No.98786-09530 son of Parvinder Bansal, Narinder Bansal, mobile No.78889-30661 son of Parvinder Bansal, residents of H.No.66, M.I.G. Near Durga Mandir, Phase-1, Model Town, Bathinda, Parveen Bansal, mobile No.90414-22728 son of Pawan Kumar Bansal, resident of H.No.27892 Main Road Lal Singh Basti, Bathinda for making forcible physical relations with me and exploiting my body. Sir, It is humbly requested that I, "X (Name changed)" daughter of "Y (Name changed)", am the resident of H.No. "Z (Address changed)"-A, street No.2, Bibi Wala Road, Bathinda. That I became*



friendly with Divanshi Singla. Then Divanshi Singla, who was the friend of Narinder Bansal, introduced me with Rohit Kumar Bansal. Rohit Kumar Bansal induced me with his talks and by inducing me in his talks told me that I have a huge business. I would keep you as a queen. You marry me and I was induced with his talks. Rohit Kumar Bansal by inducing me in his talks, made physical relations with me. Thereafter, he started continuously making physical relations with me and he has also exploited my body. After making physical relations, he was clicking the photos of both of us. My parents were not aware of anything about my marriage. Rohit Kumar Bansal was demanding money from me on one pretext or the other I have given him money many times. Rohit Kumar Bansal started blackmailing me. When I remained upset from Rohit Kumar Bansal, then I told everything to my parents. That thereafter one day, all the above three persons together came to me and all three of them told me that if you would not marry with Rohit Kumar Bansal, then the photos and videos, which are with Rohit Bansal, we would upload all of them on the net. All of them got me scared and these persons took me in the car to a temple, where marriage of both was solemnized. After my marriage, Rohit Kumar Bansal again started making physical relations with me. That from the beginning, I am living in the house of my parents and I never went to the house of Rohit Kumar Bansal. That Rohit Kumar Bansal by torturing me have got my signatures on some blank papers and by producing me in the Bathinda court, got the marriage approved and for making the marriage permanent, Rohit Kumar Bansal by torturing and blackmailing me, has got filed a case of Section 9 in the Bathinda Court against him. That after the marriage, when I was going for some work, then Rohit Kumar Bansal met me in the way and started forcing me and getting me scared and threatening me that if you would not come to my house with me then you would face dire consequences. That on the day of Diwali, Rohit Kumar Bansal and his brothers came in front of our gate in the car and started uttering derogatory and insulted us in the mohalla and threatened us and were torturing me unnecessarily. That I do not want to go in the family of Rohit Kumar Bansal. Thus, a case be registered against Rohit Kumar Bansal for physically exploiting me and making forcible physical relations with me and justice be done to me. If justice would not done to me, then I would commit suicide. The inquiry of my this application be got conducted from an officer of S.P. rank. I shall be highly thankful to you.”

3. Learned Senior counsel for the petitioner submits that the petitioner has been falsely implicated in the present case on the complaint made by the prosecutrix, a bare perusal of which would reveal that no specific allegation has been levelled against the petitioner. The sole role attributed to him in the instant FIR is that of a witness at the time of the



marriage between the complainant/prosecutrix and Rohit Kumar Bansal. It is further emphasized that the identity of the parties to the marriage is not in dispute. Moreover, pursuant to their marriage, the complainant/prosecutrix filed a petition under Section 9 of the Hindu Marriage Act, 1955 before the Learned Principal Judge, Family Court, Bathinda, seeking restitution of conjugal rights, which petition was later withdrawn by her on 22.11.2023 by stating, in the presence of her counsel, that the matter had been settled with Rohit Kumar Bansal and that both parties had started residing together. It is submitted that, during the course of investigation, not only the petitioner but also the other accused persons, namely Rohit Kumar Bansal and Parveen Bansal, were arrested. Their mobile phones were seized, and upon examination, no incriminating material, be it videos or other evidence, as alleged by the complainant was found. Learned Senior Counsel argues that the complainant/prosecutrix's version is highly unreliable, as she and the co-accused Rohit Kumar Bansal had been in a consensual relationship for the past 5-6 years, yet no grievance was ever raised against any of the accused. In summation, it is reiterated that the only role attributed to the petitioner is that he was a witness to the marriage of the complainant with Rohit Kumar Bansal, who is the primary accused in the matter; and has already undergone a custody period of 04 months and 09 days and there is no other case registered against him. Further, even the similarly placed co-accused has been granted regular bail by this Court vide order dated 01.05.2025 passed in CRM-M-12046-2025.

4. Per contra, learned counsel for complainant has vehemently opposed the submissions made by the learned Senior counsel for the



petitioner. He argues that serious allegations have been levelled against the petitioner, and as such, he is not entitled to the benefit of regular bail. He submits that the petitioner, along with two other accused persons, conspired to deceive the prosecutrix by taking her to a temple under a false pretext and forcefully got performed marriage between the prosecutrix and one Rohit Kumar Bansal. It is further contended that the petitioner and the other co-accused forcibly took photographs of the prosecutrix, and no actual marriage took place between the parties. It is the contention of the learned counsel that the main accused acted in connivance with the petitioner to carry out the alleged acts. In fact the complainant had also moved a written complaint in that regard before the Investigating Agency, which though was withdrawn by her after stating that a civil suit had been filed by her for the annulment of the forced marriage that the main accused performed with her.

5. Learned State counsel 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 04 months and 09 days and there is no other case registered against him. He on instructions submits that charges were framed on 16.04.2025 and out of a total of 24 prosecution witnesses, only two witness has been examined till date. He however, submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

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

7. From a perusal of the case in hand, it transpires that the petitioner has been in custody for the past 04 months and about 09 days and has no other case registered against him. Investigation is complete. The



final report under Section 173 Cr.P.C. was presented before the concerned Court and the trial of the case has not made much progress, as charges were framed on 16.04.2025 and out of a total of 24 witnesses, only 02 witness has been examined so far. Similarly placed co-accused has been granted regular bail by this Court vide order dated 01.05.2025 passed in CRM-M-12046-2025. The culpability, if any would be determined at the time of trial. No useful purpose shall be served by further detention of the accused/petitioner. Keeping the petitioner in further detention without the prospect of the trial being concluded in the near future, would be violative of his rights under Article 21 of the Constitution of India including the right to speedy trial, and is against the principle “ Bail is a rule, jail is an exception” as elucidated in the judgment of Apex Court in “***Dataram Singh vs. State of Uttar Pradesh and another***”, (2018) 3 SCC 22.

8. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing adequate bail/surety bonds to the satisfaction of the concerned learned trial Court/Duty Magistrate. The petitioner shall also abide by the following 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 they are accused of, or for commission of which he 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.



9. 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.

10. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

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

(KIRTI SINGH)
JUDGE

26.05.2025

Kavita

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No