



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

(122)

**CRM-M-71824-2025 (O&M)
Date of Decision: 20.3.2026**

Narinder Kumar Kanda @ Narinder Kanda

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Dilpreet Singh Gandhi, Advocate
for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

KIRTI SINGH, J. (ORAL)

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. 43 dated 20.3.2025 under Sections 74 (added later on), 75 and 351(2) of BNS, 2023, registered at Police Station Nangal, District Rupnagar.

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

“Statement of xxxxx W/o Kartik Sharma resident of S No./SCF 05 Sector-4 Market, Naya Nangal Police Station Nangal District Rupnagar aged about 29 years Mob.: 76588-xxxxx, "Stated that I am resident of above mentioned address. I am doing work at NFL Hospital for the last 3 years 10 months and from the last one year, Vanshika Enterprises to whom Mr. Narinder Kumar Kanda r/o 599 Shivalik Avenue Naya Nangal is running, who is mentally and sexually harassing me for the last 5 months and asking me to make physical relations with me if not then you will out from the work. When I did not agree their wish, they marked my absent and physical torture me twice. When I told this matter at my home and to the hospital then he start threatening through other persons.



Therefore strict legal action be taken against Narinder Kumar Kanda. This statement has been recorded in the presence of husband Kartik Sharma. Heard and is correct.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case by the prosecutrix-complainant. It is submitted that the petitioner is the sole proprietor of M/s Ram Singh Kanda and sons, has maintained a long-standing and consistent contractual relationship with National Fertilizers Ltd. (NFL) and has duly fulfilled all contractual obligations and business dealings with the said firm. It is further submitted that the complainant was engaged as a Nurse at the NFL Hospital through M/s Vanshika Enterprises, and the said firm was being operated by the ex-wife of the petitioner. Therefore, the complainant was neither employed by the petitioner, nor working under his supervision or authority in any manner. It is submitted that when the petitioner refused to comply with the demands of certain officials of NFL and started demanding his outstanding dues from the said firm, the relations between the petitioner and a few officials of NFL became strained, whereafter frivolous complaints were filed against the petitioner. It is further submitted that due to inefficiency and misconduct of the complainant, a recommendation was made to the Chief Medical Officer, NFL for her termination. Subsequently, the complainant lodged her first complaint on 18.2.2025. However, she moved another complaint on 20.2.2025 by narrating an improved version therein, whereafter the present FIR was registered against the petitioner. Even, there is a delay of one month in registration of the present FIR. Learned counsel has placed reliance on Annexure P-6 to contend that the complainant had left the employment on 16.10.2024. However, in her affidavit (Annexure P-7) she stated that she continued working with the firm concerned till 16.11.2024. It is also submitted that the petitioner has also



filed a petition bearing No. CRM-M-20308-2025 seeking anticipatory bail, which was dismissed by this Court on 23.5.2025. He further submits that the complainant stands examined, and that the petitioner has undergone an actual custody of 05 months and 15 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 05 months and 15 days. The learned State counsel, on instructions from ASI Madan Lal, submits that in the present case, charges were framed on 29.1.2026 and out of total 13 prosecution witnesses, 01 has been examined till date. It is further submitted that one another FIR has also been registered against the petitioner. She submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

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

6. 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."*

7. Reverting to the case in hand, it is borne out from the record that charges came to be framed on 29.1.2026. Yet, only 01 out of 13 cited prosecution witnesses has 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 05 months and 15 days.

8. As regards the submission of learned State counsel that petitioner is involved in one another criminal case, it has been held by the Hon'ble Supreme Court ***in Maulana Mohd. Amir Rashadi Vs. State of U.P. and another, 2012 (2) SCC 382*** that the facts and circumstances of the present case are to be seen while deciding a bail application and the bail application of the petitioner cannot be rejected solely on the ground that the petitioner is involved in another case. The relevant portion of the said judgment is reproduced herein-below:-

"As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court etc."

9. While the truthfulness or otherwise of the allegations levelled against the petitioner, 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. No doubt, the anticipatory bail of the petitioner was dismissed by this Court, however, now that the material witness viz. the complainant has already been examined before the learned trial Court, and since no material has been placed on record to suggest that the petitioner poses a flight risk or that his release would impede the fair conduct of the trial, therefore, 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, 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, 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 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.

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

March 20th, 2026
Gurpreet Singh

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