



**108+222 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-25267-2025 in/and

CRM-M-26141-2025

Date of decision: 09.07.2025

LALIT SHARMA ALIAS LALIT ALIAS LALIT NARAYAN

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Sachin Sharma, Advocate for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

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This is an application filed under Section 528 of BNSS, 2023 for placing on record the copy of report under Section 193(3) of BNSS, 2023 as Annexure P-3.

Allowed as prayed for.

Copy of report under Section 193(3) of BNSS, 2023 is taken on record as annexure P-3, subject to all just exceptions.

MAIN CASE

1. This is the first petition filed under Section 483 of Bhartiya Nagrik Suraksha Sanhita, 2023 for grant of regular bail to the petitioner in case bearing FIR No.27 dated 06.03.2025 registered under Sections 21-b, 29 of NDPS Act and Section 25 of Arms Act, 1959 and Section 27-A of NDPS Act added vide *Rapat* No.23 dated 08.03.2025 at Police Station Sirhali, District Tarn Taran.

2. Brief facts of the case are that on 06.03.2025, ASI Lakhwinder Singh along with his fellow police officials were on patrol duty, in connection with the search of bad elements and they were going from CIA Tarn Taran to



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Sheron, Naushehra Pannuan, Thathian Mahanta and when police party reached in front of office of PSPCL, three persons were seen standing there. On seeing the police party, they tried to turn back and out of them, one person took out a polythene packet from his right pocket of his pant and threw the same in the side of *kachha* road. On suspicion, the ASI apprehend them and asked their names one by one. On inquiry, the person, who threw the polythene packet disclosed his name as Jashanpreet Singh @ Giani, son of Jaspal Singh, R/o Naushehra Pannuan, second person disclosed his name as Jobanjit Singh @ Joban son of Harpal Singh, R/o Khalra and third person disclosed his name as Manpreet Singh @ Manna, son of Sukhwinder Singh, R/o Choudhariwala, Naushehra Pannua. The polythene packet was picked up from the ground by Jashanpreet Singh @ Giani and he told that the same contained heroin. On personal search of co-accused, a 30 bore pistol was recovered from left dub. Co-accused Navalpreet Singh and Ramaneet Singh were nominated in this case. The name of accused Lalit (petitioner herein) was nominated at the disclosure statement of co-accused Navalpreet Singh @ Goldy and Ramneet Singh @ Raman and from his possession Rs.20,000/- Indian Currency as drug money and one money counting machine were recovered.

3. Learned counsel for the petitioner *inter alia* contends that the petitioner is not named in the FIR (*supra*) and admittedly, nothing has been recovered from his conscious possession as the alleged contraband has been recovered from the conscious possession of co-accused, namely, Jashanpreet Singh @ Giani and Jobanjit Singh @ Joban, who were apprehended at the spot



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along with contraband. He further contends that accused Jobanjit Singh @ Joban suffered a disclosure statement during his custodial interrogation and nominated one person, namely, Navalpreet Singh @ Goldy, who further nominated the petitioner as accused. Learned counsel submits that at the instance of the petitioner, an amount of Rs.20,000/- along with the money counting machine, is alleged to have been recovered. Learned counsel further submits that apart from the disclosure statement, there is no legal evidence against the petitioner to connect him with the alleged recovered contraband. The investigation of the case is complete. The petitioner is not involved in any other case and out of total 17 prosecution witnesses, none has been examined till date.

4. Learned State counsel produces the custody certificate of the petitioner, which is taken on record and *per contra* opposes the grant of regular bail to the petitioner on the ground that there is sufficient material available on record to prove his complicity, as such, he is not entitled to any relief. However, he could not controvert the fact that the petitioner is not involved in any other case.

5. Having heard learned counsel for the parties and after perusing the record of the case, it transpires that the petitioner is behind the bars from the last 03 months and 28 days. Investigation is complete. The final report under Section 173 Cr.P.C. was presented before the concerned Court and trial of the case will take considerable long time to conclude as out of total 17 prosecution witnesses, not even a single witness has been examined so far. 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.



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6. A two Judge Bench of Hon'ble Supreme Court in '**Satender Kumar Antil v. CBI**' (2022) 10 SCC 51, with respect to prevailing conditions of undertrial prisoner in India has observed:

"6. Jails in India are flooded with undertrial prisoners. The statistics placed before us would indicate that more than 2/3rd of the inmates of the prisons constitute undertrial prisoners. Of this category of prisoners, majority may not even be required to be arrested despite registration of a cognizable offence, being charged with offences punishable for seven years or less. They are not only poor and illiterate but also would include women. Thus, there is a culture of offence being inherited by many of them. As observed by this Court, it certainly exhibits the mindset, a vestige of colonial India, on the part of the investigating agency, notwithstanding the fact arrest is a draconian measure resulting in curtailment of liberty, and thus to be used sparingly. In a democracy, there can never be an impression that it is a police State as both are conceptually opposite to each other."

7. In view the discussion above, the present petition is allowed. Accordingly, without commenting upon the merits of the case, the petitioner-Lalit Sharma @ Lalit @ Lalit Narayan is ordered to be released on regular bail during pendency of the trial, on furnishing bail bonds/surety bonds to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate.

8. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

**(HARPREET SINGH BRAR)
JUDGE**

July 09, 2025
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(i) Whether speaking/reasoned
(ii) Whether reportable

Yes/No
Yes/No