



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

236

CRM-M-13863-2025  
Decided on : 14.05.2025

Naina Sharma . . . Petitioner(s)

Versus

State of Punjab . . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Lavanya Gupta, Advocate  
for the petitioner(s).

Mr. Manjinder S. Bhullar, DAG, Punjab.  
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SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed here-under:-

| Name of<br>Petitioner(s) | FIR<br>No. | Date       | Section(s)                                                     | Police<br>Station      | District |
|--------------------------|------------|------------|----------------------------------------------------------------|------------------------|----------|
| Naina Sharma             | 43         | 13.03.2024 | 21(c), 29, 27 of NDPS Act, 1985 and Section 25 of the Arms Act | STF, Sector 79, Sohana | Mohali   |

2. As per the case of the prosecution, on receipt of secret information, a *nakka* was installed at Madanpur Chowk, Mohali. Thereafter, upon stopping a car bearing registration No. DL-8C-AW-9177 (make: Swift, colour: white), and conducting a search, 400 grams of Heroin was recovered from beneath the driver's seat, and a .32 bore (7.65 mm) pistol along with 6 live cartridges were recovered from the pocket of Karandeep Singh @ Karan.



3. Learned counsel argues that as per the allegations, the petitioner and her husband – Sanjiv Kumar @ Sanjay – were also present in the car, and solely on that basis, without any direct connection with the recovered contraband or weapons, both were implicated as accused in the present case.

Further submits that the question of conscious possession by the petitioner and her husband – Sanjiv Kumar @ Sanjay, is yet to be determined by the trial Court upon the prosecution leading evidence to that effect. The petitioner is stated to be in custody since 13.03.2024, i.e., for a period of more than one year. Therefore, learned counsel prays for the grant of regular bail to the petitioner.

4. On the other hand, learned State counsel has filed status report dated 06.05.2025, in Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

A copy thereof has been handed over to the counsel for the petitioner.

5. While vehemently opposing the prayer for bail, learned State counsel submits that in view of the substantial recovery of narcotic contraband, weapon, and live cartridges, none of the accused, including the present petitioner, is entitled to the concession of regular bail without first establishing their innocence.

6. On being queried, learned State counsel informs that out of the total prosecution witnesses, none has been examined so far, and the petitioner has been in custody for approximately 1 year, 1 month, and 27 days.

It is further informed that a No Objection Certificate (NOC) for



the car bearing registration No. DL-8C-AW-9177 was issued by its previous owner in favour of the main accused Karandeep Singh @ Karan, who is a resident of Tarn Taran area.

7. Thus, as evident from the FIR, the main accused – Karandeep Singh @ Karan – from whom the recoveries were made and who is linked to the car in question, belongs to District Tarn Taran, whereas the present petitioner and her husband are residents of House No. 326, Baba Ishar Singh Colony, P.S. Sadar Jalandhar, District Jalandhar.

Besides, learned State counsel also informs that no other case, either of similar nature or of any other kind, has ever been registered against the present petitioner.

8. Therefore, from the attending circumstances and the fact that the petitioner and her husband were travelling along with the main accused – Karandeep Singh @ Karan – in the car, and it is the said main accused who appears to have come from the area of Baltana, District SAS Nagar, Mohali and had joined the company of the petitioner and her husband thereafter, the issue of conscious possession, viz-a-viz the recovered contraband and weapon, is definitely a matter to be ascertained by the learned trial Court.

9. Taking note of the submissions and the circumstances, noticed here-above, I deem it appropriate to consider the petitioners' plea for grant of bail.

10. Consequently, prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of the learned trial Court/ Chief Judicial Magistrate/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in



any other case.

11.           Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

12.           The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

13.           It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

14.           Petition stands disposed of.

(SANJAY VASHISTH)  
JUDGE

May 14, 2025  
J.Ram

Whether speaking/reasoned:    Yes/No  
Whether Reportable:            Yes/No