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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.16496 of 2026

Lachhmi Devi @ Lachmi Kaur ... Petitioner

Versus

State of Punjab ... Respondent

1.	The date when the judgment is reserved	23.04.2026
2.	The date when the judgment is pronounced	27.04.2026
3.	The date when the judgment is uploaded on the website	27.04.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Hitesh Verma, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J.

1. The present petition has been filed by the petitioner under
Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short

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“BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
315	27.06.2024	City Barnala, District Barnala	22 and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘NDPS Act’)

2. As per the allegations, on 27.06.2024, on receipt of a secret information to the effect that the accused Vakil Singh, Gurpiar Singh, Manish Kumar and Rohit Kumar were indulged in procurement of intoxicating tablets and then selling the same in the vicinity and on that very day also, they were trying to sell such tablets in the area of Anaj Mandi, Barnala, a raiding party was formed which reached at the informed place and apprehended the aforementioned accused and 700 loose intoxicating tablets were recovered from their conscious possession, which were taken into custody by the police. The above named accused were formally arrested. On interrogation, they suffered disclosure statements to the effect that they used to bring intoxicating tablets from the accused Vivek Kumar, Jaspal Dass, Jeevan Bisnet, Manpreet Kaur, Rani Kaur and the present petitioner and were working in connivance with each other.

3. As per the further allegations, during the course of investigation, statements of Manohar Lal @ Mohna and Harpreet Kumar @ Lambu were also recorded. Manohar Lal @ Mohna stated that on 20.06.2024, he had seen the accused Vakil, Gurpiar, Manik and Rehit while taking some articles from the present petitioner and co-accused Manpreet

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Kaur and Rani Kaur and that on 21.06.2024, the above named Vakil etc. had made an extra judicial confession before him that they had taken intoxicating tablets from the petitioner, Rani Kaur and Manpreet Kaur and had sold the same to other accused who were apprehended. Harpreet Kumar @ Lambu separately recorded his statement that the accused Jaspal Dass, Vivek Kumar, and Jiwan Bisnet, had disclosed to him that they had purchased intoxicating tablets from the petitioner and other accused and had sold them further to the accused who had been apprehended. On the basis of disclosure of co-accused and the witnesses, the petitioner was nominated as an accused and was arrested on 05.02.2026. Investigation qua the petitioner now stands concluded.

4. It is argued by learned counsel for the petitioner that she has been falsely implicated in this case on the basis of disclosure statement of the co-accused and statements of some persons who are not at all known to her. She is in custody since 05.02.2026. No recovery has been effected from her. She is not required for further investigation. The trial will take considerable time to conclude. No useful purpose would be served by detaining her in custody any more. She is on bail in other cases registered against her. It is, therefore, argued that the petition deserves to be allowed.

5. Status report and custody certificate have been filed. Learned Assistant Advocate General, Punjab has argued that keeping in view the gravity of the allegations as levelled against the petitioner, she does not

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deserve to be extended benefit of bail.

6. This Court has considered the rival submissions.

7. The petitioner along with the co-accused Rani Kaur and Manpreet Kaur is alleged to have supplied intoxicating tablets to the accused Jaspal Dass, Jiwan Bisent and Vivek Kumar who are further alleged to have supplied the same to the accused Vakil Singh, Gurpiar Singh, Manish Kumar and Rohit Kumar from whom the contraband had been recovered. She had been nominated on the basis of disclosure statements. However, the said disclosure statements have not been produced on record by the respondent-State despite the fact that vide order dated 02.04.2026, specific direction had been given to the respondent to place the same on record. Statements of Manohar Lal and Harpreet Singh recorded under Section 180 of BNSS (Section 161 of Cr.P.C.) have been annexed with the status report. The case of the prosecution is that the name of the petitioner was disclosed by the co-accused, from whom recovery of commercial quantity of contraband has been effected. As per their disclosure statements, they had sourced the contraband from the petitioner. In *Tofan Singh Vs. State of Tamil Nadu, (2021) 4 SCC 1*, it was observed by Hon'ble Apex Court that the disclosure statements made under Section 67 of NDPS Act, are inadmissible in evidence unless corroborated by independent material. While the veracity of the disclosure statement against the petitioner will be tested during the course of trial, however, at this stage, it cannot be ignored that no

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recovery was ever effected from the petitioner. The petitioner is in custody since 05.02.2026. Challan has been presented. The trial will take time. The object of jail is to secure the appearance of the accused during the trial and it can neither be punitive nor preventive and the deprivation of liberty has been considered as a punishment. Even otherwise, pre trial incarceration should not be a replica of post conviction sentencing. As per the discussion made above, this Court is of the considered opinion that a case for release of the petitioner is made out. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to her furnishing personal/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned and on the following conditions:-

- (i) the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case or tamper with the evidence of the case in any manner whatsoever.
- (ii) she shall not leave the country under any circumstance without permission of the learned trial Court.
- (iii) she shall appear before the learned trial Court as and when directed.
- (iv) she shall provide her permanent address as well as present address before the learned trial Court at the time of furnishing of bonds and shall not change the same without informing the trial Court.

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- (v) She shall also give details of her mobile phone number(s) to the learned trial Court at the time of furnishing of bonds and in case, any change in her mobile phone number takes place, then she shall inform about the same to the learned trial Court in advance and shall keep her mobile phone switch on all times.
8. In the event of there being any FIR/complaint lodged against the petitioner, it shall be open to the respondent to seek redressal by filing an application seeking cancellation of bail.
9. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

27.04.2026
manju

(MANISHA BATRA)
JUDGE

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