

S. No.233

2024:PHHC:058171

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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CRM-M-18670 of 2024

Date of Decision:29.04.2024

Shamsher Singh @ Shera

.....Petitioner

Vs.

State of Punjab

.....Respondent

**CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA**

Present:- Mr. Amit Arora, Advocate for the petitioner.

Mr. Sahil R. Bakshi, AAG, Punjab.

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**DEEPAK GUPTA, J. (Oral)**

By way of present petition filed under Section 439 Cr.P.C., petitioner prays for grant of regular bail in case FIR No.391 dated 17.10.2022 registered under Section 21(C) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') at Police Station Goindwal Sahib, District Tarn Taran.

As per prosecution allegations, a police party headed by ASI Jasbir Singh, apprehended the petitioner – Shamsher Singh @ Shera and co-accused Dalbir Singh on 17.10.2022, while they were riding on a scooty. On opening the boot of the scooty, 270 grams of heroin was recovered.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated; that similarly placed co-accused Dalbir Singh has already been allowed bail by a co-ordinate Bench of this Court vide order dated 25.08.2023 passed in CRM-M-41440 of 2023 (O&M) copy of which is Annexure P.5; that the petitioner is in custody for the last more than one year and six months and that the trial is likely to take long time to conclude, so, he be allowed bail.

Notice of motion.

Mr. Sahil R. Bakshi, AAG, Punjab, accepts notice on behalf of the respondent- State.

Learned State Counsel has placed on record the custody certificate, as per which petitioner is in custody for the last 01 year 06 months and 10 days. Petitioner is also shown to be involved in three more cases out of which one pertains to the NDPS Act.

However, it is not disputed by learned State Counsel that case of the petitioner is on parity with co-accused Dalbir Singh, who has since been allowed bail by a co-ordinate Bench of this Court vide order dated 25.08.2023 (Annexure P.5).

Learned State Counsel, on instructions from ASI Jaspal Singh, also informs that out of 11 witnesses cited by the prosecution, only three have been examined so far and thus trial is likely to take long time to conclude.

Having regard to all the afore-said facts and circumstances of the case, but without commenting anything further on the merits of the case, the present petition is allowed. Petitioner is admitted to bail on his furnishing bail bonds and surety bonds to the satisfaction of learned trial Court/ Duty Magistrate, on usual terms and conditions.

April 29, 2024  
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( DEEPAK GUPTA )  
JUDGE

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|---------------------------|--------|
| Whether Speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |