



**219 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-45134-2023

Date of decision : 18.12.2024

Sher Singh @ Shera

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Prateek Pandit, Advocate
for the petitioner.

Mr. Tarun Aggarwal, Sr. D.A.G., Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed by the petitioner for grant of regular bail in case FIR No.233 dated 07.10.2022, under Sections 21(b), 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station City Kapurthala.

2. Succinctly the facts of the case are that on 07.10.2022 the Police party while on patrolling spotted two youngsters coming along with bags. On seeing the police, they got perplexed and threw their bags which were carried by them. On suspicion they were apprehended by the police and on asking, they disclosed their name as Manpreet Singh @ Mani and Sher Singh @ Shera (present petitioner). They were asked for the search of the bags which were thrown by them and on conducting the search, 1120 intoxicant tablets were recovered from the bag carried by Sher Singh @ Shera (petitioner) and 10 grams of heroin was recovered from another bag which was thrown by Manpreet Singh. They failed to produce any licence for possession of the same and thus, the FIR was registered and they were arrested on spot. Samples were taken from the contraband and sent to the FSL. The petitioner approached the Learned Judge, Special



Court, Kapurthala for grant of bail, however, after hearing both the sides and finding no merits, the same was declined by the Ld. Judge, Special Court, Kapurthala vide order dated 07.06.2023. Aggrieved by the same, petitioner is before this Court by way of filing the present petition.

3. It has been vehemently contended by counsel for the petitioner that petitioner has been falsely implicated in the present case. It is submitted that the alleged recovery was made at a public place, however, no public witness was joined by the investigating agencies. He submits that the petitioner also produced the CCTV footage as per which the recovery shown is not true and the case of the prosecution is falsified. He submits that the petitioner is behind bars from last more than 02 years but till date the trial is not concluded. He submits that the petitioner is involved in total 11 cases, out of which in 07 cases, he is acquitted and in remaining 04 cases, he is on bail. He submits that the pendency of other cases cannot be a ground for not considering the bail of the petitioner in the present case. He submits that in the facts and circumstances of the present case, petitioner deserves to be granted regular bail.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner and on instructions, has submitted that the petitioner is a habitual offender who is facing prosecution in other cases as well. He submits that the recovery from the petitioner was found to be commercial quantity weighing 444.64 grams of Tramadol. He submits that out of total 10 prosecution witnesses 02 witnesses remain to be examined and the next date before the trial Court is 22.01.2025.

5. After hearing counsel for the parties and perusing the record, it is apparent that the petitioner was arrested on 07.10.2022 and the

recovery was effected from the bag allegedly thrown by the petitioner, which as per the FSL, weighing 444.64 grams Tramadol which is a commercial quantity, however, it is apparent that the petitioner is behind bars from last more than 02 years and the trial is not concluded yet. Though the petitioner is involved in 11 other cases, however, out of them in 07 cases he is acquitted and in rest of the 04 cases he is on bail. Merely pendency of other cases cannot be a ground for the denial of the bail once the trial is not concluded and is being delayed

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

18.12.2024
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(RAJESH BHARDWAJ)
JUDGE

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