



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

223

CRM-M-3540-2025

Decided on : 28.01.2025

Shamsher Singh @ Shera

. . . Petitioner(s)

Versus

State of Punjab

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**PRESENT:** Mr. Amit Arora, Advocate
for the petitioner(s).

Mr. Amandeep S. Samra, AAG, Punjab.

SANJAY VASHISTH, J. (Oral)

1. The instant petition has been filed under Section 483 of BNSS, 2023, for grant of regular bail to the petitioner – Shamsher Singh @ Shera, who has been booked for having committed the offence punishable under Sections 21(c) & 25 of the NDPS Act, 1985, in FIR No. 237, dated 09.08.2023, registered at Police Station STF, SAS Nagar (Mohali), during the pendency of trial.

2. Learned counsel for the petitioner *inter alia* contends that recovery of about 400 grams of 'Heroin' has been effected from the petitioner during a personal search. Further contends that in the notice issued under Section 50 of the NDPS Act, the accused (petitioner herein) has been given the option by the Investigating Officer (I.O.) to be searched at his own instance also, which is against the principle of law laid down the Hon'ble Apex Court in **State of Rajasthan v. Parmanand and another, 2014(2) RCR (Criminal) 40 : Law Finder Doc Id # 528107.**

3. Learned counsel further submits that a false case has been planted, in which the petitioner has already been inside jail for the period about 01 year,



05 months and 13 days. The trial is also proceeding at a very low pace, as out of the total 11 prosecution witnesses, only 3 have been examined so far. At this pace, the trial is not likely to be culminated in the near future. Thus, he prays for releasing the petitioner on regular bail, as the question of liberty of the petitioner is involved herein.

4. *Per contra*, learned State counsel while opposing the prayer made in the petition, submits that petitioner is involved in a very serious offence, which is menace for the whole society. Besides, the contraband recovered from the petitioner falls under the commercial quantity. Although the stage of the trial and the total period of incarceration is not denied by the learned State counsel.

5. He further submits that instances of such offences are on the rise in the State of Punjab, and therefore, release of the petitioner on regular bail may send a wrong message to the society. Thus, he vehemently opposes the regular bail petition of the petitioner and prays for dismissal of the same.

6. After hearing learned counsel for the parties, considering the submissions recorded here-in-above, and examining the record available on the case file, some facts are noticed: the petitioner – Shamsher Singh @ Shera, is a young person of about 28 years old, and he can be afforded one chance to rise up and rehabilitate himself in society, enabling him to join the normal course of life.

7. It is also noticed that the petitioner has already suffered incarceration for more than 1 year, 5 months, and 13 days, and only 3 witnesses have been examined out of the total 13 prosecution witnesses so far. Besides, the petitioner is not involved in any other similar activity.

8. The legal argument raised by learned counsel for the petitioner *qua* notice under Section 50 of the NDPS Act, is not required to be examined at



this stage, because, same would be subject matter of decision, at the time of final stage of trial.

Moreover, by considering the other circumstances in their entirety, I find that this is a fit case for granting the concession of regular bail to the petitioner.

9. Consequently, the prayer made in the present petition is **allowed**. Petitioner is ordered to be released on bail in this case, 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.

10. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

11. The observation made here-in-above shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of evidence available on record.

12. It is further made clear that if in future petitioner is found indulged in similar kind of activities, prosecution would be at liberty to seek cancellation of bail in the present case.

13. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

January 28, 2025

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*