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

CRM-M-4458-2025**Date of Decision: 30.01.2025**

Shamsher Singh alias Shera

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Ankur Jain, Advocate
for the petitioner.

Mr.M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 with a prayer to grant regular bail in case FIR No.61 dated 12.06.2023 registered under Sections 21(b)/27-A of NDPS Act (Section 29 of NDPS Act was added later on) and Section 25 of Arms Act, at Police Station Sadar, Gurdaspur.

2. Learned counsel for the petitioner contends that the petitioner was not named in the FIR and has been nominated as an accused in the present case on the basis of the disclosure statement suffered by his co-accused. He further contends that even during the course of investigation, there was no incriminating evidence against the petitioner and he was arrested on 17.08.2024 i.e. after 01 year and 02 months of registration of the FIR, which shows that he has been falsely involved in the present case with some ulterior motive. He further contends that the petitioner is in custody for the last more than 05 months and the final report under Section 173 Cr.P.C. has been presented



against him. He further contends that no contraband was recovered from the petitioner and has been falsely involved in the present case.

3. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that four more cases were ordered to be registered against the petitioner and the petition is liable to be dismissed by this Court.

4. I have heard the learned counsel for the parties and perused the record.

5. No doubt, four more cases have been registered against the petitioner, but the petitioner cannot be denied the concession of bail in the present case only on that ground because the petitioner has been able to make out a case for grant of bail in the peculiar facts and circumstances of the present case. The reliance can be placed on the law laid down by the Hon'ble Supreme Court in the matter of "***Prabhakar Tewari Vs. State of U.P., and another***" 2020(1) R.C.R. (Criminal) 831, wherein it has been held that the pendency of several criminal cases against the accused cannot be the basis to refuse the prayer of bail. Similar observations have been made by the Hon'ble Supreme Court in the matter of "***Maulana Mohd. Amir Rashadi Vs. State of U.P., and another***" 2012(1) R.C.R. (Criminal) 586. In the present case, the petitioner is stated to be in custody for the last more than 05 months and no recovery was effected from him. Even the quantity of contraband recovered from the co-accused and Rs.99,400/- as drug money, falls within the ambit of "non-commercial quantity". Thus, the conclusion of the trial may take quite a long



time and further custody of the petitioner will not serve any meaningful purpose.

6. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned, subject to 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, so as to dissuade him to disclose such facts to the Court or to any other authority.*

(ii) *The petitioner shall remain present before the Court on the dates fixed for hearing of the case.*

(iii) *The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.*

(iv) *The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.*

(v) *The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.*

(vi) *In case, the petitioner involves in any other criminal activity, during the pendency of the trial, it shall be viewed seriously.*

(vii) *The concerned Court may insist on two heavy local sureties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.*

(N.S.SHEKHAWAT)
JUDGE

30.01.2025
hemlata

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