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

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**CRM-M No.14386 of 2025
Date of Decision: 02.09.2025**

Sher Singh @ Shera

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Arjun Veer Sharma, Advocate,
for the petitioner.

Mr. Durgesh Garg, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The instant one is the 4th petition as filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short "BNSS") seeking grant of regular bail in case arising out of FIR No.134 dated 14.08.2021 initially registered under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') (Sections 21-C and 27 of NDPS Act added later on) and Section 25 of Arms Act, 1959 at Police Station Special Task Force, Phase-4, District S.A.S. Nagar (Mohali). Three petitions previously filed by him had been dismissed as withdrawn.

2. The aforementioned FIR was registered on the allegations that on 14.08.2021, a secret information was received that the petitioner

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was indulged in supply of sale of contrabands and illegal arms. At that particular time also, he was in possession of heavy quantity of heroin and arms and ammunition he was weighing in his car for his customers for supplying heroin at a particular place and could be apprehended. Believing the secret information to be true, a raiding party was immediately formed. Intimation was sent to the police station for registration of FIR. The police party reached at the informed place and found the petitioner sitting in a Verna car bearing registration No.DL-07-CL-7500. He was alighted from the vehicle. On asking, he disclosed his name and particular. After completion of usual formalities, search was conducted and one pistol 7.65 mm with magazine carrying 08 live cartridges of 7.65 mm was recovered from a cloth piece tied in his shirt. Then 500 grams of heroin was recovered from a transparent polythene bag wrapped in a blue coloured cloth tied with his waist which too was taken into custody. Further on conducting search of boot of the car, cash amount of Rs.25,15,000/- was recovered from a suitcase kept in the same. The petitioner could not give any satisfactory explanation for that money. It was treated as drug money and was taken into custody. The petitioner was interrogated and got recovered 25 grams of heroin and gold jewellery weighing 75.110 grams. His bank accounts were frozen. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. False recoveries have been planted upon him. The provisions of Section 42 of NDPS Act which are mandatory in

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nature were floated by the investigation agency. He is in custody since 14.08.2021. Only 06 out of 36 witnesses have been examined so far. The trial is not proceeding further. There are no chances of the conclusion of trial in the near future. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. It is, therefore, urged that he deserves to be released on bail.

4. Status report has been filed. It is argued by learned Assistant Advocate General, Punjab that there are serious allegations against the petitioner. Recovery of heavy amount of contraband, illicit arms and weapons and drug money had been effected from him. He is a habitual offender as several other cases have been registered against him. There are chances of his absconding or intimidating the witnesses if extended benefit of bail. Six prosecution witnesses have been examined. Two have been given up. The trial may be expedited further. It is, therefore, urged that he does not deserve to be released on bail.

5. This Court has considered the rival submissions.

6. Huge quantity of contraband i.e. 500 grams + 25 grams of heroin, arms and ammunition and drug money of Rs.25,15,000/- is alleged to have been recovered from the petitioner. The allegations against him are quite serious in nature. The petitioner is habitual offender as he is involved in several other cases. The apprehension that he may abscond or commit similar offences cannot be stated to be unfounded at this stage. The well settled proposition of law is that mere prolonged period of custody or the

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fact that the trial is likely to take time by itself or coupled with the period of incarceration are not sufficient grounds for enlarging an accused on bail, when the offence alleged is serious. Reference in this context can be had to the observations made in *Parmod Kumar Saxena Vs. UOI, 2008(63) ACC (SC)*, *Chenna Boyanna Krishna Yadav Vs. State of Maharashtra, (2007) 1 SCC, 242* and *State through CBI Vs. Amaramani Tripathi, 2005(4) RCR (Criminal) 280(SC)*. Keeping in view the above discussed facts and circumstances but without meaning to make any comment on the merits of the case lest they prejudice the trial, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

02.09.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No