

2025:PHHC:070653



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

223

CRM-M-20935-2025

Date of decision: May 23, 2025

SHAMSHER SINGH @ SAMMA

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Jashandeep .S. Sandhu, Advocate
for the petitioner.

Mr. Amit Rana, Sr. DAG, Punjab.

MANJARI NEHRU KAUL, J.

1. The petitioner, through the instant petition, is seeking the grant of regular bail in case FIR No.60 dated 26.05.2022 under Sections 21 and 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985, registered at Police Station Kot Ise Khan, District Moga. It is pertinent to note that the present petition filed by the petitioner is the 4th such petition, the previous one having been dismissed on merits by this Court on 10.01.2025.

2. On a specific query by this Court regarding any material change in circumstances since the dismissal of the previous petition, learned counsel for the petitioner has failed to point out any substantial development that would warrant a reconsideration of the prayer for bail.

3. Learned counsel for the petitioner has merely reiterated the arguments similar to those made at the time of previous petition, which was dismissed on 10.01.2025, that the petitioner has no direct nexus with the recovery made; no independent witnesses were associated at the time of the alleged recovery. In addition, it has been submitted that the petitioner has been in custody since 26.05.2022, and the trial is being unduly delayed.

4. *Per contra*, learned State counsel has opposed the prayer and submissions made by learned counsel for the petitioner and submitted that this is a successive bail petition with no change in material circumstances.

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On further instructions, learned State counsel has submitted that the trial is now at an advanced stage, with 10 out of 13 prosecution witnesses already examined, and the next date fixed before the learned trial Court is 09.06.2025. In addition, learned State counsel has referred to the huge recovery of contraband effected (33.7 grams of Etizolam and 15 grams of heroin), which clearly falls under the 'commercial' quantity, thereby attracting the rigor of Section 37 of the NDPS Act.

5. I have heard learned counsel for the parties and perused the relevant material placed on record.

6. This Court is unable to ignore the fact that the previous bail petition of the petitioner was considered and dismissed on merits barely a few months ago. The petitioner has failed to disclose any new facts or change in circumstances, that would persuade this Court to take a different view from what has already been recorded earlier.

7. Moreover, the allegations against the petitioner are *prima facie* grave and serious in nature, involving the illegal procurement, possession and potential distribution of narcotics. Accordingly, this Court finds no ground to extend the concession of regular bail to the petitioner.

8. Accordingly, the instant petition stands dismissed.

9. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

May 23, 2025
Jaspreet Kaur

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*