

CRM-M-21296-2025 (O&M)1

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

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CRM-M-21296-2025 (O&M)

Decided on : 29.07.2025

Shamsher Singh @ Sunny Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Lupil Gupta, Advocate,
for the petitioner.

Mr. Manjinder Singh Bhullar, DAG, Punjab.

SANJAY VASHISTH, J.

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Shamsher Singh @ Sunny Singh	85	26.09.2023	21, 21C, 61, 85 of NDPS Act, Section 489 IPC and Sections 10, 11, 12 of Air Craft Act,	Khem Karan	Tarn Taran

2. Case of the prosecution is that on 26.09.2023, OP parties No.4 of BOP Kalash heard humming and buzzing sound of drone from

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Pakistan side entering into India in the alignment of BP No.152/3 and then returned back to the same direction, pursuant to which police party, along with BSF searched the area but nothing incriminating was recovered.

On 27.09.2023 at about 11.00 AM, police party received a secret information that, the said drone had come for delivering heroin to Sukhjinder Singh alias Gopi and Sunny Singh, son of Sarabjit Singh, and both the said accused are going towards the BOP side for collecting heroin on CT 100 motorcycle and if raid be conducted that they can be apprehended, along with heroin, pursuant to which, vide GD No.21 dated 27.09.2023, both the accused were nominated in the present case.

3. Counsel for the petitioner submits that FIR in the present case was registered under Sections 10, 11, and 12 of the Aircraft Act, 1934, based on information alleging the entry and return of a drone from Indian territory.

4. It is further submitted that the co-accused, namely Sukhjinder Singh @ Gopi, has already been granted the concession of regular bail by this Court vide order dated 23.07.2025 passed in CRM-M-55730-2024, despite recovery of 270 grams of heroin from his possession. In the present case, the recovery from the petitioner is alleged to be only 70 grams of heroin, which is significantly lesser. The petitioner, aged 27 years, has no previous criminal antecedents or involvement in any similar offence. It is contended that he has been falsely implicated in the present case due to extraneous considerations,

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including local village politics, with the intent to malign his reputation and harm his professional prospects .

5. It is also argued by counsel for the petitioner that, police has failed to gather any concrete evidence confirming the entry or exit of a drone from the Pakistan side, and information allegedly supplied by the BSF regarding drone movement, was added, only after the recovery of heroin, to support the inclusion of provisions under the NDPS Act. The prosecution has not produced any evidence indicating that petitioner used a mobile phone or any other means of communication with the alleged supplier of the contraband through drone operations from across the border.

6. Further submits that it is highly improbable that, in the absence of any communication, petitioner or his co-accused would have known of the drone's entry or the exact location where the contraband was allegedly dropped. In such circumstances, it is upon the prosecution to establish the complete chain of evidence during the investigation. Failure to do so would weaken the case against the petitioner under Sections 10, 11, and 12 of the Aircraft Act, 1934. However, out of total 29 prosecution witnesses, only 4 have been examined, till date. Moreover, petitioner is not alleged to have any prior involvement in similar activities. Allegations against the petitioner are yet to be established beyond reasonable doubt.

Petitioner is in custody since 27.09.2023, and delay in the trial is not attributable to him; rather, it appears to be due to reasons



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known only to the prosecution agency. Thus, prays for grant of regular bail to the petitioner in the present case.

7. In response to the arguments addressed by learned counsel for the petitioner, learned State counsel, produces the custody certificate and status report dated 28.07.2025 in Court today, which are taken on record. Office to tag the same at appropriate place. A copy thereof has been handed over to the counsel for the petitioner.

As per the custody certificate, in the present case, petitioner has already undergone 01 year 09 months and 28 days period inside jail.

8. Learned State counsel is unable to dispute the factual assertions made by counsel for the petitioner before this Court. However, he opposes for grant of bail to the petitioner in the present case.

9. This Court has heard the submissions addressed by counsel for the parties and also gone through the record available before it.

10. In view of the totality of circumstances, the nature of allegations levelled against the petitioner, and the factors noted hereinabove, including the fact that co-accused, namely Sukhjinder Singh @ Gopi, has already been granted the concession of regular bail, this Court is of the considered opinion that the petitioner also deserves the same relief. Personal liberty of an individual cannot be curtailed for an indefinite period, particularly when the trial is likely to take time and the petitioner does not have any criminal antecedents. Accordingly, this Court deems it appropriate to grant the concession of regular bail to the petitioner.

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

12. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

13. Any of the discussion done and recorded here above, shall not be construed as an expression of opinion on the facts of the case. Therefore, trial Court is expected to decide the case by taking an independent view, on the basis of evidence available on record, as expeditiously as possible, in accordance with law.

14. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

15. Petition stands disposed of.

16. All the pending miscellaneous applications stand disposed of.

(SANJAY VASHISTH)
JUDGE

29.07.2025
Rashmi

Whether Speaking/Reasoned: **YES/NO**
Whether Reportable: **YES/NO**