



CRM-M-39304-2025

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

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CRM-M-39304-2025
Decided on :27.11.2025

Sher Singh alias Shera

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Manav Sharma, Advocate for
Mr. Partap Singh, Advocate for the petitioner.

Mr. Varun Gupta, DAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. Petitioner-Sher Singh @ Shera, has filed instant second petition under Section 439 Cr.P.C./483 BNSS, seeking regular bail in case FIR No. 0145, dated 12.07.2020, under Section 18 of NDPS Act, registered at Police Station Cheeka, District Kaithal.

2. The first petition filed by petitioner was dismissed by the co-ordinate Bench of this Court vide order dated 27.08.2024 (P-9) passed in CRM-M-25207-2024.

3. For filing the instant second bail petition, learned counsel for the petitioner submits that the earlier bail application was primarily dismissed because the petitioner was involved in other cases as well.

Counsel explains that in two of these cases, namely: ***i) FIR No. 63 dated 23.03.2018, under Sections 18, 61/85 of the NDPS Act, registered at Police Station Cheeka, Kaithal; and ii) FIR No. 284 dated 14.11.2016,***



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under Sections 15/18/29-61/85 of the NDPS Act, registered at Police Station Cheeka, petitioner earned acquittal vide judgments dated 30.10.2025 and 14.08.2025 respectively. Accordingly, his claim for bail now stands on a stronger footing, coupled with the fact that he has already undergone more than three years of incarceration period without the charges being proved.

4. In view of the circumstances explained by counsel, this Court proceeds to consider the plea for bail afresh.

5. As per the allegations, FIR was registered on receipt of secret information to the effect that accused, Ramesh Kumar, Ashok Kumar, and Sher Singh @ Shera (petitioner herein), is engaged in the sale and purchase of opium, and that all three could be apprehended along with a substantial quantity of opium if a raid is conducted. It was further disclosed that all three were together riding a motorcycle bearing registration No. HR64-4232. Upon receiving this information, accused were intercepted; however, Ramesh Kumar was apprehended on the spot, whereas the other two managed to flee.

6. Learned counsel for the petitioner argues that, on the basis of the disclosure statement of the already-arrested accused-Ramesh Kumar, 30 kgs of opium were recovered from the house of Ramesh Kumar and 1 kg of opium from the right pocket of his pants at the time of arrest, totalling 31 kgs recovered from Ramesh Kumar.

7. Counsel further refers to the order dated 03.04.2024 (P-6) passed by the Hon'ble Apex Court in Criminal Appeal No. 777 of 2024,

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whereby Ramesh Kumar was granted bail, noticing his total period of incarceration of four years. Counsel also contends that other co-accused, namely Sandeep Kumar Dangi, Manoj Dangi, Major Singh, and Pritpal Singh @ Preet Pal Singh, have already been released on bail by the coordinate Bench of this Court vide orders dated 05.07.2024, 02.08.2024, 27.02.2025, and 12.07.2023/22.04.2025 respectively. However, their names were not mentioned in the FIR, and they were implicated as suppliers solely based on disclosure statements subsequent to the arrest of other accused.

8. Mr. Manav Sharma, Advocate, argues that petitioner was arrested on 11.09.2022; however, except for Rs. 10,000/-, claimed by the prosecution to be “drug money,” no contraband punishable under the NDPS Act was recovered from petitioner’s possession. Therefore, it lies heavily upon the prosecution to prove the authenticity of the secret information and to establish the petitioner’s involvement in the case, in the absence of any evidence apart from the non-authenticated secret information and disclosure statements. The position would have been different had any narcotic substance been recovered from the petitioner.

9. Counsel also submits that out of three other cases registered against the petitioner, he has already been acquitted in two, as mentioned above. In the third case, i.e., FIR No. 118 dated 01.07.2018, under Sections 18/61/85 NDPS Act, registered at Police Station Guhla, Kaithal, which is the subject matter of CRA-S-585-2019, petitioner was convicted by the learned trial court; however, his sentence was suspended

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by the co-ordinate Bench of this Court vide order dated 13.11.2019 (P-13).

As of now, the only pending trial against the petitioner is the instant case, in which, as a matter of fact, no contraband or substance punishable under the NDPS Act has been recovered from him. Accordingly, the petitioner prays for the grant of bail.

10. On the other hand, learned State counsel has filed the custody certificate, same is taken on record.

As per the custody certificate, petitioner is in custody in the present case for a period of three years, two months, and nine days. Apart from the instant case, petitioner is also involved in three other cases, the details of which have already been explained by the counsel for the petitioner and have not been disputed by the learned State counsel.

11. I have heard learned counsel for the parties and have carefully perused the paper-book, along with the documents appended thereto, including the custody certificate.

12. It is not a disputed fact that nothing was recovered from the possession of the petitioner following his arrest on 11.09.2022, except for an amount of Rs. 10,000/-. Apart from naming the petitioner by the alleged secret informant, no other evidence has been pointed out by the State during the course of the hearing.

The only other material on record is the CDR, which contains details of calls between the main accused, Ramesh Kumar, and the petitioner prior to the registration of the case. This Court is not

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required to delve into the nature or reasons for these telephonic conversations. Undoubtedly, the prosecution is required to prove all charges beyond reasonable doubt.

Petitioner is in custody for more than three years. Out of a total of 39 prosecution witnesses, only 22 have been examined and 17 yet to be examined. Although the quantity of contraband recovered is substantial, it was recovered solely based on the disclosure statement of main accused-Ramesh Kumar, who has already been released on bail by the Hon'ble Apex Court vide its order dated 03.04.2024 (P-6).

Considering all circumstances in their entirety, this Court finds merit in the prayer of the petitioner.

Consequently, present petition stands 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/Illaq Magistrate/ Duty Magistrate concerned, if not required in any other case.

13. Any of the discussion done and recorded hereabove, 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, the petitioner is found to be directly involved in similar activities, the prosecution would be at liberty to seek cancellation of bail.



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15. Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

27.11.2025

Rashmi

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*