

S. No.221

2025:PHHC:167628



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

CRM-M-56858 of 2025

Date of Decision:02.12.2025

Shamsher Singh alias Shera and another

.....Petitioners

Vs.

State of Punjab

.....Respondent

CORAM:- HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present:- Mr. Mohit Bhardwaj, Advocate with
Mr. B.S. Jaswal, Advocate for the petitioners.
Mr. Rahul Jindal, AAG, Punjab assisted by
ASI Baldev Singh.

Yashvir Singh Rathor, J. (Oral)

1. Prayer in this petition under Section 482 of Bhartiya Nagarik Suraksha Sanhita, 2023 is for grant of anticipatory bail in case FIR No.68 dated 29.07.2025 registered at Police Station Tarsikka, Amritsar under Sections 22, 27-A of NDPS Act (Section 29 of NDPS Act added later on).

2. On 09.10.2025, following order was passed:-

“Prayer in this petition under Section 482 of BNSS, 2023 is for grant of anticipatory bail to the petitioners in case FIR No.68 dated 29.07.2025 registered at Police Station Tarsikka, Amritsar under Sections 22, 27-A of NDPS Act (Section 29 of NDPS Act added later on).

Notice of motion. Mr. G.S. Dhaliwal, AAG, Punjab, has appeared and accepts notice on behalf of the State. Both the parties have been heard and material collected by the police during investigation has been perused.

As per prosecution case, one Jugraj Singh @ Gaaji was apprehended by the police and 5300 loose intoxicating tablets along with a sum of Rs.3500/- as drug money were recovered from his possession. On interrogation, he suffered disclosure statement to the effect that he had purchased the recovered contraband from Satnam Singh @ Shamu, Ranjit Singh @ Rana and Gurwinder Singh @ Goggy, who in turn had purchased the same from Shamsher Singh @ Shera and Daler Singh (petitioners). He further disclosed that Shamsher Singh @ Shera and Daler Singh used to purchase the contraband from Ajay and



Gurjit Singh. Apprehending arrest, petitioners applied for anticipatory bail, which has been dismissed by the trial Court vide order dated 12.09.2025.

Learned counsel for the petitioners argued that petitioners have been falsely implicated in the present case. The disclosure statement of co-accused Jugraj Singh @ Gaaji, whereby they have been nominated as an accused is inadmissible in evidence and cannot be looked into. There is no other material to connect the petitioners with the alleged offence and disclosure statement alone cannot be made the basis to deny the benefit of anticipatory bail. Learned counsel next contended that petitioners are ready to join the investigation and they will abide by the conditions that may be imposed by the Court and benefit of anticipatory bail be extended in their favour. In support of his contentions, learned counsel has cited the Judgment reported as Law Finder Doc.id# 2687409, 2025:NCPHHC:2121 titled as “**Sahil Joshi Vs. State of Punjab**” and order dated 20.08.2025 passed by Hon’ble Supreme Court in Criminal Appeal No.3640/2025 @ SLP (Crl) No.9190/2025 titled as ‘**Jugraj Singh Vs. State of Punjab**’. Learned counsel also placed on file the order dated 03.04.2025 passed by a Coordinate Bench of this Court in CRM-M-18403-2025 in the aforesaid case vide which bail application of aforesaid Jugraj Singh was rejected.

On the other hand, learned State counsel has opposed the prayer and argued that the names of the petitioners have emerged during investigation and disclosure statement of co-accused Jugraj Singh @ Gaaji has pointed towards their role in the present offence indicating their involvement in the illicit drug network and as such, their custodial interrogation is essential to trace the source from where the contraband was arranged and other links of supply and petitioners do not deserve anticipatory bail.

Admittedly, no recovery has been effected from the petitioners and their names have cropped up in the disclosure statement of co-accused Jugraj Singh @ Gaaji, from whom the alleged contraband was recovered. At this stage, there is no other material against the petitioners except disclosure statement of co-accused Jugraj Singh @ Gaaji. There are no call details between the petitioners and the co-accused to point out towards their involvement. In **Jugraj Singh’s case (supra)**, 5kg heroin was recovered along with a sum of Rs.17.50 lakh drug money and main accused had nominated said Jugraj Singh as the supplier and the Hon’ble Supreme Court had ordered his release on anticipatory bail observing that mere disclosure statement is not sufficient to connect him with the alleged offence. As such, it is a fit case wherein benefit of anticipatory bail should be extended.

Adjourned to 02.12.2025 for filing status report. Meanwhile, the petitioners are directed to join the investigation and in the event of their arrest, they shall be admitted to ad-interim bail on furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer, subject to the following conditions as envisaged under Section 482(2) of the BNSS [erstwhile Section 438(2) Cr.P.C.]:-



- i) that the petitioners shall make themselves available for interrogation by a police officer as and when required;
- ii) that the petitioners 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/her from disclosing such facts to the Court or to any police officer;
- iii) that the petitioners shall not leave India without the prior permission of the Court;
- iv) such other condition as may be imposed under sub-section (3) of Section 480, as if the bail were granted under that section.”

3. Today, learned State counsel has informed this Court that the petitioner has joined the investigation, in compliance of the order dated 09.10.2025 and is no longer required for further investigation.

4. In view of the aforesaid, the order dated 09.10.2025, whereby the petitioner was granted interim anticipatory bail, is hereby made absolute. However, he shall continue to join investigation, if and so required by the Investigating Officer.

5. Disposed of.

6. Pending misc application (s), if any, shall also stand disposed of.

(Yashvir Singh Rathor)
Judge

December 02, 2025

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Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No