



CRM-M-66109-2025

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

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CRM-M-66109-2025 (O & M)

Date of decision: 19.12.2025

Shamsher Singh @ Gora

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

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

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer in the present petition filed under Section 483 of BNSS, 2023, is for grant of regular bail to the petitioner in case FIR No.53 dated 01.12.2023, registered under Sections 21, 29 of the NDPS Act, at Police Station SSOC Amritsar, District Tarn Taran.

2. Learned counsel contends that the petitioner has been in custody for 2 years and 13 days. He alleges false implication due to dispute with the police official. There is violation of mandatory provisions of Sections 42, 50 & 52 of NDPS Act. No independent witness has been joined at the time of recovery. There is a delay of 72 hours in sending the sample to the FSL. A Co-ordinate Bench vide order dated 08.12.2025 had modified the order dated 03.09.2025 passed in CRM-M-47982-2025, wherein liberty to file a fresh petition has been granted after completion of custody of 2 years instead of 3. Charges have been framed on 06.06.2024 and out of 15 PWs, only 5 have been examined. He is not involved in any other case.

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3. The custody certificate dated 18.12.2025, filed by the learned State counsel is taken on record. As per the same, the petitioner is behind bars for 2 years and 13 days.

4. Learned State counsel opposes the bail on the ground that the commercial quantity of contraband was recovered from the petitioner, who was apprehended at the spot. However, he is unable to controvert the submissions with regard to stage and petitioner being not involved in any other case.

5. Heard.

6. Hon'ble The Supreme Court in **Shariful Islam @ Sarif versus The State of West Bengal** SLP (Crl.) No.4173/2022, decided on 04.08.2022, granted bail to the petitioner in a case of recovery of commercial quantity of contraband, considering incarceration for over 1 year and 6 months and there being no likelihood of completion of trial in the near future, while the Division Bench of this Court in **Bhupender Singh vs. Narcotic Control Bureau** (2022) 2 RCR (Crl.) 706, observed with regard to achieving balance between right to speedy trial guaranteed under Article 21 of the Constitution of India and rigors of Section 37 of NDPS Act.

7. This Court in the case of **Balraj Singh vs. State of Punjab** CRM-M-57386-2022, on 14.12.2022 has followed the dictum laid down by Hon'ble The Supreme Court and granted the bail to the petitioner therein after he had undergone total custody of 1 year and 6 months and in **Munasi Masih vs. State of Punjab**, CRM-M-31504-2022, on 06.2.2023, wherein commercial quantity of contraband had been recovered but only 2 out of 13 PWs had been examined, allowed bail.

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8. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 2 years and 13 days; not involved in any other case; Charges were framed on 06.06.2024 and only 5, out of 15 PWs, have yet been examined, the trial is likely to take a considerable time, and further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India, the present petition is allowed.

9. The petitioner is ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.
- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish her address and mobile number by way of an affidavit to the trial Court and not change the same till conclusion of trial and if for any reasons, he seeks to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.

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(ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

10. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

11. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

19.12.2025

ashok

(AMAN CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No