



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

216

CRM-M-6242-2026 (O&M)
Date of decision: 20.04.2026

Shamsher Singh alias Sher Singh alias Shera

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. H.S. Sidhu, Advocate for the petitioner

Ms. Manjot Kaur, AAG 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.89 dated 06.07.2025, registered under Section 21(c) (Section 29 added later on vide DDR No.13 dated 08.07.2025) of the NDPS Act at Police Station Sadiq, District Faridkot, Punjab.

2. Learned counsel contends that the petitioner has been in custody for more than 9 months. The alleged recovery effected from him is marginally above the non-commercial quantity, it being 258 grams of Heroin and the weight of polythene has not been deducted. Dates of recovery memos and specimen do not match. No independent witness was joined at the time to recovery. There is non-compliance of mandatory provisions of Sections 50, 52-A & 57 of NDPS Act. Charges have been framed on 19.01.2026 and out of 19 prosecution witnesses, none has been examined. The petitioner is not involved in any other case.

3. The custody certificate along with status report dated



18/19.04.2026, filed by the learned State counsel are taken on record. As per the same, the petitioner is behind bars for 9 months and 9 days.

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

5. Heard.

6. This Court had granted the concession of bail in **Karandeep Singh @ Sunny vs. State of Punjab**, CRM-M-9712-2021, on 06.09.2021, a case of recovery of 270 and 150 grams of heroin from two accused, being marginally higher than non-commercial quantity after about 11 months. Similarly in **Simrapal Singh vs. UOI**, CRM-M-10276-2021, on 17.09.2021, the custody being of about 1 year and the recovery of 1.5 grams of charas, marginally above non-commercial quantity, against which the SLP filed by UOI was dismissed on 23.01.2023, in **Basanti Mondal and Ors. vs. State of West Bengal**, SLP (Crl.) No.12586/2022 on 29.03.2023, to the lady after 1 year of custody, recovery being of 6548 bottles, each contained 100 ml of phensedyl cough linctus codeine 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.

7. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 9 months and 9 days; not involved in any other case; charges were framed on 19.01.2026, however, out of 19 PWs, only 1 has been examined so far, 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.

8. 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.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

9. 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.

10. 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.

(AMAN CHAUDHARY)
JUDGE

20.04.2026

M.Kamra

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No