

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:055574



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CRM-M-17901-2026 (O&M)
Date of decision:09.04.2026

Shamsher Singh @ Shera @ Mota

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Ms. Dolli Sharma, Advocate for the petitioner.

Mr. Vivek Sharma, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. The petitioner is seeking indulgence of this Court by filing this petition for grant of regular bail in case arising out of FIR No. 181 dated 17.07.2024 registered under Sections 105 and 61(2) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station Jandiala, District Amritsar, on the allegations that on 17.07.2024, a secret information was received by a police party headed by ASI Rajbir Singh to the effect that the present petitioner along with co-accused Harpreet Singh @ Ghula, Jashan Singh and Mehakpreet Singh @ Raja, was involved in the business of sale of intoxicating substances of huge quantity and they were operating in connivance with each other. It was informed that several youths of the vicinity had become addicted to drugs and the dead body of one such person was recovered on that very day itself. Suspicion was raised that the deceased

might have consumed intoxicating substances purchased from the petitioner and the co-accused.

2. After registration of the FIR, investigation proceedings were initiated. Inquest proceedings of the dead body of the victim were conducted, and the same was identified as that of Sukhwinder Singh by his father Karam Singh. Post-mortem examination was also conducted. During the course of investigation, Sarbjit Singh, Nambardar, recorded his statement to the effect that on 17.07.2004, he had seen the petitioner and the co-accused while administering by injection intoxicating drugs to the victim, and later on he had come to know that the victim had died due to overdose of drugs. The petitioner was arrested on 19.07.2024. He was interrogated and suffered a disclosure statement to the effect that he, along with the co-accused was involved in the sale of heroin and on 17.07.2024 had injected heroin to the victim. Co-accused Jashanpreet Singh was also arrested, and he too suffered a similar disclosure statement. Co-accused Mehakpreet Singh @ Raja also suffered disclosure statement and has admitted his involvement in the sale of contraband and administering injection of heroin to the victim, Sukhwinder Singh. Investigation qua the petitioner and the other accused now stands completed.

3. Learned counsel for the petitioner has argued that he has been falsely implicated in this case on totally false and vague allegations. The disclosure statement alleged to have been suffered by the co-accused cannot be considered to be admissible in evidence. His own disclosure statement is also of no substance as it has not led to discovery of any new or distinct fact. There is no material on record to establish the link between the alleged

consumption of contraband by the victim and the petitioner. No complaint whatsoever was ever lodged by any family member of the victim regarding missing of the deceased person or qua the involvement of the petitioner in his death. There is no eyewitness to the occurrence. No incriminating material or circumstantial evidence could be collected by the investigating agency to connect the petitioner with the crime. He has been in custody for a period of 01 year, 08 months and 17 days. His further incarceration would not serve any useful purpose. His involvement in other cases cannot be considered to be a reason for denying the benefit of bail to him. It is, therefore, urged that he deserves to be released on bail.

4. Notice of motion.

5. Learned State counsel has advance notice of the petition and is ready to argue the matter. He has placed on record copy of custody certificate of the petitioner and has argued that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be released on bail. Therefore, it is urged that the petition does not deserve to be allowed.

6. This Court has heard learned counsel for the parties at considerable length.

7. The petitioner is alleged to be involved in the business of sale of contraband and is further alleged to have administered injection containing morphine to victim Sukhwinder Singh whose dead body was found lying on 17.07.2024. FIR was registered against the petitioner on the basis of a secret information. There is no eye-witness to the alleged administration of injection containing intoxicating substance to the victim. No other

circumstance to link the petitioner with the crime has been cited or pointed out during the course of arguments by the learned State counsel. As such, it is a question of debate, as to whether, the provisions of Section 105 of BNS are attracted in this case or not? Such a question has to be decided on thorough assessment of the evidence to be produced during the trial by the learned trial Court.

8. Taking into consideration the period of incarceration of the petitioner, nature of the allegations as levelled against him and the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, this Court is of the considered opinion that the petitioner has made out a case for release on bail in his favour. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

9. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

09.04.2026*harjeet***(MANISHA BATRA)
JUDGE**

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No