



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

212

CRM-M-22023-2026  
Decided on : 21.05.2026

SHAMSHER SINGH ALIAS SHERA  
.....Petitioner  
Versus  
STATE OF PUNJAB  
.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Lakhwinder Singh Lakhanpal, Advocate  
for the petitioner.  
Mr. Manjinder Singh Bhullar, DAG, Punjab

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SANJAY VASHISTH, J.

1. The instant petition has been filed under Section 483 of BNSS, 2023 (earlier Section 439 Cr.P.C.), for grant of regular bail to the petitioner, during the pendency of trial, who has been booked in a criminal case arising out of First Information Report, as detailed hereunder:-

| Name of Petitioner(s)                       | FIR No. | Date       | Section(s)        | Police Station | District |
|---------------------------------------------|---------|------------|-------------------|----------------|----------|
| Shamsher Singh @ Shera, aged about 39 years | 0184    | 18.07.2024 | 21(C) of NDPS Act | Jandiala       | Amritsar |

2. As per the case of prosecution, on 18.07.2024, accused Shamsher Singh alias Shera was apprehended by a police party. On seeing the police, he allegedly attempted to throw a plastic envelope from the right pocket of his lower garment (pant). However, he was



immediately apprehended by the police. Upon search, a transparent plastic polythene bag was recovered from his possession, containing 258 grams of heroin.

3. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is further submitted that petitioner, aged about 39 years, has no previous criminal antecedents and is never involved in any other case under the NDPS Act.

It is further argued that the recovered contraband has been weighed along with the polythene bag, and therefore, the actual quantity of heroin is less than the alleged 258 grams. It is submitted that the quantity, if properly assessed, may fall within or close to the threshold of non-commercial quantity (i.e., up to 250 grams). Thus, it is contended that procedure adopted by the Investigating Officer/Gazetted Officer for weighing the contraband requires strict scrutiny to ensure compliance with the prescribed rules and regulations.

4. It is further submitted that even in the event of conviction, slight variation in the total weight of the narcotic substance may be considered in favour of the petitioner, as it is marginally above the non-commercial threshold, and therefore, a lenient view may be taken while awarding sentence.

It is also submitted that petitioner is in judicial custody since 19.07.2024, and there is no other case registered against him. Out of total 14 prosecution witnesses, only 02 have been examined so far, and thus, trial is likely to take a considerable time to conclude. On these



grounds, learned counsel prays that petitioner be granted regular bail in the present case.

5. In response to the arguments addressed by learned counsel for the petitioner, learned State counsel, produces the custody certificate dated 20.05.2026 in Court today, which is taken on record. Office to tag the same at appropriate place. A copy thereof has been handed over to the counsel for the petitioner.

As per the custody certificate, in the present case, petitioner has already undergone 01 year 09 months and 28 days period inside jail.

6. Learned State counsel, while opposing the prayer and submissions made by learned counsel for the petitioner, submits that petitioner does not deserve the concession of regular bail in the present case, as he is also involved in one other case apart from the present matter.

However, on being asked by the Court, learned State counsel fairly submits that petitioner is not involved in any other case pertaining to similar offences under the NDPS Act in the past.

7. This Court has heard the submissions addressed by counsel for the parties and has also gone through the record available before it.

8. In view of totality of circumstances, and the facts/allegations levelled against the petitioner, and the factors noticed hereinabove, including the total incarceration undergone by him and stage of trial, this Court deems it appropriate to grant the concession of bail to the petitioner.



9. Consequently, prayer made in the present petition is **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/ Illaqa Magistrate/ Duty Magistrate concerned, if not required in any other case.

10. Needless to observe that the petitioner shall not extend any threat and shall not influence any prosecution witness in any manner directly or indirectly.

11. Any of the discussion done and recorded here above, 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.

12. It is further made clear that if, in future, petitioner is directly found indulged in similar kind of activities, this order shall be deemed to be cancelled.

13. Petition stands disposed of.

(SANJAY VASHISTH)  
JUDGE

21.05.2026

Lavisha

Whether Speaking/Reasoned: YES/NO  
Whether Reportable: YES/NO