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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19796-2026
Decided on : 29.04.2026

Shamsher Singh

... Petitioner(s)

Versus

State of Haryana

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Ms. Khushboo Ansari, Advocate for
Mr. Sandeep Saini, Advocate, for the petitioner(s).

Mr. Amish Sharma, AAG, Haryana.

SANJAY VASHISTH, J. (Oral)

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 here-under:-

Name of Petitioner(s)	FIR No.	Date	Section(s)	Police Station	District
Shamsher Singh	24	18.01.2025	22-C/29 of NDPS Act, 1985	Chandimandir	Panchkula

2. On receiving of the secret information, petitioner was apprehended and from his left pocket of the jacket, 20 strips of Lomotil tablets (total 1200 tablets) were recovered.

3. Learned counsel for the petitioner argues that a false case has been planted upon the petitioner. It is submitted that the petitioner, aged about 42 years, has never been found indulged in any similar activity under the NDPS Act, and his past record is completely unblemished.

It is further submitted that charges were framed on 05.08.2025,



however, out of total cited 25 prosecution witnesses, none has been examined so far. Thus, without addressing much on the merits of the case, learned counsel contends that without proving of charges, the petitioner cannot be detained inside jail for an indefinite period, particularly when he is inside jail for more than 01 year and 03 months. Accordingly, prayer has been made for grant of regular bail to the petitioner.

5. *Per contra*, learned State counsel, while vehemently opposing the prayer for bail submits that recovery effected from the petitioner falls under the commercial category. Therefore, in view of the gravity of offence and nature of allegations, petitioner does not deserve any leniency. Accordingly, prays for dismissal of the bail petition.

However, learned State counsel does not dispute the factual assertions made here-above.

6. I have heard learned counsel for the parties and perused the relevant material available on record.

7. Taking note of all the circumstances and the facts noticed here-above, particularly that petitioner is about 42 years of age with unblemished past carrier, therefore, bar under Section 37 of the NDPS Act would not be strictly applicable against the petitioner.

Besides, petitioner is a first-time offender, who has been in the jail for more than a period of about 01 year and 03 months and out of total 25 prosecution witnesses, none has been examined till date. In such circumstances, liberty of the petitioner cannot be curtailed for an indefinite period. Therefore, this Court deems it appropriate to consider the plea of bail of the petitioner.



8. 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.

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

10. The observation made here-in-above shall not be construed as an expression of opinion on the facts of the case and the Trial Court is expected to decide the case on the basis of complete evidence available on record.

11. 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.

12. Petition stands **disposed of**.

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

(SANJAY VASHISTH)
JUDGE

April 29, 2026

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*