



**234 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-25301-2026 (O&M)

Date of decision : 11.05.2026

Shamsher Singh @ Shera

.....Petitioner

versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Raghav Soni, Advocate
for the petitioner.

Mr. Kuljinder Dhindsa, AAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed praying for the grant of regular bail to the petitioner in case bearing FIR No.112 dated 03.08.2025, under Sections 21, 27-A, 29, 61, 85 of the NDPS Act, registered at Police Station Chattiwind, District Amritsar Rural.

2. Succinctly the facts of the case are that the police party, while on patrolling on 03.08.2025, received a secret information to the effect that Amandeep Singh @ Aman, who drives a three wheeler, is involved in selling of heroin. It was informed that he would come from village Manawala to village Varpal on his three-wheeler and in case of barricading, he could be apprehended along with the contraband. On receiving the secret information, the raiding party was constituted and the barricading was laid. The auto rickshaw, as disclosed in the secret information, was seen coming and thus, the same was stopped by the police. The driver of the auto rickshaw disclosed his name to be Amandeep Singh @ Aman. From his possession, 30 grams of heroin was recovered. He failed to produce any licence regarding the conscious possession of the same, thus, the FIR was registered. On registration of the FIR, the investigation commenced. During investigation,



complicity of the petitioner surfaced on the basis of disclosure statement of co-accused, namely, Amandeep Singh @ Aman and resultantly, was arrested on 21.08.2025. The samples taken were sent to the FSL. The petitioner approached the Court of learned Judge, Special Court, Amritsar praying for grant of bail, however, after hearing both the sides and finding no merit in the same, the learned Judge, Special Court, Amritsar declined the bail application filed by the petitioner vide order dated 10.04.2026. Hence being aggrieved, the petitioner is before this Court praying for the grant of bail by way of filing the present petition.

3. Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in the present case. He has submitted that 30 grams of heroin was allegedly recovered from co-accused, namely, Amandeep Singh @ Aman, however, he has been granted bail by this Court vide order dated 08.10.2025 passed in CRM-M-54801-2025. He has contended that the petitioner has been arrayed as accused on the basis of disclosure statement, which is not even an admissible evidence. He has further contended that even otherwise, the alleged recovery is a non-commercial quantity and thus, provisions of Section 37 of the NDPS Act are not attracted. He has contended that the petitioner was falsely implicated in five other cases, however, he is on bail in those cases. He has submitted that in the facts and circumstances, the petitioner deserves to be granted regular bail.

4. *Per contra*, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that 30 grams of heroin has been recovered from co-accused, namely, Amandeep Singh @ Aman. He has submitted that complicity of the petitioner established during investigation. He, on instructions, has submitted that investigation is



complete, challan is presented, however, charges are yet to be framed. He has submitted that the petitioner is involved in five more cases. He has produced custody certificate of the petitioner today in the Court and the same is taken on record.

5. Heard. On hearing learned counsel for the parties and perusing the record, it is deciphered that evidently, the petitioner has been arrayed as accused on the basis of disclosure statement of co-accused, namely, Amandeep Singh @ Aman from whom 30 grams of heroin has been recovered, which is a non-commercial quantity. As submitted, investigation already stands completed. Custody certificate produced would show that the petitioner has completed incarceration of 08 months and 20 days as on 11.05.2026. It further shows that though the petitioner is involved in five more cases, however, he is on bail in those cases.

6. The veracity of the allegations would be assessed only after the conclusion of the trial and on the appreciation of evidence to be led by both the parties before the trial Court. The trial of the case will take sufficiently long time.

7. Thus, keeping in view the overall facts and circumstances of the case, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail. Accordingly, the present petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

11.05.2026
m.sharma

Whether speaking/reasoned :
Whether reportable :

(RAJESH BHARDWAJ)
JUDGE
Yes/No
Yes/No