



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

**CRM-M No.57512 of 2024
Date of Decision: 07.01.2025**

Shamsher Singh @ Shera

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Parivartan Singh, Advocate
for the petitioner.

Mr. Karunesh Kaushal, 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.100, dated 22.05.2024, under Sections 21-C/25/27-A of NDPS Act, Section 29 of NDPS Act and Section 25 of Arms Act (added later on), registered at Police Station Islamabad, District Amritsar.

2. Succinctly the facts of the case are that on 22.05.2024 the police party received a secret information that one Rajinder Singh @ Raja came from Kot Khalsa to sell the drugs. It was informed that in case of naaka, he could be apprehended along with the contraband. Finding the information reliable, the FIR was registered and the naaka was laid. The police party spotted that Rajinder Singh @ Raja came in Verna Car bearing registration No.PB-02-DE-0529. On checking of said car, 500 grams of heroin along with drug money amounting to Rs.40,000/- was



recovered from him and he was arrested on the spot. During the investigation, Rajinder Singh @ Raja suffered a disclosure statement on the basis of which Abhishek @ Abhi, Ranjit Singh @ Kaka and Charanjit Singh @ ladda were nominated in the present case. After the arrest of Ranjit Singh @ Kaka, he disclosed the name of petitioner and thus, the petitioner was also arrayed as an accused in the present case. The petitioner was arrested on 05.09.2024. The petitioner approached the Court of learned Judge, Special Court, Amritsar praying for the grant of bail, however, after hearing both the sides, the same was declined by the learned Judge, Special Court Amritsar vide order dated 28.10.2024. Aggrieved by the same, the petitioner is before this Court by way of filing the present petition praying for the grant of regular bail.

3. Learned counsel for the petitioner, at the outset, prays for the grant of bail on the basis of parity with that of the co-accused. He has drawn the attention of this Court to the orders passed by this Court in **CRM-M No.45633 of 2024** and **CRM-M No.51346 of 2024** dated 18.09.2024 and 07.11.2024, respectively, whereby co-accused of the petitioner, namely, Vishal Singh @ Shallu and Lovepreet Singh @ Kalu have been granted the concession of bail. He has submitted that case of the petitioner is at par with the co-accused, who have been granted bail by this Court. He submits that recovery of the car was made from co-accused, namely, Ranjit Singh @ Kaka which was not used in the offence but the petitioner has been implicated only being the owner of car recovered from Ranjit Singh @ Kaka, who is the relative of petitioner. He has submitted that the petitioner is involved in the present case on the



basis of disclosure statement made by co-accused. He has submitted that the petitioner is in custody since 05.09.2024 and thus on the basis of the parity, the petitioner deserves to be granted bail as case of the petitioner is similar to that of the co-accused, who have already been granted bail by this Court.

4. Custody certificate of the petitioner dated 06.01.2025 has been filed by learned State counsel today in the Court and the same is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

5. Learned counsel for the State although has opposed the prayer of the petitioner for granting him bail yet endorsed the fact that the case of petitioner is at par with the co-accused, namely, Vishal Singh @ Shallu and Lovepreet Singh @ Kalu, who have already been granted bail by this Court. He has further submitted that the challan has been presented and charges are yet to be framed.

6. Heard.

7. It is deciphered from the facts of the case that the recovery has been made in the present case from co-accused, namely, Rajinder Singh @ Raja. It has not been denied that case of the petitioner is at par with the co-accused, who have already been enlarged on bail by this Court. The petitioner is in custody since 05.09.2024. The challan is presented and charges are yet to be framed. Co-accused, namely, Vishal Singh @ Shallu and Lovepreet Singh @ Kalu, whose case is stated to be at par with the petitioner have already been granted bail by this Court vide orders dated 18.09.2024 and 07.11.2024, respectively.



8. 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. This Court would refrain itself from commenting anything on the merits of the case. Keeping in view the arguments raised by both the sides and also the fact that the trial of the case will take sufficient time for its conclusion and no useful purpose would be served by keeping the petitioner in custody for any further period when his co-accused has already been granted bail by this Court, this Court is of the opinion that learned counsel for the petitioner succeeds in making out a case for grant of regular bail to the petitioner on the basis of parity with the co-accused as stated above. Accordingly, the present petition is allowed and the 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.

(RAJESH BHARDWAJ)
JUDGE

07.01.2025

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