



CRM-M-43381-2024

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**IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH**

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CRM-M-43381-2024 (O & M)

Date of decision: 27.11.2025

MAKHAN SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Dilpreet Singh Gandhi, Advocate,  
for the petitioner.

Ms. Gagandeep Kaur, DAG, Punjab.

**AMAN CHAUDHARY, J. (ORAL)**

**CRM-46521-2025**

Allowed as prayed for. Annexure A-1 is taken on record.

**Main Case:**

1. Prayer in the present petition filed under 483 of BNSS, 2023 is for grant of regular bail to the petitioner in case FIR No.46 dated 15.03.2023, registered under Section 21(a) of NDPS Act, 1985, at Police Station City Sri Muktsar Sahib, District Sri Muktsar Sahib (Sections 27-A and 29 of NDPS Act and Sections 24/27/54/59 of Arms Act added later on, vide rapat No.34 and 8 dated 16.03.2023.

2. Learned counsel contends that the petitioner has been in custody for 2 years, 8 months and 9 days. He alleges false implication. Co-accused, Sunil Kumar was arrested with 5 gram of heroin, who in his disclosure statement had named Sakattar Singh, who was granted interim

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bail by this Court on 18.11.2024 which was made absolute vide order of even date and Jagdev Singh @ Jagga son of the petitioner. On a raid having been conducted at the house of the latter, the petitioner and Chamkaur Singh were arrested and an amount of Rs.23,10,000/- was recovered, stating it to be drug money, which learned counsel controverts by stating that he is running a marriage palace in Tarn Taran, and has two commission agencies, reference in this regard is made to his as also his family members' ITRs/bank statements, Annexures P-12, P-15 to P-18 and licences, Annexures P-13 and P-14, to show that amounts came on account of the above. Charges stand framed on 21.02.2024, however only 3 out of 27 PWs have been examined as yet. The petitioner has been convicted in one case under the NDPS Act wherein his sentence has been suspended and is facing trial in 4 more cases, wherein he is on bail. Reliance is placed on the judgment passed by Hon'ble The Supreme Court titled as **Maulana Mohd. Amir Rashadi vs. State of U.P. and others**, 2012(2) SCC 382.

3. The custody certificate dated 27.11.2025, filed by the learned State counsel is taken on record. As per the same, the petitioner is behind bars for 2 years, 8 months and 9 days.

4. Learned State counsel opposes the bail on the ground that drug money, 4 live cartridges and 4 mobiles lying in a jeep were recovered from the house of the petitioner. However, he is unable to controvert the submissions with regard to stage of the case; the petitioner being on bail in other cases and the co-accused having been granted bail.

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5. Hon'ble The Supreme Court in the case of **Maulana Mohd. Amir Rashadi** (Supra) had held that, "As observed by the High Court, merely on the basis of criminal antecedents, the claim of the second respondent cannot be rejected. In other words, it is the duty of the Court to find out the role of the accused in the case in which he has been charged and other circumstances such as possibility of fleeing away from the jurisdiction of the Court, etc." Reiterating in **Prabhakar Tewari vs. State of UP and another**, (2020) 11 SCC 648, it was observed that, "The offence alleged no doubt is grave and serious and there are several criminal cases pending against the accused. These factors by themselves cannot be the basis for refusal of prayer for bail."

6. Considering the facts and circumstances of the case, in particular that the petitioner is in custody for the last 2 years, 8 months and 9 days; on bail in other cases; co-accused is on bail; charges were framed on 21.02.2024, but out of 27 PWs, 3 have been examined, the trial is likely to take a considerable time and further incarceration of the petitioner would be violative of his right enshrined under Article 21 of the Constitution of India, the present petition is allowed.

7. The petitioner is ordered to be released on regular bail, subject to furnishing bail/surety bonds to the satisfaction of trial Court/Duty Magistrate concerned, if not required in any other case and shall abide by the following conditions:-

- (i) The petitioner will not tamper with the evidence during the trial.
- (ii) The petitioner will not pressurize/ intimidate the prosecution witnesses.

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- (iii) The petitioner will appear before the trial Court on each and every date fixed, unless is exempted by a specific order of Court.
- (iv) The petitioner shall not commit an offence similar to the offence of which, he is an accused, or for commission of which he is suspected of.
- (v) The petitioner shall not directly or indirectly coerce, induce, threaten or promise to any person acquainted with the facts of the case so as to dissuade him/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence in any manner.
- (vi) The petitioner shall not in any manner misuse his liberty.
- (vii) The petitioner shall furnish his address and mobile number by way of an affidavit to the trial Court and not change the same till conclusion of trial and if for any reasons, he seeks to change either of the aforesaid, it shall be done only with prior information to the learned trial Court.
- (viii) The petitioner shall not leave the country without prior permission of the trial Court.
- (ix) The trial Court/Duty Magistrate may impose any other condition, as deemed appropriate while releasing the petitioner.

8. It is made abundantly clear that in case there is any breach of the aforesaid conditions, the State shall be at liberty to seek cancellation of bail as granted to the petitioner by this order.

9. In view of the above, it is clarified that the observations made herein above are limited for the purpose of present proceedings and would not be construed as any opinion on the merits of the case and the trial would proceed independently of the aforesaid observations.

27.11.2025

parveen kumar

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

**(AMAN CHAUDHARY)**  
**JUDGE**