

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

209

2026:PHHC:080468



CRM-M-15456-2026 (O&M).
Date of decision: 21.05.2026.

MAKHAN

...Petitioner(s)

VERSUS

STATE OF PUNJAB

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

PRESENT Mr. Mohit Giri, Advocate,
for the petitioner(s).

Mr. Mohit Kapoor, Sr. DAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

This is the first petition filed under Section 483 of the Bharatiya
Nagarik Suraksha Sanhita, 2023, for grant of regular bail to the petitioner in
case bearing FIR No.304 dated 26.11.2022, under Section(s) 21, 21B, 21C
and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985,
registered at Police Station STF, District S.A.S. Nagar.

The aforesaid FIR was registered on the statement of ASI

Gulshan Kumar No. 2779PAP Special Task Force Ludhiana which reads thus:

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"I am posted at the Special Task Force Ludhiana. Today I alongside you ASI Baljit Singh no.298/Mansa, ASI Gurnaib Singh no.522/FZK, Senior Constable Kuldeep Singh no.487/Ldh, Senior Constable Harpreet Singh 4-C/718 and C. Lakhwinder Singh 3964/Ldh were on government vehicle make Bolero bearing registration number PB-10-FH-1112 being driven by PHG Jaswant Singh 26980, in search of drug peddlers, reached ahead of P.S Moti Nagar, Ludhiana. Then at around 08:00 PM a secret informer informed me via WhatsApp call that Tanu Sidhu s/o Raj Kumar r/o Mohalla Ambedkar Colony, P.S Moti Nagar Ludhiana aged about 20 years' having cropped hair and Deepak son of Buntly Dhaliwal resident of House No.1912, street No.10, Kudd Mohalla, Police Station Division No.3, Ludhiana aged about 21 years' having cropped hair were into business of selling Heroin for quite some time. There were other FIRs registered against Tanu Sidhu under the Arms Act and for selling Heroin and against Deepak there was an FIR registered for assault. At present both Deepak and Tanu Sidhu while sitting on Activa Scooter (without number and being Gray in colour on its Head Lamp; Dishu is written in English at back side of Government College near Nav Durga Mandir Glada Ground Sector 39A Area Police Station Moti Nagar Ludhiana) are waiting for their customers for supplying Heroin to them. Information supplied by my secret informer was found to be trustworthy and reliable. If raid be conducted at the backside of Government College near Nav Durga Mandir Glada Ground, Moti Nagar Ludhiana, then accused Tanu Sidhu and Deepak, alongwith unnumbered Activa, can be apprehended alongwith heavy quantity of Heroin. In regards to this I had also informed you orally. With regard to this I had prepared report u/s 42 of NDPS Act and was sent to the office of AIG at B.R.S Nagar Ludhiana at about 08:30 PM through Senior Constable Kuldeep Singh no.487/Ldh. As per the

information supplied by secret informer I have given you my statement in writing. Statement is listened, read and found to be correct. Investigation be carried out Sd/-Gulshan Kumar ASI, Sd/- Gurcharan Singh SI STF Ludhiana Range dated 26.11.2022.”

Learned counsel appearing on behalf of the petitioner contends that initially Tanu Sidhu son of Raj Kumar and Deepak son of Bunty Dhaliwal were arrested on 26.11.2022 and from their conscious possession 365 grams and 15 grams heroin was recovered respectively. Counsel contends that so far as Deepak son of Bunty Dhaliwal is concerned, he has passed away, hence, proceedings against him stand abated; however, Tanu Sidhu son of Raj Kumar has been convicted and sentenced to undergo rigorous imprisonment for a period of 10 years. The petitioner herein has been nominated on the basis of disclosure statement of Tanu Sidhu. Counsel contends that notwithstanding the disclosure statement of the co-accused Tanu Sidhu having been recorded, there is no recovery so as to essentially link the petitioner along with other co-accused, from whom recovery pursuant to his arrest had been made. He contends that the petitioner was taken in custody in the present case through production warrants on 06.09.2025 and yet nothing has been recovered. He contends that the petitioner has undergone an actual custody for a period of more than 08 months and the trial is yet to commence as there are total 25 witnesses cited by the prosecution, and no witness has been examined so far. He contends that involvement of the petitioner would thus be an arguable issue during trial.

State counsel, on the other hand, does not dispute the facts as noticed aforesaid. However, he contends that there are two other criminal cases against the petitioner out of which one is under Section 307 of the Indian

Penal Code, 1860 and another is under the NDPS Act. He also does not dispute that the petitioner has been nominated as an accused solely on the basis of disclosure statement of co-accused and that no recovery has been effected from him.

Having heard the learned counsel for the parties, without commenting any further on the merits of the case and taking into consideration that arguable issues would arise with respect to the involvement of the petitioner including the period of custody already undergone by the petitioner, as well as the stage of the trial where the trial is yet to commence, I deem it appropriate to allow the present petition. Accordingly, the present petition is allowed. The petitioner is ordered to be released on bail on furnishing requisite bail bond/surety bond to the satisfaction of the Trial Court/Duty Magistrate, concerned.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the trial Court shall decide the case on the basis of available material.

May 21, 2026.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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