

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:078941



231

CRM-M-27236-2026 (O&M)
Date of decision:19.05.2026

Makhan Singh @ Kalu

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rajesh Tushar, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. The present petition has been filed by the petitioner seeking benefit of regular bail in case arising out of FIR No.029 dated 26.01.2024, registered under Sections 21, 22, 25 and 29 of the NDPS Act, at Police Station City Barnala, District Barnala.

2. As per the allegations, on 26.01.2024, accused Sunny Singh @ Sunny was apprehended by a police party and recovery of 500 vials of Wincerex cough syrup 100 ml. each and 700 intoxicant tablets was effected from him. He was formally arrested. On interrogation, he disclosed that the recovered contraband was purchased by him from co-accused Pritpal Singh @ Kali and he used to sell the same further to the present petitioner. On his disclosure, the present petitioner was nominated as an accused. Offence under Section 29 of the NDPS Act was added. He was arrested on

22.04.2024. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case on the basis of disclosure statement of co-accused Sunny Singh, which cannot be considered to be legally admissible in evidence. He is in custody for a period of over 02 years. The chances of conclusion of trial in near future are bleak as only 03 out of 14 prosecution witnesses have been examined so far. Co-accused Happy Singh @ Happy and Sunny Singh have been extended benefit of bail. The case of the petitioner is at better footing. No recovery has been effected from him. No useful purpose would be served by detaining him in custody anymore. It is, therefore, argued that the petitioner deserves to be extended the benefit of bail.

4. Notice of motion.

5. Learned State counsel has advance notice of the petition and is ready to argue the matter. She has placed on record custody certificate of the petitioner and has submitted that taking into consideration the nature of allegations as levelled against the petitioner and his antecedents, he does not deserve to be extended the benefit of bail.

6. This Court has heard the rival submissions made by learned counsel for the parties.

7. The petitioner is alleged to be involved in the business of sale/purchase of contraband. The petitioner was nominated on the disclosure statement of the co-accused Sunny, from whom the alleged recovery has been effected. No recovery has been effected from the petitioner. The petitioner is in custody since 22.04.2024. In **Tofan Singh Vs. State of**

Tamil Nadu, (2021) 4 SCC 1, it was observed by Hon'ble Apex Court that the disclosure statements made under Section 67 of NDPS Act, are inadmissible in evidence unless corroborated by independent material. While the veracity of the disclosure statement against the petitioner will be tested during the course of trial, however, at this stage, it cannot be ignored that no recovery has been effected from the petitioner. The petitioner is in custody since long. There is nothing on record, at this stage, to connect the petitioner either with the subject crime or to show that he was connected with the co-accused in any manner at the relevant time. Investigation qua him has been completed. The trial will take considerable time to conclude. His involvement in other cases cannot be considered to be a ground for denying benefit of bail to him. Keeping in view the aforesaid facts and circumstances, this Court is of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing personal and surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

9. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

19.05.2026

harjeet

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No

(MANISHA BATRA)
JUDGE