

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

2026.PHHC:035415



(118)

CRM-M-63332-2025

Date of decision: 09.03.2026

Makhan Singh

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMESH CHANDER DIMRI

Present: Mr. Nikhil Batta, Advocate for the petitioner.

Mr.Sakshi Bakshi, AAG, Punjab.

RAMESH CHANDER DIMRI, J. (ORAL):

1. Present petition has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in a case bearing FIR No.34 dated 30.01.2021 registered for the offences punishable under Sections 22, 29, 61 & 85 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Kotwali, District Patiala, Punjab.

2. As per the prosecution case, the petitioner had sold 60 grams of heroin which was recovered from his co-accused Manish Kumar @ Machhar on 30.01.2021 in the area of Police Station Kotwali, Patiala. Co-accused Manish Kumar @ Machhar was apprehended/arrested on that very date. He moved for bail before the concerned Court but it was rejected. He then filed CRM-M-19324-2021 titled as *Manish Kumar @ Machhar Vs.*

State of Punjab before this Court. The petitioner was arrested in the present case on 08.08.2025 on the basis of disclosure statement of co-accused Manish Kumar @ Machhar. Since the date of his arrest, the petitioner is in custody. Trial against him is going on. Out of 16 witnesses, 2 have been given up and no one has been examined.

3. Learned AAG, Punjab has filed a detailed reply in the shape of affidavit of Shri Satnam Singh, PPS, Deputy Superintendent of Police, City-I, District Patiala. Costs of Rs.5000/-, if not deposited, be deposited in terms of the order dated 02.02.2026.

4. Learned counsel for the petitioner inter alia contends that except for disclosure statement of co-accused Manish Kumar @ Machhar, there is no evidence connecting the petitioner to the crime in question. A disclosure statement is always a weak type of evidence and on its basis only, a judgment of conviction cannot be sustained. Charge in the case in question was framed on 19.09.2025 but no witness, till date, has been examined, although 2 witnesses were given up as unnecessary. Conclusion of trial will certainly take a long time. Co-accused Manish Kumar @ Machhar has already been granted bail by this Court on 06.12.2021. Case against the petitioner, if compared to him, is on much lighter side. The petitioner undertakes to be careful in future and not to repeat such type of offences while being on bail in the case in question. The petitioner has been falsely implicated in the present FIR. On parity, the petitioner may be granted bail. He has also filed photocopies of the order dated 06.12.2021 passed in CRM-M-19324-2021 and order dated 12.08.2025 passed in

CRM-M-29425-2025 granting bail to the co-accused Manish Kumar @ Machhar.

5. On the other hand, Learned AAG, Punjab has opposed grant of bail to the petitioner. However, she concedes that the co-accused Manish Kumar @ Machhar was granted bail by this Court on 06.12.201 and no recovery of any incriminating article was made from the petitioner. At the same time, she states that after grant of bail to him, the co-accused Manish Kumar @ Machhar was declared a “Proclaimed Offender” on 13.09.2024.

6. To her such contention, learned counsel of the petitioner replies that after being declared a “Proclaimed Offender”, co-accused Manish Kumar @ Machhar was granted bail by this Court vide order dated 12.08.2025 passed in CRM-M-29425-2025.

7. Be that as it may, without commenting anything upon merits of the case in question but considering the arguments raised on behalf of the petitioner and the totality of the facts and circumstances of the matter in question, the petitioner is ordered to be released on bail in the FIR/case in question subject to he furnishing bail and surety bonds to the satisfaction of the concerned Trial Court/CJM.

8. The present petition is disposed of accordingly. All interim application/s, if any, also stand disposed of.

(RAMESH CHANDER DIMRI)
JUDGE

09.03.2025
sailesh

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