

CRM-M-14806-2025 (O&M)

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

2025:PHHC:066678



**CRM-M-14806-2025 (O&M)
DATE OF DECISION : 19.05.2025**

**MAKHANPREET SINGH ALIAS MAKHAN ... PETITIONER
V/S
STATE OF PUNJAB ... RESPONDENT**

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Abhinav Singla, Advocate for the petitioner.
Mr. J.S.Arora, DAG Punjab.

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RAJESH BHARDWAJ, J. (ORAL)

1. Petitioner has approached this Court by way of present petition praying for grant of regular bail in case FIR No.30 dated 23.02.2023 under Sections 22/61/85 of NDPS Act 1985, Section 336 of IPC and Section 25/27/54/59 of Arms Act registered at Police Station Dasuya, District Hoshiarpur.

2. Succinctly, facts of the case are that the police on 23.02.2023 received a secret information to the effect that Makhan Singh s/o Tari and Raj @ Bara s/o Balkar Singh had crossed the river by boat and entered Hoshiarpur area for selling heroin. They also carried some illegitimate fire arms. Both the persons were supplying heroin to their customers openly in the village. It was informed that on raising objection by the villagers, they fired gun shots in the air from their illegal weapons. If the raid is conducted, they could be apprehended along with the heroin and illegal fire arms. On receiving the information, the police party reached at the place informed. On seeing the police party, two persons took the boat and escaped by crossing the river. As the flow of water was too much, hence they could not

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be apprehended. On the registration of the FIR, the investigation commenced. During investigation, petitioner was apprehended on 06.12.2023. The petitioner approached the learned Special Court at Hoshiarpur praying for grant of regular bail. However, after hearing both the sides, the same was declined vide order dated 04.02.2025. Hence, the petitioner has approached this Court praying for grant of bail by way of filing the present petition.

3. It has been vehemently contended by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case in a frivolous manner. He submits that only on the basis of secret information, the petitioner has been arrested in the present case. Neither the petitioner was arrested on the spot nor any recovery has been effected from him in the present case. He submits that the petitioner has also been falsely implicated in 11 other FIRs. However, in some of the cases he has been acquitted whereas in other cases he is on bail. It is submitted that the petitioner is behind the bars since the date of his arrest. However, no witness has been examined by the prosecution till date and thus his right of speedy trial has been defeated.

4. Per contra, learned State counsel has opposed the submissions made by counsel for the petitioner. He has submitted that the petitioner is a habitual offender and he is specifically named in the secret information and the raid was conducted. However, because of the heavy current of the water, he succeeded in getting away from the reach of the police. He has submitted on instructions that out of total 16 prosecution witnesses, no witness has been examined till date. He submits that keeping in view the antecedents of the petitioner and the stage of the trial, no case is made out for grant of bail

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to the petitioner. He has placed on record the custody certificate of the petitioner.

5. After hearing counsel for the parties and perusing the record, it is inferred that petitioner has been arrayed as an accused on the basis of the secret information. There is nothing on the record to show that there was any recovery effected in the present case. As reflected from the custody certificate, the petitioner has suffered incarceration of 01 year 05 months & 10 days as on 17.05.2025. Out of total 16, no prosecution witness has been examined till date. Though the petitioner is involved in other cases, however, perusal of the custody certificate would show that in some of the cases he is acquitted and in some of the cases he is on bail.

6. Needless to say that the speedy trial of every accused is a fundamental right. 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. The trial of the case will take sufficient long time. Keeping in view the arguments raised by both the sides and perusing the record, 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.

7. 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.

8. It is being clarified that in case the petitioner does not furnish bail/surety bonds within a period of one week from today, his custody will not be counted in the present case after one week.

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9. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

19.05.2025

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**(RAJESH BHARDWAJ)
JUDGE**

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