

Sr.No.214

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

**CRM-M-42530 of 2020(O&M)
Date of decision:04.01.2021**

Swaran Singh

... Petitioner(s)

versus

State of Haryana

... Respondent (s)

Coram: Hon'ble Mr. Justice Jasgurpreet Singh Puri

Present: Mr. D.N.Ganeriwala, Advocate
for the petitioner.

Mr. Munish Sharma, AAG, Haryana

Through Video Conference

Jasgurpreet Singh Puri, J.(Oral)

Present petition has been filed under Section 439 Cr.P.C for grant of regular bail in FIR No.250, dated 10.10.2019 registered under Section 22(b) of NDPS Act, 1985 at Police Station Kalanwali, District Sirsa.

Petitioner is seeking regular bail on the ground that the trial is not progressing and therefore, he may be considered for the grant of regular bail.

Petitioner had filed the Ist bail application vide CRM-M-53927 of 2019 which was dismissed on merits on 13.01.2020 vide Annexure P-10. The alleged recovery from the petitioner was 600 tablets of Tramadol Hydrochloride of 100 mg each which is of a commercial quantity. It was further noted in the aforesaid order that notice under Section 50 NDPS Act was given to him and thereafter, search was conducted and recovery was made. Thereafter, second bail application vide CRM-M-13560 of 2020 was

filed which was again dismissed vide Annexure P-11 on 17.06.2020 by passing a detailed order. It was also noticed in the order that there are no changed circumstances for consideration of the second bail application on merits again.

Now after a lapse of about six months, the petitioner has filed the present third bail application on the ground that the trial is not progressing. The State of Punjab alongwith the entire nation is facing Covid-19 epidemic and the functioning of the Court was very limited. It is a settled law that successive bail applications are maintainable but only in circumstances where there is change of circumstances or where the reasons are of such a nature that such a bail application can be considered owing to special circumstances. However, in the present case no change of circumstance has been shown except the period of custody of the petitioner which is more than the time when he had filed the earlier bail applications. Therefore, considering the fact that no special change circumstance has been shown by the petitioner, the present third bail application is hereby dismissed.

However, nothing stated hereinabove, shall be construed to be an expression on the merits of the case.

4th January, 2021

Shivani Kaushik

[JASGURPREET SINGH PURI]

JUDGE

Whether speaking/reasoned *Yes/No*

Whether Reportable *Yes/No*