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

**CRM-M No.13088 of 2025
Date of Decision: 10.09.2025
Reserved on: 04.09.2025**

Kuldeep Singh @ Keepa

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Karan Kapoor, Advocate,
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

MANISHA BATRA, J.

1. The instant one is the second petition as filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) for grant of regular bail in case arising out of FIR No.90 dated 19.04.2022 registered under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short ‘NDPS Act’) at Police Station Jandiala, District Amritsar Rural. His previous petition bearing CRM-M No.17365 of 2024 had been dismissed by this Court vide order dated 07.11.2024 by making the following observations:-

“6. As per the allegations, the petitioner and the aforesaid co-accused were apprehended by the police party on 19.04.2022 and recovery of 450 loose intoxicant tablets

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of Tramadol Hydrochloride was effected from the petitioner, whereas 400 loose intoxicant tablets of the same salt were recovered from aforesaid co-accused, the quantity of which as a whole falls under the commercial quantity. The petitioner had moved an application before the trial Court for grant of regular bail, which was disposed of and he was granted concession of interim bail awaiting the FSL report, vide order dated 08.06.2022 (Annexure P-2) and after receipt of the FSL report, his bail had been cancelled by the trial Court on 29.08.2023 by observing that the case falls within commercial category of NDPS Act as per FSL report, consequent to which, he has been taken into custody again and is in custody since then. Although, it will be question of debate as to whether the recovery effected from the co-accused can be taken into consideration against the petitioner as well or not, however, a perusal of the status report reveals that the petitioner is involved in three more cases under the NDPS Act, out of which, two FIRs have been registered during the period when the petitioner was on interim bail in this case, which means he has misused the concession of interim bail. Therefore, the apprehension expressed by learned State counsel that in case the petitioner is released on bail, he may indulge in similar offences again, cannot be stated to be unfounded, at this stage. The trial is going on and there is nothing on record to show that there would be any undue delay in conclusion of the same. Keeping in view the aforesaid facts and circumstances as well as the criminal antecedents of the petitioner, I am of the considered opinion that he is not entitled to get relief of regular bail, at this stage. Hence, the petition stands dismissed.”

2. The petitioner along with the co-accused Gurdeep Singh is

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facing trial for commission of offence punishable under Section 22 of NDPS Act on the allegations that on 19.04.2022, 450 loose intoxicant tablets were recovered from him whereas 400 loose intoxicant tablets were recovered from the co-accused. He was released on interim bail on 08.06.2022 and was taken into custody vide order dated 29.08.2023 cancelling interim bail.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since long. Now challan has been presented. Trial will take considerable time to conclude. The prolonged period of his incarceration and conclusion of investigation proceedings is a substantive change in the circumstances and is sufficient ground for extending benefit of bail to him. It is, therefore, urged that the petition deserves to be allowed.

4. Status report has been filed. Learned Assistant Advocate General, Punjab has argued that the allegations against the petitioner are grave and serious in nature. His previous petition had been dismissed by passing a detailed order. There is no substantive or new change in the circumstances. The petitioner is a habitual offender. He is a convict in a case lodged under the provisions of Indian Penal Code. He has been convicted in three cases and is under trial in several cases including two cases under the provisions of NDPS Act. The trial is going on at a proper pace and only some witnesses remain to be examined. There are chances of petitioner's absconding or committing similar offences if extended benefit of bail. It is,

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therefore, urged that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner is alleged to have been found in possession of commercial quantity of contraband i.e. Tramadol capsules. His previous petition had been dismissed by passing a detailed order. The only additional ground that has been taken up by the petitioner in this petition is the prolonged period of his incarceration. No doubt, he is in custody since long. However, the trial is going on and only six witnesses remained to be examined. The petitioner has criminal antecedents. He has been convicted in three cases and as on date two cases under the provisions of NDPS Act and two other cases are pending against him. As such, the apprehension that he might abscond if extended benefit of bail cannot be stated to be unfounded. It is well settled proposition of law that mere prolonged period of incarceration is not a sufficient ground for enlarging an accused on bail, when the offence alleged is serious. More so, this is the second petition for grant of bail. In ***State of Maharashtra Vs. Captain Buddhikota Subha Rao, AIR 1989 Supreme Court, 2292***, it is observed by Hon'ble Supreme Court that the Court should not pass an order of release of an accused on bail in successive bail application merely establishing some cosmetic change and there must be some drastic change during the period between two applications which is not so in the present case. In view of the above discussed facts, this Court is of the opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.



7. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

10.09.2025
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(MANISHA BATRA)
JUDGE

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