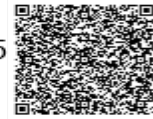


**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

2025:PHHC:067135

**241**

**CRM-M-22830-2025
Date of decision:19.05.2025**

Jagannath Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Munish Gulati, Advocate for the petitioner.

Ms. Pooja Nayar Sharma, DAG, Punjab.

...

Manisha Batra, J. (Oral).

1. The present second petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 94 dated 19.06.2024 registered under Sections 21, 21-C, 27-A, 29 of the NDPS Act at Police Station Chheharta, District Amritsar.

2. As per the allegations, on the basis of a secret information, accused Gurjant Singh @ Janty and Jaspal Singh @ Pala were apprehended by a police party on 19.06.2024 and recovery of 1 kg and 500 grams of heroin was effected from them. Accused Gurjant Singh @ Janty suffered disclosure statement to the effect that he used to receive the contraband from a Pakistani smuggler and after selling the same, he used to hand over the drug money to the present petitioner and one Raj Kumar on the basis of the abovesaid smuggler. The petitioner and co-accused Raj Kumar were

accordingly nominated and arrested on 21.06.2024. Drug money of Rs.27.10 lakhs was recovered from them. Call details record with co-accused were also collected during investigation that revealed that they were in touch with each other. Presently, the petitioner is facing trial with the co-accused. Previous petition filed by the petitioner bearing CRM-M-59225-2024 had been dismissed by this Court vide order dated 17.02.2025. Operative part of order dated 17.02.2025 as passed by this Court in the previous petition is reproduced as under for the sake of convenience:

“The petitioner has been nominated in this case on the disclosure of co-accused Gurjant Singh @ Janty, who was apprehended by the police party along with co-accused Jaspal Singh @ Pala and from whose possession, recovery of 01 kg. 500 grams of heroin was effected. The allegations against the petitioner are that the co-accused, after receiving the consignments of heroin from Pakistani smuggler Billa and after selling the same as per his instructions, used to hand over the drug money to the present petitioner. The case involves cross border smuggling of drugs and narcotic substances. The petitioner and co-accused were apprehended with huge amount of drug money i.e. Rs. 27.10 lakhs. During investigation, it was found that the petitioner was in constant touch over phone with other co-accused. The allegations against him are quite serious. The quantity of the recovered contraband falls under the commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted in this case. The trial is going on and there is nothing on record to show that there would be any undue delay in conclusion of trial. The apprehension expressed by learned State counsel that the petitioner, if extended benefit of bail, may abscond or indulge in similar offences can also not be stated to be unfounded. Keeping in view the discussion as made above,

the quantity of recovered contraband, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, I am of the considered opinion that the petitioner does not deserve to be granted benefit of regular bail, at this stage. Hence, the petition is dismissed.”

3. It is argued by learned counsel for the petitioner that co-accused Rajiv @ Happy has since been extended benefit of bail. His case is on parity with the case of the said accused and therefore, he too deserves to be released on bail. It is submitted that this fact also amounts to substantive change in the circumstances thereby entitling him for his release.

4. Per contra, learned State counsel has placed on record custody certificate of the petitioner and has argued that there are serious allegations against the petitioner. Drug money of Rs.27.10 lakhs was recovered from him. Commercial quantity of the contraband was recovered from the co-accused. His previous petition was dismissed by passing a detailed order. Case of co-accused is not on parity with the case of accused Rajiv @ Happy as no recovery was effected from him. There is no substantive specious change in the circumstances ever since the date of dismissal of his previous petition. With these submissions, it is stressed that the petition does not deserve to be allowed.

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

6. The previous petition filed by the petitioner has been dismissed by passing a detailed order. The only ground as taken in the petition now filed by the petitioner is that the co-accused Rajiv @ Happy has been extended the benefit of bail and the same cannot be said to be a new and substantive ground entitling him to seek concession of bail as allegations

against him are more serious in nature. Moreso, the petitioner has failed to show any substantial change in the circumstances/fact situation from the date of dismissal of his previous petition. It is well settled that the petitioner must show some substantial change in the circumstances and it is not sufficient to show a mere superficial or ostensible change. There must be some change in fact situation or in law requiring the earlier view to be interfered with. Keeping in view the nature and gravity of the offence, in my considered opinion, it is not a fit case to enlarge the petitioner on bail, especially in view of the fact that no drastic or material change in the circumstances has been made out. In view of the discussion as made above, but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition does not deserve to be allowed. Hence, the same is dismissed.

7. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

19.05.2025

harjeet

**(MANISHA BATRA)
JUDGE**

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