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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

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CRM-M-25012-2025 (O&M)
Date of decision: 01.08.2025

Gagandeep Singh @ Gaggi ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Bhawesh Chaudhary, Advocate
for the petitioner. (Through VC)

Mr. Vivek Sharma, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant one is the second petition that has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to him in case bearing FIR No. 124 dated 23.08.2023, registered under Section 22 of the NDPS Act, 1985 at Police Station Bullowall, District Hoshiarpur. The previous petition, bearing number **CRM-M-22437-2024**, was dismissed by this Court on 18.10.2024. The operative part of the order reads as under:

“6. As per the allegations, the petitioner was apprehended by the police party on 23.08.2023 and recovery of 255 grams of intoxicant powder (Alprazolam) was effected from him, which falls under the commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted in this case. So far as the arguments raised by learned counsel for the petitioner with regard to lacunas in

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investigation are concerned, the same cannot be taken into consideration at this stage while deciding a petition for grant of regular bail. There is nothing on record to suggest that there would be any undue delay in conclusion of trial as out of total 08 prosecution witnesses, 03 witnesses have already been examined before the trial Court. The apprehension raised by learned State counsel that the petitioner, if extended bail, may abscond or indulge in similar offences cannot be stated to be unfounded. Keeping in view the discussion as made above, 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.”

2. The only argument which has been raised by learned counsel for the petitioner for grant of regular bail to the petitioner is that the extended period of incarceration has entitled the petitioner to be released on bail and therefore, it is urged by him that the petition deserves to be allowed.

3. Status report has been filed by the respondent-State. It is argued by learned State counsel that the previous petition as filed by the petitioner was dismissed by passing a detailed order by this Court by taking into consideration the contentions raised by both sides. It is submitted that no new change in the circumstances has been pointed out. The mere extended period of incarceration alone is not sufficient to grant benefit of bail to the petitioner. Trial is going on at a proper pace. Hence, it is urged that the petition does not deserve to be allowed.

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4. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

5. The previous petition as filed by the petitioner for grant of regular bail had been dismissed vide order dated 18.10.2024. It is well settled proposition of law that when successive bail applications come before the Court, the Court should be very cautious while considering the same. Successive bail applications can be entertained by the Court when some substantial change is established by the accused thereby making him entitled for grant of bail. Reference in this regard can be made to ***State of Maharashtra Vs. Captain Buddhikota Subha Rao, AIR 1989 Supreme Court, 2292***, wherein it was observed so and it was further held that the Court should not pass an order of release of an accused on bail in successive bail application merely establishing some cosmetic change between time gap of two applications. There must be some drastic change during the period between two applications. Reference can also be made to ***Kalyan Chandra Sarkar Vs. Rajesh Ranjan @ Pappu Yadav and another (2004) 7 SCC 528***, wherein it was observed by Hon'ble Supreme Court that where the offence alleged against an accused is grave, bail cannot be granted only on the ground of long incarceration.

6. After hearing the contentions as raised by learned counsel for the petitioner, I am of the considered opinion that no substantial or drastic change from the date of dismissal of the previous petition as moved by the petitioner has been pointed out or made out from the pleas taken by the petitioner. Merely the extended/prolonged period of incarceration or examination of some material witnesses is not a ground to extend any such benefit. Moreover, the

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trial is going on at a proper pace and 04 prosecution witnesses out of total 08 witnesses have been examined so far. 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. It is made clear that the observations made hereinabove are only for the purpose of deciding the present petition and the same shall not be construed as an expression of opinion on the merits of the case.

01.08.2025
Waseem Ansari

(MANISHA BATRA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>