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

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**CRM-M No.26133 of 2025
Date of decision: 23.09.2025**

Lovepreet Singh alias Love ... Petitioner

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Vikas Gutpa, Advocate,
for the petitioner.

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

MANISHA BATRA, J. (Oral)

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.45 dated 24.04.2024 registered under Sections 21(c) and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') and Sections 10, 11 and 12 of Aircraft Act, 1934 at Police Station Khalra, District Tarn Taran, on the allegations that on 24.04.2024, on receipt of a secret information, to the effect that the petitioner along with co-accused Rana Singh and Arshdeep Singh was having links with Pakistani smugglers and had been receiving heroin from them through

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drone, a search operation was launched at Village Mari Kamboke and three youths were seen coming. Two of them managed to flee by throwing drone which they were carrying in their hands whereas one of them namely, Rana Singh was apprehended and 3 kg. and 166 grams of heroin was recovered from him. The names of the youths who had fled away had disclosed as Lovepreet Singh i.e. the petitioner and Arshdeep Singh. The petitioner was arrested on 28.04.2024. His previous petition had been dismissed by this Court by making the following observations:-

“6. As per the allegations, the police party, on receiving a secret information that the petitioner and aforesaid two co-accused were indulged in smuggling of drugs, had tried to apprehend them. However, co-accused Arshdeep Singh and the petitioner succeeded in running away from the spot, whereas co-accused Rana Singh was apprehended by the police party and recovery of 03 kgs. 166 grams of heroin was recovered from him. The petitioner and Arshdeep Singh were also nominated in the disclosure statement of co-accused Rana Singh as the persons, who fled away from the spot. The allegations against the petitioner are that he is indulged in smuggling of heroin from Pakistan through drone, which are quite serious in nature. He is a member of the gang, which is involved in cross border smuggling. The submission of learned State counsel that if the petitioner is released on bail, he may abscond or indulge in similar offences, cannot be stated to be unfounded. There is nothing on record to suggest that there would be any undue delay in conclusion of trial. Keeping in view the nature of the allegations as levelled against the petitioner, the quantum of sentence which the conviction may entail and the above discussed 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

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this stage. Hence, the petition is dismissed.”

2. Learned counsel for the petitioner has argued that the previous petition had been dismissed on 16.10.2024. A period of more than 11 months has passed. However, the trial has not progressed and only 3 out of 14 witnesses have been examined. Prolonged incarceration of the petitioner is a sufficient ground to extend benefit of bail. Even otherwise, no recovery was effected from him. He has clean antecedents. It is, therefore, urged that he deserves to be released on bail.

3. Status report has been filed. Learned Assistant Advocate General, Punjab has argued that there is no substantive or specious change in the circumstances on the basis of which the petitioner could seek release on bail as a matter of right. His previous petition had been dismissed by passing a detailed order and taking all aspects into consideration. Mere prolonged custody cannot be considered a reason for extending benefit of bail to the petitioner. It is, therefore, urged that he does not deserve to be released on bail.

4. This Court has considered the rival submissions.

5. The petitioner along with the co-accused is alleged to be indulged in smuggling of heroin. On 24.04.2024, 3 kg. and 166 grams of heroin was recovered from the co-accused Rana Singh who was accompanied by the petitioner and another co-accused Arshdeep Singh though the petitioner and latter had managed to flee from the spot at that time. The allegations against the petitioner are serious in nature. Merely

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on the basis of prolonged custody, he cannot seek benefit of bail. So far as the extended/prolonged period of incarceration is concerned, the well settled proposition of law is that mere prolonged period of custody is not sufficient ground for enlarging an accused on bail, when the offence alleged is serious. Reference in this context can be had to the observations made in *Parmod Kumar Saxena Vs. UOI, 2008(63) ACC (SC), Chenna Boyanna Krishna Yadav Vs. State of Maharashtra, (2007) 1 SCC, 242* and *State through CBI Vs. Amaramani Tripathi, 2005(4) RCR (Criminal) 280(SC)*. More so, the previous petition as filed by the petitioner had been dismissed by passing a detailed order. No substantive, specious or drastic change in the circumstances has been pointed out by the petitioner’s counsel on the basis of which he can be granted benefit of bail. As such, this Court finds no reason to allow the petition. Accordingly, the same is dismissed.

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

23.09.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No