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

CRM-M-30786-2025 (O&M)

Reserved on : 12.08.2025

Pronounced on : 20.08.2025

Gagandeep Singh @ Gaggi @ Gagan @ Gagandeep Kumar**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. G. P. S. Ghuman, Advocate
for the petitioner.

Mr. Vivek Sharma, AAG, Punjab.

MANISHA BATRA, J.

1. The instant one is the second petition that has been filed by the petitioner under Section 483 of Bhartiya Nagarik Suraksha Sanhita, 2023 for grant of regular bail to him in case arising out of FIR No. 10 dated 29.01.2024, registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station City Morinda, District Rupnagar. The first petition, bearing number CRM-M-43457-2024, was dismissed by this Court on 20.11.2024. The operative part of the order dated 20.11.2024 reads as under:

“6. As per the allegations, the petitioner was apprehended by the police party on 29.01.2024 along with aforesaid co-accused and recovery of 270 grams of intoxicant powder i.e. Tramadol Hydrochloride was effected from them, which falls under the commercial quantity. Hence, the rigors of Section 37 of the NDPS Act would certainly be

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attracted against the petitioner. The petitioner has placed certain photographs on record claiming his false implication. However, at this stage, the same could not be taken into consideration as it will have direct bearing on the merits of the case, which cannot be done at the stage of deciding a bail petition filed under Section 483 of BNSS. The petitioner is shown to be involved in one more case of similar nature. As per status report, out of total 14 prosecution witnesses, 10 witnesses have already been examined, which shows that the trial is going on at a good pace. There is nothing on record to suggest that there would be any undue delay in conclusion of the 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 criminal antecedents of the petitioner, 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 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 submitted therein and learned State counsel has argued that the previous petition 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

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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. More so, the trial is at its fag end. Therefore, it is urged that the petition does not deserve to be allowed.

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

5. The previous petition filed by the petitioner for grant of regular bail had been dismissed vide order dated 20.11.2024. The instant one has been filed with a prayer to grant regular bail as the petitioner is in extended incarceration. However, a perusal of the status report reveals that only one prosecution witness is left to be examined. Hence, the trial is at its fag end and the petitioner cannot be granted concession of bail at this stage. Even otherwise, 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***

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(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, especially when the trial is about to conclude. There are serious and specific allegations against the petitioner. 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.

20.08.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No