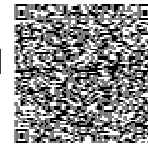


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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

246

CRM-M-31339-2025 (O&M)

Date of decision: 12.08.2025

Balvinder Singh @ Binder**...Petitioner****Versus****State of Haryana****...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Amit Choudhary, Advocate
for the petitioner.

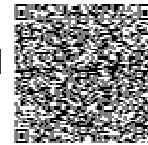
Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. The instant second petition has been filed by the petitioner under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No. 802 dated 23.09.2024, registered under Section 21(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short* 'NDPS Act') at Police Station Sadar Hisar, District Hisar. The first petition, bearing number **CRM-M-57441-2024**, was dismissed by this Court on 11.03.2025. The operative part of the order dated 11.03.2025 reads as under:

"6. The petitioner is alleged to have been apprehended by the police party along with co-accused Robin @ Nija, from whose possession, recovery of 267.35 grams of heroin was recovered. The allegations against the petitioner are that the recovered contraband belonged to him as well and he was also involved in selling heroin. The quantity of the contraband allegedly recovered from the co-accused obviously falls within the ambit of commercial quantity. The petitioner is shown to be involved in one more case under the NDPS Act, although he is on bail in that case but it show that the petitioner is a

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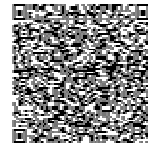


habitual offender. Even otherwise, investigation is still going on and releasing the petitioner on bail at this stage can affect the same. The petitioner has placed on record two photographs and certain other documents/copies of applications in support of his claim that he was falsely implicated in this case. Although, this Court is not supposed to delve that deep into evidence while deciding a bail petition, however, still on perusal of the aforesaid documents, no inference can be drawn as to the false implication of the petitioner or otherwise. Keeping in view the aforesaid facts and circumstances, the quantity of the contraband recovered in this case, 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 the *challan* has been filed and 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. 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 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.

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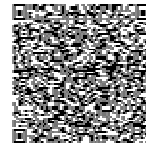
Allegations against the petitioner are quite serious in nature. Therefore, it is urged that the petition does not deserve to be allowed.

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 11.03.2025. The instant one has been filed within a period of two months of the said order. 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

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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. There are serious and specific allegations against the petitioner. The trial is going on and there is nothing to show that there would be any undue delay in conclusion of the same. 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.

12.08.2025*Waseem Ansari***(MANISHA BATRA)
JUDGE***Whether speaking/reasoned
Whether reportable**Yes/No
Yes/No*