



CRM-M-49459-2025

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**210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-49459-2025

Decided on: 11.12.2025

Gurjant Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Gurnoor Singh Sethi, Advocate, for the petitioner.
Ms. Simran Gorla, AAG, Punjab.

Rajesh Bhardwaj, J.

1. Prayer in the present second petition is for grant of anticipatory bail to the petitioner in a case FIR No.38 dated 28.02.2024, registered under Sections 21-C, 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985, at Police Station Special Task Force (STF), District SAS Nagar, Mohali.

2. Learned counsel for the petitioner has contended that the petitioner earlier approached this Court by way of filing CRM-M-35235-2024 for the grant of anticipatory bail, however, this Court declined the same vide order dated 25.10.2024. He submits that there are material changes in the circumstances and thus, the present second petition is maintainable. He submits that the petitioner was falsely implicated in the present case. He submits that recovery of 01 kg heroin was allegedly effected from the co-accused, namely, Paramjit Singh @ Pamma and Thanedar Singh and it is during the investigation, Paramjit Singh @ Pamma made a disclosure statement regarding complicity of the petitioner and thus, on the basis of the same, he was arrayed as an accused. He submits that the



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disclosure statement of the co-accused in itself is not an admissible evidence. He submits that the petitioner has now obtained a certificate issued by the Sarpanch of the Gram Panchayat, Gua Nanga, which specifically shows that on 27.02.2024 and 28.02.2024, the petitioner was present in his native village and attended cremation of late Jaswant Singh. He submits that the cremation took place on 27.02.2024 at about 08:00 p.m. and on 28.02.2024, Bhog and Antim Ardas Ceremony was held in village Gurudwara Sahib, which was attended by the petitioner. However, the prosecution alleged that the petitioner was present near Shamshan Ghat, village Boparai Road on 28.02.2024 in connection with the delivery of the contraband. He, thus, submits that the petitioner at the relevant time was not present at the place of occurrence from where the alleged recovery has been effected, rather he was present in his native village. Thus, it is submitted that there is a substantial change in the circumstances for approaching this Court by way of filing the second petition and hence, the petitioner deserves the concession of anticipatory bail.

3. However, learned State counsel has opposed the submissions made by counsel for the petitioner. She submits that 01 kg of heroin has been recovered from the co-accused and as per the disclosure statement made by accused Paramjit Singh @ Pamma, 1½ kg of heroin is in possession of the petitioner. Thus, to recover the remaining 1½ kg of heroin from the petitioner and to ascertain the source of contraband, his custodial interrogation is required. She, thus, prays for dismissal of the present petition.

4. After hearing learned counsel for the parties, it is deciphered



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that complicity of the petitioner surfaced during the interrogation of co-accused Paramjit Singh @ Pamma, from whom 01 kg of heroin was recovered. The petitioner earlier approached this Court for the grant of anticipatory bail, however, this Court by passing a detailed order dated 25.10.2024, declined the same.

5. Learned counsel for the petitioner had primarily taken a plea of *alibi* and the same has been contended to be a change in circumstance for the maintainability of the present second petition. Needless to say that the plea of *alibi* taken by the petitioner would be considered at the relevant time during the trial, but the same cannot be taken to be a ground for change in the circumstances. Hon'ble Supreme Court in **The State of Haryana vs. Samarth Kumar, 2022(3) RCR Cri. 991** has held that in the cases like the present one, the accused may take advantage of facts like no recovery was effected from him and that he was implicated on the basis of disclosure statement made by the main accused, at the time of arguing regular bail application or at the time of final hearing after conclusion of trial.

6. Hon'ble Supreme Court in **G.R. Ananda Babu Vs. State of Tamil Nadu, 2021(1) RCR (Criminal) 843** has held that successive anticipatory bail applications ought not to be entertained on specious ground of 'Changed Circumstances'.

7. Thus finding no merit in the present petition, the same is hereby dismissed. The petitioner was granted interim protection vide order dated 24.09.2025 and remained on interim protection and thus, in case the petitioner surrenders before the Investigating Agency and files an appropriate application for regular bail before the competent Court of



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jurisdiction, the court concerned is directed to decide the same expeditiously.

8. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

11.12.2025	(RAJESH BHARDWAJ)
sharmila	JUDGE
Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No