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

CRM-M-59306-2024 (O&M)

Reserved on : 02.08.2025

Pronounced on : 08.08.2025

Jugandeep Singh @ Jugni

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Ms. Seema Kumari, Advocate for
Mr. G. S. Sandhu, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

MANISHA BATRA, J.

1. The instant one is the third 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. 24 dated 09.02.2023, registered under Sections 15 and 29 of the NDPS Act, 1985 at Police Station City Sunam, District Sangrur. The first and second petitions, bearing CRM-M-51891-2023 and CRM-M-42193-2024, were dismissed by this Court on 04.07.2024 and 04.09.2024. The operative part of the order dated 04.07.2024 reads as under :

“6. On a perusal of the record, it reveals that the petitioner is in custody since 09.02.2023. The alleged recovery effected from the petitioner was of commercial quantity. There are serious allegations against the petitioner of bringing the contraband from Madhya Pradesh and supplying the same to the co-accused. Whereas the plea of the petitioner that co-accused Jail Singh is concerned,

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he was admittedly not arrested at the spot and no subsequent recovery was effected from him. Hence, the case of the petitioner is on different footing from that of co-accused Jail Singh. There is nothing on record to suggest that there would be any undue delay in conclusion of trial. Keeping in view the gravity of allegations as levelled against the petitioner, the quantity of alleged contraband recovered from the petitioner, quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case, this Court is of the considered opinion that he does not deserve to be granted concession of regular bail, at this stage. Accordingly, the present petition is dismissed.”

2. The only argument raised by learned counsel for the petitioner for grant of regular bail to the petitioner is that he is entitled to get benefit of bail as the trial is not progressing and he is in prolonged incarceration. Therefore, it is urged that the petition deserves to be allowed.

3. Status report has been filed by the respondent-State. Learned State counsel has argued that keeping in view the gravity of the allegations levelled against the petitioner, he is not entitled to get benefit of bail. Hence, it is urged that the petition is liable to be dismissed.

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

5. The petitioner has been booked in this case on the allegations that a commercial quantity of the contraband was recovered from him. His earlier two petitions have been dismissed by this Court. The present one has been filed only on the ground that the trial is not progressing and he is in extended incarceration. However, a perusal of the record reveals that out of

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total 12 prosecution witnesses, 05 witnesses have since been examined and 04 witnesses have been given up. Meaning thereby, only 04 witnesses are left to be examined. Hence, the trial is at advanced stage and there is nothing on record to show that there would be any undue delay in conclusion of the same. Even otherwise, no case for grant of regular bail to the petitioner has been made out. 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. However, in the present case, I am of the considered opinion that no substantial or drastic change from the date of dismissal of the previous petitions as moved by the petitioner has been pointed out or made out from the pleas taken by the petitioner. Keeping in view the aforesaid facts and circumstances, the stage of trial, the quantity of alleged contraband recovered from the petitioner, the quantum of sentence

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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 concession of regular bail. Accordingly, the present petition is dismissed.

6. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

08.08.2025

Wasem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No