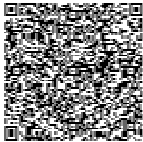


CRM-M-5351-2026

2026:PHHC:019581



116

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-5351-2026

Jagjit Singh

....Petitioner

Versus

State of Punjab

....Respondent

Date of Decision: February 10, 2026
Date of Uploading: February 10, 2026

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Rishu Mahajan, Advocate for the petitioner.
Mr. Adhiraj Singh Thind, AAG Punjab.

SUMEET GOEL, J. (ORAL)

Present second petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) for grant of regular bail to the petitioner, in case bearing FIR No.134 dated 13.07.2025, registered for the offences punishable under Sections 21-B, 27-A, 29 and 23 of the NDPS Act, 1985, Section 25(6, 7, 8) of the Arms Act, 1959 and Sections 10/ 11/ 12 of the Aircraft Act, 1934, at Police Station Chheharta, District Amritsar.

2. The gravamen of the FIR in question is that the petitioner is an accused of being involved in FIR pertaining to NDPS Act, Arms Act and Aircraft Act involving Rs.6,90,000/- as drug money (allegedly recovered from the *petitioner herein*), 50 grams of Heroin and one 32 bore pistol (allegedly recovered from co-accused, namely, Gurinder Singh), 04 Glock 9

CRM-M-5351-2026

mm pistol (allegedly recovered from co-accused – Arshdeep Singh @ Baba and Karanjit Singh @ Karan, and one drone (allegedly recovered from co-accused, namely, Harpal Singh).

3. Learned counsel for the petitioner has iterated that the petitioner is in custody since 13.07.2025. Learned counsel has iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has iterated that assuming *arguendo*, the prosecution version is taken to be correct, only Rs.6,90,000/- has been allegedly recovered from the petitioner, which is stated to be the drug money, basis thereof is only the confessional statement of the petitioner, which is not likely to withstand the judicial scrutiny. Learned counsel has further argued that the petitioner is a man with clean antecedents. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised against the petitioner are serious in nature and, thus, the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record the custody certificate dated 09.02.2026, in the Court today, which is taken on record.

5. I have heard counsel for the rival parties and have gone through the available records of the case.

6. The petitioner was arrested on 13.07.2025 whereinafter investigation was carried out and challan was presented on 07.01.2026. Total 15 prosecution witnesses have been cited, out of which, none has been examined till date. It is thus, indubitable that conclusion of the trial will take its own time. The rival contentions raised at Bar give rise to debatable issues, which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at

CRM-M-5351-2026

this stage, *lest* it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1. As per custody certificate dated 09.02.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 06 months & 24 days, & is not shown to be involved in any other FIR(s).

6.2. Indubitably, the present petition is the second attempt by the petitioner to secure regular bail. The last bail plea was dismissed as withdrawn on 20.11.2025. However, keeping in view the entirety of the factual matrix of the case in hand; especially, factum of the petitioner having suffered extended incarceration for almost 02 months & pace of trial; this Court is inclined to affirmatively consider the instant plea for bail. A profitable reference, in this regard, can be made to a judgment of this Court passed in ***CRA-S-2332-2023*** titled as ***Rafiq Khan versus State of Haryana and another***, relevant whereof reads as under:

“10. As an epilogue to the above discussion, the following principles emerge:

I Second/successive regular bail petition(s) filed is maintainable in law & hence such petition ought not to be rejected solely on the ground of maintainability thereof.

II. Such second/successive regular bail petition(s) is maintainable whether earlier petition was dismissed as withdrawn/dismissed as not pressed/dismissed for non-prosecution or earlier petition was dismissed on merits.

III For the second/successive regular bail petition(s) to succeed, the petitioner/applicant shall be essentially/pertinently required to show substantial change in circumstances and showing of a mere superficial or ostensible change would not suffice. The metaphoric expression of seeking second/successive bail plea(s) ought not be abstracted into literal iterations of petition(s) without substantial, effective and consequential change in circumstances.

IV No exhaustive guidelines can possibly be laid down as to what would constitute substantial change in circumstances as every case has its own unique facts/circumstance. Making such an attempt is nothing but an utopian endeavour. Ergo, this issue is best left to the judicial wisdom and discretion of the Court dealing with such second/successive regular bail petition(s).

V In case a Court chooses to grant second/successive regular bail petition(s), cogent and lucid reasons are pertinently required to

CRM-M-5351-2026

be recorded for granting such plea despite such a plea being second/successive petition(s). In other words, the cause for a Court having successfully countenanced/entertained such second/successive petition(s) ought to be readily and clearly decipherable from the said order passed.”

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the factual milieu of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail, if not required in any other case, on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cellphone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaqa Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

CRM-M-5351-2026

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.
11. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

(SUMEET GOEL)
JUDGE

February 10, 2026
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No