

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:049409



212

CRM-M-6798-2026 (O&M)
Date of decision:30.03.2026

Jugraj Singh @ Ghachu

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rishu Mahajan, Advocate for the petitioner.

Mr. Roshandeep Singh, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. The instant one is the third petition as filed by the petitioner making a prayer for grant of regular bail in case arising out of FIR No. 03, dated 07.01.2022, registered under Sections 22(c), 21(c) and 29 of Narcotic Drugs and Psychotropic Substance Act, 1985 (for short 'NDPS Act'), at Police Station Chattiwind, District Amritsar, on the allegations that on 07.01.2022, he was found in conscious possession of 753 intoxicating tablets of Tramadol Hydrochloride. His previous petition bearing CRM-M-33652-2025 was dismissed by this Court vide order dated 04.11.2025.

2. It is argued by learned counsel for the petitioner that he has been in custody since long. Each day spent by him in custody furnishes a

new ground for grant of bail to him. Even after dismissal of his previous petition only 01 prosecution witness and that too, partly has been examined by the prosecution. As such, the chances of conclusion of trial in near future are still bleak. No fruitful purpose would be served by his continued detention. His prolonged incarceration militates against his fundamental right as enshrined under Article 226 of the Constitution of India. It is, therefore, argued that the petition deserves to be allowed.

3. Per contra, learned State counsel has argued that the instant one being the successive petition, is not maintainable. The recovery was of commercial quantity. The allegations against him are serious in nature. He is a habitual offender. It is, therefore, stressed that the petition does not deserve to be allowed.

4. This Court has heard the rival submissions made by learned counsel for the parties.

5. So far as the question of maintainability of the petition is concerned, it may be mentioned that an accused has a right to make successive applications for grant of bail, and it is the duty of the Court, while entertaining such a subsequent bail application, to consider the reasons and grounds on which the earlier bail petition was rejected. The fresh grounds which persuade the Court to take a view different from the one taken in the earlier application are also required to be recorded. Reference in this regard can be made to ***Prasad Shrikant Purohit v. State of Maharashtra (2018) 11 SCC 458***, wherein it was so observed.

6. The petitioner is continuously in custody since 26.09.2023. He was arrested on 07.01.2022 but was extended benefit of interim bail which

was subsequently cancelled. The trial has not proceeded much further as only 01 prosecution witness and that too, partly has been examined by the prosecution. He cannot be kept in jail for an indefinite period on account of his involvement in other cases. It is well settled proposition of law that bail is the rule and jail is an exception and the pre-trial incarceration should not be a replica of post conviction sentencing. The object of jail is to secure appearance of the accused during trial and it cannot be punitive or preventive. There is nothing on record to show that the petitioner may abscond or commit similar offences.

7. In view of the discussion as made above, this Court is of the considered opinion that a case for release of the petitioner on bail is made out. Accordingly, the petition is allowed and the petitioner is directed to be released on bail subject to his furnishing personal bonds as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned. The petitioner shall, however, keep the trial Court informed about any change in his residential address and his mobile number. He will keep his mobile phone active round the clock. He will also remain present before the trial Court on each and every date of hearing, failing which it shall be taken as misuse of the concession of bail. Similarly, if the petitioner is found involved in any other case of similar nature, that will amount to misuse of concession of bail and in that event, it shall be open to the State to apply for cancellation of bail without further reference to this Court.

8. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and shall not influence the outcome of the trial.

9. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

30.03.2026

harjeet

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No