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

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Ankur

...Petitioner

V/s

State of Haryana

...Respondent

Date of decision: 12.03.2026**Date of Uploading : 12.03.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. B.S. Jatana, Advocate for the petitioner.

Ms. Mahima Yashpal Singla, Senior DAG Haryana.

SUMEET GOEL, J. (Oral)

1. 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.0338 dated 01.08.2024, registered for the offences punishable under Section 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act') (Sections 27(a), 29 and 31 of the NDPS Act added later on), at Police Station Sadar Fatehabad, District Fatehabad.

The petitioner has earlier applied for grant of regular bail before this Court which was dismissed on merits vide order dated on 15.10.2025.

Thereafter, the present petition i.e. the second petition for grant of regular bail, has been preferred by the petitioner on 06.02.2026.

2. The gravamen of the FIR reflects that co-accused of the petitioner, namely, Satpal @ Satta and Karamvir @ Deepak were

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apprehended by the police. Upon search, 120 strips each containing 10 tablets of NRx Tramlax-SR-100 Tramadol Hydrochloride Extended Release Tablets were allegedly recovered from a black colored polythene bag held by co-accused-Satpal @ Satta. During the course of investigation, the petitioner has been nominated as an accused on the basis of disclosure statement of co-accused Karamvir @ Deepak and Satpal @ Satta.

3. Learned counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further iterated that the petitioner has not been named in the FIR and his name surfaced only during the course of investigation on the basis of disclosure statements of co-accused, which are inadmissible in evidence. Furthermore, there is no independent corroborative evidence linking the petitioner to the alleged offence and his name does not find mention in the FIR. Moreover, the disclosure statement of the co-accused has been deliberately fabricated by the investigating agency in order to falsely implicate the petitioner in the present case. Furthermore, there is no material on record to connect the petitioner with the alleged recovery and hence no case is made against the petitioner. It has been further contended that the mandatory provisions of NDPS Act has not been scrupulously complied with and as such the prosecution case is suffering from material defects. Learned counsel has also laid emphasis on the principle of parity and contends that main accused namely Karambir Singh @ Deepak, who has been arrested on the spot and co-accused namely Anil Kumar, who has been named in the FIR but managed to flee, have already been granted the concession of regular bail by this Court and hence the petitioner is also



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entitled to the same relief. It has been further contended that the challan has already been presented before the competent Court of jurisdiction and evidence of prosecution witnesses is going on. Since the conclusion of trial will take long time to conclude, thus, no useful purpose would be served by keeping the petitioner in custody. Furthermore, the petitioner shall undertake to abide by all conditions that may be imposed by this Court, including not tampering with the prosecution evidence or influencing witnesses and not leaving the country without prior permission of the Court. On the strength of aforesaid submissions, the grant of petition in hand is entreated for.

4. *Per contra*, learned State counsel has vehemently opposed the grant of bail to the petitioner by arguing that the present petition is not maintainable as it is the second petition for grant of regular bail as also on merits thereof and there is no substantial change in circumstances. On merits, while raising submissions in tandem with the reply by way of an affidavit of Jagjeet Singh, Deputy Superintendent of Police, HSNCB Hisar, learned State counsel has iterated that the petitioner is the main supplier and has actively participated in the illegal trade of commercial quantity of narcotic drugs. The relevant part of the aforesaid reply reads thus:

“19. THAT THE ROLE ATTRIBUTED TO THE PRESENT PETITIONER-ACCUSED ANKUR IS AS UNDER:

(a) That the role of petitioner-accused Ankur Mehta in the present case is of a key supplier and active participant in the illegal trade of commercial quantity of narcotic drugs. The investigation has revealed that co-accused Satpal @ Satta, who was apprehended at the spot with 120 strips (commercial quantity) of Tramadol tablets, categorically disclosed that he had procured the recovered contraband from petitioner-accused Ankur near Swami Dhaba, Hanspur Road, Fatehabad, shortly before the



registration of the present FIR. The said disclosure has been consistently reiterated during police remand, wherein the specific mobile numbers used by petitioner-accused Ankur and co-accused Satpal for coordinating the purchase and sale of narcotic tablets were disclosed, clearly establishing a continuing nexus between them in furtherance of criminal conspiracy.

(b) That during investigation, petitioner-accused Ankur joined investigation pursuant to the directions of the Hon'ble Court and suffered a detailed disclosure statement admitting that he had earlier been involved in illegal trafficking of Tramadol tablets, had met co-accused Satpal in jail in a previous NDPS case, and after their release on bail, resumed the illegal business of procurement and supply of narcotic tablets without license. He specifically disclosed that he purchased six boxes containing 1200 Tramadol tablets from co-accused Mohit Aggarwal of Ghaziabad and thereafter sold the same to co-accused Satpal @ Satta near Swami Dhaba, Fatehabad. for monetary gain. He further admitted to using specific mobile numbers for communication and to destroying his mobile phone and SIM cards after the transaction in order to screen himself from legal consequences, thereby attracting Section 238 BNS.

(c) That the role of petitioner-accused Ankur is further substantiated by the call detail records, which demonstrate frequent telephonic contact between him and co-accused Satpal in the month immediately preceding the recovery, including multiple calls on 01.07.2024, 18.07.2024, 28.07.2024 and 30.07.2024, clearly indicating continuous coordination for procurement and distribution of contraband. The location analysis of the petitioner's mobile number further places him near village Hanspur, the place where the recovered contraband was supplied to co-accused Satpal, thereby lending independent corroboration to the disclosure statements and the prosecution version.

20. THAT THE EVIDENCE AGAINST THE PRESENT PETITIONER-ACCUSED ANKUR IS AS UNDER:

(a) That the evidence collected during investigation clearly establishes a strong prima facie case against the petitioner-accused Ankur. The recovery of commercial quantity of Tramadol tablets from co-accused Satpal @ Satta stands directly connected to the petitioner in view of the categorical and consistent disclosure statements of the co-accused, wherein it has been specifically stated that the recovered contraband was procured from petitioner-accused Ankur near Swami Dhaba, Hanspur



Road, Fatehabad, shortly before the registration of the present FIR The said version has been duly corroborated by the call detail records, which reveal continuous telephonic contact between the petitioner and co-accused Satpal immediately prior to the recovery, thereby substantiating their active nexus and criminal conspiracy.

(b) Furthermore, during the course of investigation, petitioner-accused Ankur joined investigation and suffered his own disclosure statement admitting procurement of a large quantity of Tramadol tablets from co-accused Mohit Aggarwal and subsequent supply of the same to co-accused Satpal for monetary consideration. He also admitted destruction of his mobile phone and SIM cards after the transaction, reflecting conscious efforts to screen himself from legal consequences. The mobile location analysis further places the petitioner in the vicinity of the place of supply, thereby lending independent corroboration to the prosecution version, In addition, the petitioner is a previously convicted offender under the NDPS Act in a commercial quantity case, which further reflects his involvement in organized narcotics trafficking

(c) Thus, the cumulative evidence on record including recovery of commercial quantity contraband linked through disclosure statements, corroborative call detail records and location analysis, the petitioner's own inculpatory disclosure, and his previous conviction clearly establishes his active role as supplier and conspirator in the illegal trade of narcotic drugs, attracting the stringent bar contained under Section 37 of the NDPS Act.

21. That in view of the specific and active role attributed to the petitioner, coupled with the cogent and incriminating evidence collected during investigation, the petitioner does not deserve the concession of regular bail. There exists a strong apprehension that if released on bail, the petitioner is likely to indulge again in similar unlawful activities.”

Learned State counsel has further argued that the present case pertains to recovery of a commercial quantity of narcotics and thus, the plea of the petitioner for grant of bail is barred by Section 37 of the NDPS Act. It has been further submitted that though, the petitioner has been implicated on the basis of disclosure of co-accused but his complicity stands substantiated by way of Call Detail Records exchanged between the petitioner and co-



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accused. Considering the gravity of the offence and the specific role attributed to the petitioner, learned State counsel has prayed for the dismissal of the instant petition.

5. I have heard learned counsel for the rival parties and have perused the available record.

6. It would be apposite to refer herein to a judgment passed by this Court in ***Rafiq Khan vs. State of Haryana and another: 2024: PHHC:054064***; 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 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



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petition(s) ought to be readily and clearly decipherable from the said order passed.”

7. The present petition is a second petition for grant of regular bail by the petitioner. A second regular bail petition is indeed maintainable under law; however, it requires demonstration of a substantial change in circumstances since the earlier petition. It is a settled proposition of law that such a change must be significant and not merely superficial or technical to warrant reconsideration. This standard ensures that the remedy of successive bail petitions is not misused through repeated filings but is available when new and material factors arise that alter the initial assessment of the case. The first regular bail filed by the petitioner was dismissed on 15.10.2025. The instant petition i.e. second petition for grant of regular bail has been filed thereafter on 06.02.2026.

8. The grant of bail falls within the discretionary domain of the Court; however, such discretion must be exercised in a judicious and principled manner, ensuring it aligns with established legal precedents and the interests of justice. While considering a bail application, the Court must evaluate factors such as the existence of *prima facie* evidence implicating the accused, the nature and gravity of the alleged offence and the severity of the likely sentence upon conviction. The Court must also assess the likelihood of the accused absconding or evading the due process of law, the probability of the offence being repeated and any reasonable apprehension of the accused tampering with evidence or influencing witnesses. Additionally, the character, antecedents, financial means, societal standing, and overall conduct of the accused play a crucial role. Furthermore, the



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administration of justice or thwarting its due course. A profitable reference in this regard is made to the judgment passed by the Hon'ble Supreme Court titled as ***State through C.B.I. vs. Amaramani Tripathi, 2005 AIR Supreme Court 3490***, relevant whereof reads as under:

*"14. It is well settled that the matters to be considered in an application for bail are (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence; (ii) nature and gravity of the charge; (iii) severity of the punishment in the event of conviction; (iv) danger of accused absconding or fleeing if released on bail; (v) character, behaviour, means, position and standing of the accused; (vi) likelihood of the offence being repeated; (vii) reasonable apprehension of the witnesses being tampered with; and (viii) danger, of course, of justice being thwarted by grant of bail (see **Prahlad Singh Bhati v. NCT, Delhi, 2001(2) RCR (Criminal) 377 (SC) :2001(4) SCC 280 and Gurcharan Singh v. State (Delhi Administration), AIR 1978 Supreme Court 179**). While a vague allegation that accused may tamper with the evidence or witnesses may not be a ground to refuse bail, if the accused is of such character that his mere presence at large would intimidate the witnesses or if there is material to show that he will use his liberty to subvert justice or tamper with the evidence, then bail will be refused. We may also refer to the following principles relating to grant or refusal of bail stated in **Kalyan Chandra Sarkar v. Rajesh Ranjan, 2004(2) RCR (Criminal) 254 (SC) :2004(7) SCC 528** : "The law in regard to grant or refusal of bail is very well settled. The court granting bail should exercise its discretion in a judicious manner and not as a matter of course. Though at the stage of granting bail a detailed examination of evidence and elaborate documentation of the merit of the case need not be undertaken, there is a need to indicate in such orders reasons for prima facie concluding why bail was being granted particularly where the accused is charged of having committed a serious offence. Any order devoid of such reasons would suffer from non-application of mind. It is also necessary for the court granting bail to consider among other circumstances, the following factors also before granting bail; they are:*

- a. The nature of accusation and the severity of punishment in case of conviction and the nature of supporting evidence.*
- b. Reasonable apprehension of tampering with the witness or apprehension of threat to the complainant.*



*c. Prima facie satisfaction of the **court** in support of the charge. (see **Ram GovindUpadhyay v. Sudarshan Singh**, 2002(2) RCR (Criminal) 250 (SC) : 2002(3) SCC 598 and **Puran v. Ram Bilas**, 2001(2) RCR (Criminal) 801 (SC) : 2001(6) SCC 338.”*

This Court also in specific terms held that :

*“the condition laid down under section 437(1)(i) is sine qua non for granting bail even under section 439 of the Code. In the impugned order it is noticed that the High **Court** has given the period of incarceration already undergone by the accused and the unlikelihood of trial concluding in the near future as grounds sufficient to enlarge the accused on bail, in spite of the fact that the accused stands charged of offences punishable with life imprisonment or even death penalty. In such cases, in our opinion, the mere fact that the accused has undergone certain period of incarceration (three years in this case) by itself would not entitle the accused to being enlarged on bail, nor the fact that the trial is not likely to be concluded in the near future either by itself or coupled with the period of incarceration would be sufficient for enlarging the appellant on bail when the gravity of the offence alleged is severe and there are allegations of tampering with the witnesses by the accused during the period he was on bail.”*

*In **Panchanan Mishra v. Digambar Mishra**, 2005(1) Apex Criminal 319 : 2005(1) RCR(Criminal) 712 (SC) : 2005(3) SCC 143, this Court observed :*

“The object underlying the cancellation of bail is to protect the fair trial and secure justice being done to the society by preventing the accused who is set at liberty by the bail order from tampering with the evidence in the heinous crime..... It hardly requires to be stated that once a person is released on bail in serious criminal cases where the punishment is quite stringent and deterrent, the accused in order to get away from the clutches of the same indulge in various activities like tampering with the prosecution witnesses, threatening the family members of the deceased victim and also create problems of law and order situation.”

9. Indubitably, the allegations against the petitioner are grave in nature. The material which has come on record, at this stage, *prima facie* suggests that the petitioner has specially been attributed an active role in the alleged incident. The gravamen of the allegations in the FIR discloses that

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the case at hand involves recovery of total 1200 intoxicant tablets (549 grams) of Tramadol, which is a commercial quantity and the name of the petitioner has surfaced in the disclosure statement of co-accused *Satpal alias Satta* and he was nominated as an accused in the case in hand. The petitioner is stated to be in custody since 15.04.2025. Indubitably, the first petition (for grant of regular bail) preferred by the petitioner was dismissed by this Court on 15.10.2025 after considering the status report and material on record including the call exchanges with the co-accused. Thereafter, in the instant petition i.e. second petition (for grant of regular bail), the petitioner has reiterated the grounds previously taken (at the time of rejection of the first petition on 15.10.2025). There is no substantial change *nay* any change in circumstances which may weigh, in favour of entertaining the instant second petition for regular bail.

10. Furthermore, no fresh substantial change in circumstances has been brought forward which would indicate that the petitioner is entitled to maintain his second petition for grant of regular bail. All the grounds urged by the petitioner in the present petition have already been considered & decided and view thereupon has been taken vide judgment dated 15.10.2025. From the entire factual conspectus brought forward in the present petition, no fresh ground or circumstance is made out so as to enable the petitioner to file and maintain the second anticipatory bail petition.

11. Furthermore, the petitioner has also sought bail on the ground of prolonged custody and parity with the co-accused. Though it is true that the petitioner has been in custody for a considerable period but the seriousness of the allegations and his criminal antecedents weigh heavily



against him. Another important *may* significant factor which deserves to be considered at this stage is the criminal antecedents of the petitioner which reflect his involvement in multiple other criminal cases. Though mere pendency of cases is not a ground to deny the bail but the likelihood of repetition of offence or misuse of liberty cannot be ruled out at this stage. In the present case, the antecedents of the petitioner do raise a legitimate concern regarding the potential risk if he is released on bail. The plea of the parity also does not persuade this Court to take a different view. In the considered opinion of this Court, the principle of parity cannot be claimed as a matter of right and must be examined in the light of the role attributed, antecedents and overall circumstances of each accused. The petitioner stands on a different footing and therefore, the grant of regular bail to co-accused does not automatically entitle him to the same relief. The grant of regular bail to certain co-accused by this Court does not *ipso facto* entitle the petitioner to the same relief. The plea for grant of regular bail is to be considered on the basis of the specific role attributed to each accused, the nature of allegations, the material collected during the course of investigation and the individual criminal antecedents. The role of the petitioner, as alleged by the prosecution coupled with his criminal antecedents place him on a distinct footing from co-accused who have been granted the concession of bail. Therefore, the order granting bail to other accused persons neither confer any right nor be considered as a relevant/determinative factor to claim regular bail. At this stage, no accentuating circumstances have been made which may *prima facie* constitute a compelling ground for the grant of regular bail to the petitioner,



especially in light of the gravity of the allegations and the evidence on record.

12. Considering the gravity of the offence, the stage of the trial and the overall facts and circumstances emerging from the record, this Court finds no merit in the present petition. Accordingly, this Court is of the considered opinion that the petitioner does not deserve the concession of regular bail in the factual *milieu* of the case in hand.

13. In view of the prevenient ratiocination, it is ordained thus:

- (i) The petition in hand is devoid of merits and is hereby dismissed.
- (ii) Any observations made and/or submissions noted hereinabove shall not have any effect on merits of the case and the investigating agency as also the trial Court shall proceed further, in accordance with law, without being influenced with this order.
- (iii) Pending application(s), if any, shall also stand disposed of.

(SUMEET GOEL)
JUDGE

March 12, 2026
Ajay

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