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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-13942-2026

Date of decision: 7th May, 2026

Jobanjit Singh @ Joba

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Karandeep Singh Sidhu, Advocate for the petitioner.

Mr. Roshandeep Singh, Assistant Advocate General, Punjab.

MANISHA BATRA, J (ORAL):-

The instant one is the second petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 251 dated 06.12.2024 registered under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, '*NDPS Act*') (Section 29 of NDPS Act was added later on vide GD No. 35 dated 26.05.2025) at Police Station Lopoke, District Amritsar. His previous petition bearing CRM-M- No. 21979-2025 had been dismissed vide order dated 08.09.2025.

2. The petitioner along with the co-accused is facing trial for commission of aforementioned offences, on the allegations that he along with the co-accused was involved in procuring *heroin* from Pakistan through drone and then supplying it in different areas of Punjab. On 05.12.2024, one small

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packet containing 0.530 kgs of *heroin* was recovered from a field of village Bachiwind. It was revealed that the same had been procured by the present petitioner and co-accused. The petitioner was arrested on 10.12.2024. Co-accused was also arrested. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that after dismissal of the previous petition as filed by him, there has been change in the circumstances, since the co-accused Sarabjit Singh @ Ladda has been extended benefit of bail by this Court. The case of the petitioner is at parity and therefore, he too deserves to be extended the same benefit. Even otherwise, he has been in custody for a period of 01 year, 04 months and 28 days. The trial will take considerable time to conclude. No useful purpose would be served by detaining him in custody anymore. Each day spent by him in custody has given rise to a fresh cause of action for seeking bail. It is, thus, argued that the petition deserves to be allowed.

4. Status report has been filed. Learned State counsel has argued that taking into consideration the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended benefit of bail. It is further argued that his previous petition has been dismissed by passing a detailed order and there has been no circumstantial change in the circumstances. Moreso, the instant petition, being a successive petition, is not maintainable. There are chances of his absconding or committing similar offences, if extended benefit of bail. Therefore, it is stressed that the petition does not deserve to be allowed.

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5. This Court has heard the rival submissions made by learned counsel for the parties at considerable length.

6. The petitioner is in custody since 10.12.2024. Similarly situated co-accused has been extended benefit of bail by this Court vide order dated 06.03.2026. The case of the petitioner is to be treated at parity. No recovery had been effected from the conscious possession of the petitioner. The previous petition filed by the petitioner had been dismissed on the ground that there were specific and serious allegations against the petitioner. The petitioner has remained in custody for a period of 01 year, 04 months and 28 days. A period of 08 months has elapsed after dismissal of previous petition. This factor, in the opinion of this Court, is a ground to move for bail afresh. The Hon'ble Apex Court has observed in a catena of cases that an accused cannot be kept in custody for an indefinite period of time, and the bail application can be considered on its own merits even if it is filed repeatedly. It has also been held that every day spent in custody can provide a new cause of action for filing a bail application under certain circumstances. This principle is a part of the broader approach emphasizing that law prefers bail over jail, aiming to balance the rights of the accused with the requirements of the criminal justice system. It is also well settled proposition of law that prolonged incarceration generally militates against the most precious fundamental right guaranteed under Article 21 of the Constitution and in such cases, when there is delay in conclusion of trial without there being any fault on the part of the accused, he becomes entitled to be released on bail. This

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court draws support in this regard from the observations made by Hon’ble Supreme Court in *Ismail Khan @ Pathan vs. State of Rajasthan Criminal Appeal No.4911 of 2025, SLP No.15699-2025 titled as Ebrahim @ Ibrahim SK vs. The State of West Bengal* and *Mohd. Muslim @ Hussain v. State (NCT of Delhi), 2023 SCC OnLine SC 352*.

7. Keeping in view the aforementioned facts and circumstances and also the ratio of law as laid down in the aforecited authorities, this Court is of the considered opinion that no useful purpose would be served by keeping the petitioner in custody anymore. Accordingly, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned. However, it will be open for the prosecution to apply for cancellation of bail in case the petitioner is found involved in any other subsequent case.

8. 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.

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

[MANISHA BATRA]
JUDGE

7th May, 2026
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |