

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:064172



220

CRM-M-16784-2026 (O&M)
Date of decision:27.04.2026

Gurcharan Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rajiv Kumar Saini, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. The petitioner is approaching this Court for the third time by making a prayer for grant of regular bail in case arising out of FIR No.126 dated 23.08.2024, registered under Sections 21-C and 29 of the Narcotic Drugs and Psychotropic Substances Act (for short "NDPS Act") and Sections 25, 27, 29 and 30 of the Arms Act (offences under Sections 132 and 221 of the BNS were added lateron), at Police Station Special Task Force, District STF Wing. The first petition as filed by him for grant of interim regular bail for a period of six weeks had been allowed whereas the second petition had been dismissed by this Court vide order dated 17.10.2025.

2. As per the allegations. On 23.08.2024, the petitioner along with co-accused was apprehended on the basis of a secret information and

recovery of commercial quantity of heroin and one .32 bore revolver was effected from his conscious possession. Recovery of 260 grams of heroin each was effected from the co-accused. The previous petition bearing CRM-M-29731-2025 as filed by the petitioner had been dismissed by this Court by making the following observations:

“As per the allegations, the petitioner along with co-accused was apprehended by the police party and recovery of 280 grams of heroin along with a .32 bore revolver was effected from him. Apart from this, recovery of 260 grams of heroin each was effected from above named two co-accused. The quantity of the contraband recovered from them individually falls within commercial quantity. The petitioner is shown to be involved in two more cases of similar nature. Hence, the rigors of Section 37 of the NDPS Act would certainly be attracted in this case. So far as the medical condition of the petitioner is concerned, as per medical status report dated 28.05.2025, he is in stable condition and his vitals are in normal limits. The trial is going on and there is nothing on record to show that there would be any undue delay in conclusion of the same. Keeping in view the aforesaid facts and circumstances, this Court is of the considered opinion that the petitioner is not entitled to get benefit of bail, at this stage. Accordingly, the petition is dismissed.”

3. The petitioner, then filed a Special Leave Petition (Criminal) No.19908 of 2025 before the Hon'ble Supreme Court which was dismissed vide order dated 12.12.2025.

4. It is argued by learned counsel for the petitioner that after dismissal of his previous petition, there is a change in the circumstances as the similarly situated co-accused Wassan Singh @ Fauji and Malkeet Singh

@ Meet have been extended benefit of bail vide orders dated 17.03.2026 passed by a Coordinate Bench in CRM-M-738-2026 and CRM-M-965-2026. It is further argued that on the ground of parity as well as due to extended period of his incarceration, the petitioner deserves to be extended the benefit of bail.

5. Status report has been filed. Learned State counsel has argued that the petition is not maintainable as his previous petition had been dismissed not only by this Court but by the Hon'ble Supreme Court as well. There is no substantive change in the circumstances. The case of the petitioner cannot be stated to be at parity with the co-accused, who have been extended benefit of bail as the fact that the bail petition of the petitioner had been dismissed by the Hon'ble Supreme Court has not been brought to the notice of the Coordinate Bench. It is, therefore, argued that the petition is liable to be dismissed.

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

7. So far as the question of maintainability of his successive regular bail petition is concerned, the well settled proposition of law is that for the successive petition to succeed, the petitioner must show some substantial change in the circumstances. In the instant case, the petition filed by the petitioner had been dismissed by this Court on 17.10.2025. Thereafter about 3 ½ months back, the Special Leave Petition filed by the petitioner against the order of this Court had also been dismissed on 12.12.2025. Obviously, the fact that the bail petition of the petitioner had been dismissed, had not been brought to the notice of the Coordinate Bench by the co-

accused, whose bail petitions have been allowed. As such, it cannot be stated that the case of the petitioner is at parity with the co-accused. The petitioner has filed this petition within a short span of dismissal of his previous petition without showing any substantive or drastic change in the circumstances. As such, finding no compelling ground to allow the petition, the same is dismissed.

8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

27.04.2026

harjeet

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

(MANISHA BATRA)
JUDGE