

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:090114



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CRM-M-19492-2026 (O&M)
Date of decision:03.07.2026

Gurwinder Singh @ Sachin

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Ankur Bansal, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

...

Manisha Batra, J. (Oral).

1. The instant one is the fourth petition (wrongly mentioned as third petition in the head note of the petition) as filed by the petitioner seeking benefit of regular bail in case arising out of FIR No.131, dated 31.08.2024, registered under Section 21-C of the NDPS Act, at Police Station Special Task Force, District STF Wing, SAS Nagar, Mohali. His first petition bearing CRM-M-17661-2025 had been dismissed as withdrawn vide order dated 25.09.2025, second petition bearing CRM-M-52599-2025 had been dismissed as withdrawn on 30.03.2026 and the third petition bearing CRM-M-18210-2026 had been dismissed as withdrawn on 02.04.2026.

2. Brief facts relevant for the purpose of disposal of this petition

are that on 31.08.2025, on receipt of a secret information to the effect that the present petitioner was standing in front of Amar Tent House on Attari road Amritsar on that day with an activa vehicle bearing registration No.PB-02-EQ-7422 with an intent to supply heroin and could be apprehended with huge quantity of the contraband, a raiding party was formed, which reached at the informed place and apprehended the petitioner. On conducting search, recovery of 01 kg and 22 grams of heroin was effected from his conscious possession. The recovered contraband was taken into custody by the police. The petitioner was formally arrested. Investigation now stands completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. A false recovery has been planted upon him. The mandatory provisions of the NDPS Act were not complied with at the time of his arrest. No independent witness has been joined. He is in custody since long. The trial will take considerable time to conclude. It is, therefore, argued that the petition deserves to be allowed.

4. Per contra, learned State counsel has argued that the allegations against the petitioner are quite serious in nature. The trial is going on at a proper pace since out of 17 prosecution witnesses, 04 have been examined and 04 have been given up. It is further argued that the petition is not even maintainable being the successive one. He is a habitual offender being involved in 03 more cases of similar nature. There are chances of his absconding or committing similar offences, if extended benefit of bail. It is, therefore, stressed that the petition does not deserve to be allowed.

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

6. 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.

7. In the instant case, the first petition of the petitioner had been dismissed as withdrawn on 25.09.2025, the second was dismissed as withdrawn on 30.03.2026 and the third petition was dismissed as withdrawn on 02.04.2026. The second and third petitions were filed within a short span of time which show that the same had been filed to misuse the process of law. No sufficient reason has been given for filing the successive petitions within a short span of time. Moreso, the allegations against the petitioner are serious in nature as commercial quantity of contraband had been recovered from his conscious possession. The rigors of Section 37 of the NDPS Act are attracted in this case. It can also not be stated that there is any undue delay in conclusion of the trial rather the same is going on at a proper pace. As such, finding no compelling ground to allow the petition, the same is dismissed.

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 dismissed, pending application, if any, is rendered infructuous.

03.07.2026

(MANISHA BATRA)
JUDGE

harjeet

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