



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.24796 of 2026 (O&M)
Date of Decision: 07.05.2026

Amardeep Singh @ Gaggi

.....Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. PKS Phoolka, Advocate for the petitioner.

Mr. I.P.S. Sabharwal, DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

This is second petition for bail, filed by the petitioner under Section 483 of the 'Bharatiya Nagarik Suraksha Sanhita 2023'. This petition pertains to a case arising out of FIR No.291 dated 24.10.2025, for the commission of offence punishable under Sections 105 and 3(5) of 'the Bharatiya Nyaya Sanhita 2023 and Section 27 of Narcotic Drugs & Psychotropic Substances Act 1985, Police Station Sahnewal, District Ludhiana.

2. The abovementioned FIR came into being at the instance of 'Rachpal Singh', hereinafter being referred to as 'complainant' only. It was stated by the above named complainant that on 23.10.2025 despite his resistance, his son 'Gurinder Singh' was taken away by his friends 'Navdeep Singh @ Gazi' and 'Amardeep Singh'. According to complainant, on the same day at about 2.00 P.M when he (complainant) was going towards village



‘Jaspal Bangar’ near an abandoned room he saw that with the help of ‘Amardeep Singh’, ‘Navdeep Singh @ Gazi’ was administering some injection to him. According to complainant thereafter, the health condition of his son deteriorated, and therefore, he was shifted to hospital, where he passed away.

3. In the above mentioned statement the complainant also stated that when he saw that his son was not well, he had inquired from ‘Navdeep Singh’ about the details of injection, which he administered to ‘Gurinder Singh’. According to complainant ‘Navdeep Singh’ and ‘Amardeep Singh’ told him that the above mentioned injections were supplied to them by ‘Taina’ and ‘Deepak’, under the pretext that those were intoxicating injections.

4. It is the case of the prosecution that in view of above mentioned complaint formal FIR of this case was lodged and the investigation taken up.

5. **Notice of motion.**

6. Since advance notice has already been served upon the State, Mr. I.P.S. Sabharwal, DAG, Punjab, has appeared on behalf of respondent-State. Hence, service of notice upon the State is hereby dispensed with. The learned State Counsel has filed custody certificate of the petitioner. The same be taken on record.

7. Heard.

8. It has been contended by learned counsel for the petitioner that petitioner is in custody for a period of more than six months and seven days, and that the allegations against the petitioner are nothing but the bundle of lies. According to learned counsel for the petitioner the story set-out by the



prosecution is so unnatural story, that it fails to convince a prudent mind. The learned counsel for the petitioner has also contended that the petitioner has clean antecedents, and that investigation in this case is already complete and nothing has been left to be recovered from the possession of petitioner.

9. In addition to above, the learned counsel for the petitioner has also contended that the trial is taking place at a slow pace, as there has been no progress in the present case from the date of dismissal of former application of bail.

10. The learned State Counsel has controverted the abovementioned arguments. It has been contended by the learned State counsel that the first petition for bail filed by the petitioner was dismissed on 10.03.2026, and that the total custody period of petitioner is little above six months. As per learned State counsel, at this stage, this inference cannot be drawn that on account of any lapse on the part of the prosecution, there is delay in trial. According to learned State counsel since there is no change in circumstance from the date of dismissal of former bail petition, the second petition for bail is not maintainable.

11. The record has been perused carefully.

12. A careful perusal of the record shows that this is second petition for bail filed by the petitioner. The first petition filed by the petitioner was dismissed on 10.03.2026, i.e. barely two months ago. It is relevant to note here that either in the petition or during the course of argument, no such ground has been pleaded which can lead to an inference that there is any change in material circumstance from the date of dismissal of former bail petition.



13. In this regard, the law propounded by the Hon'ble Supreme Court of India in the case of 'State of Maharashtra Vs. Capt. Buddikota Subba Rao', AIR 1989 SC 2292 is relevant, wherein the Hon'ble Supreme Court has observed that subsequent application can be justified only on substantial change in fact-situation. It has been further elaborated by the Hon'ble Supreme Court of India that such change must be substantial one which has a direct impact on earlier decision and not merely cosmetic changes which are of little or no consequence.

30. Similarly, in the case of 'Kalyan Chandra Sarkar (supra)', it has been observed by the Hon'ble Supreme Court of India that though an accused had a right to make successive applications for grant of bail the Court entertaining such subsequent bail applications has duty to consider the reasons and grounds on which the earlier bail applications were rejected and in such cases the court also has a duty to record what are the fresh grounds which persuaded it to take a view different from the one taken in the earlier applications.

31. While dealing with similar situations the High Court of Delhi in the case of 'Raj Kumar (supra)', observed that mere fact that former bail petitions were withdrawn does not make a big difference, because in most of the matter when the Court is about to dictate an order for rejection of bail petition, the same is withdrawn, and thus, if the former petition has been dismissed as withdrawn it may be treated to be dismissal on merit.

14. In view of above mentioned principles of law and the fact-situation of present case, it is hereby observed that for want of any change in



circumstance, from the date of dismissal of former petition for bail, this second petition is not maintainable and deserves dismissal. Hence the same is hereby dismissed accordingly.

(SURYA PARTAP SINGH)
JUDGE

07.05.2026
Manoj Bhutani

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