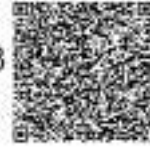


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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-68842-2025

Date of decision: 12th May, 2026

Jagdev Singh Dhaliwal @ Jagdev Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Harjinder Singh, Advocate for the petitioner.

Ms. Himani Arora, Deputy Advocate General, Haryana.

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. 75 dated 05.04.2025 registered under Sections 15, 27-A and 29 of Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, '*NDPS Act*') at Police Station City Pehowa, District Kurukshetra. His previous petition bearing CRM-M-No. 34075-2025 had been dismissed vide order dated 27.08.2025.

2. As per the allegations, on 05.04.2025, accused Rakesh Kumar was apprehended along with a truck bearing registration No. PB-13-AR-8534 and on conducting search, 197 kgs 400 grams of poppy straw was recovered from the said truck. He was formally arrested. On interrogation, he suffered a

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disclosure statement to the effect that he had loaded the contraband on asking of the present petitioner. The petitioner was nominated as an accused and was arrested on 06.04.2025. The petitioner also suffered a disclosure statement to the effect that he had purchased the contraband from accused Somnath Pathak from Jharkhand and Bihar and had to supply the same to co-accused Prem Chand, who too was nominated as an accused. Investigation now stands concluded.

3. It is argued by learned counsel for the petitioner that his previous petition was dismissed on 27.08.2025. Since then, a period of about 09 months has elapsed; however, there has been no progress in the trial and it is likely to take considerable time to conclude. It is further argued that his previous petition had been dismissed by observing that he was the registered owner of the vehicle from which recovery was effected, though it was Gurmail Singh, his uncle, who was the owner of the vehicle and who had even got the same released on *supardari*. Co-accused Prem Chand and Somnath Pathak have been extended the benefit of bail. The case of the petitioner is on similar footing and as such, he too deserves to be extended the same benefit. Each day spent by him in custody furnishes a fresh ground to seek the concession of bail. Therefore, it is argued that the petitioner deserves to be released on bail.

4. *Per contra*, learned State counsel, while relying upon the status report, has argued that the present petition is not maintainable as it is a second/successive petition, the previous petition having already been

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dismissed by this Court by passing a detailed order. It is further argued that there is no substantial or drastic change in the circumstances. No exceptional or extraordinary circumstance has been made out in favour of the petitioner for grant of anticipatory bail. Therefore, it is 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 at considerable length.

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. As per the allegations, the petitioner was the registered owner of the vehicle from which recovery of commercial contraband had been effected. The petitioner has, however placed on record Annexure P-3, a copy of the registration certificate of the vehicle in question showing that Gurmail Singh was the owner of the same. Annexure P-4 is the copy of the order dated 24.04.2025 passed by the Court of learned Additional Sessions Judge, Kurukshetra, showing that the aforementioned vehicle was released on

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supardari in favour of the abovenamed Gurmail Singh. These facts *prima facie* show that the petitioner was not the registered owner of the vehicle in question. It is only on thorough assessment of the evidence to be produced during trial that any conclusion as to the nature of the bank transactions between the petitioner and co-accused Rakesh can be drawn, and further, any conclusion as to the petitioner being the registered owner of the above-mentioned vehicle can be drawn. The recovery was obviously not effected from the conscious possession of the petitioner but it was from the co-accused. The antecedents of the petitioner are clean. On taking into consideration these grounds, this Court is of the considered opinion that the petitioner has made out a case for release on bail in his favour, especially due to the reason that even after dismissal of his previous petition, not even a single witness has been examined so far. Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court/Chief Judicial Magistrate/ Duty Magistrate concerned.

8. It is clarified that observations made hereinabove shall not be construed as an expression of opinion 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

12th May, 2026

Parveen Sharma	1. Whether speaking/ reasoned	:	Yes / No
	2. Whether reportable	:	Yes / No