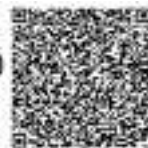


**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

2026.PHHC.049030

**CRM-M-865-2026 (O&M)****Date of decision: 30.03.2026****Date of uploading: 30.03.2026**

Sukhpreet Singh @ Sukh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**Present:-** Mr. Damanjit Singh Sandhu, Advocate for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

***********SUMEET GOEL, J. (ORAL)**

1. This second petition has been filed under Section 483 Bharatiya Nagrik Suraksha Sanhita, 2023 seeking regular bail for the petitioner in case FIR No.385 dated 22.12.2023 under Sections 21, 21(b), 21(c), 27 and 29 of the NDPS Act, 1985, registered at Police Station Special Task Force, S.A.S. Nagar, District S.A.S. Nagar (Mohali).

2. The case of the prosecution is that 810 grams of Heroin was recovered from the conscious possession of the petitioner and his co-accused.

3. Learned counsel for the petitioner contends that allegations against the petitioner are general and vague. He has been implicated falsely in the present case. He further submits that the petitioner is in custody for the last more than two years. It is further stated that charges against the petitioner

have been framed, however, out of 20 cited witnesses, only 2 have been examined and 8 have been given up till date. Furthermore, learned counsel for the petitioner has handed over today in Court the zimini orders passed by the trial Court. A perusal of the same shows that on certain occasions the jail authorities did not produce the petitioner before the trial Court and on certain other dates, the prosecution witnesses, who are the police officials, had not appeared before the trial Court notwithstanding that bailable warrants have been ordered to be issued against them. From the above, it is apparently clear that the trial is being delayed on one pretext or the other. It appears that the trial of the case would still take a long time to conclude.

4. Learned State Counsel, on the other hand, vehemently opposes the petition for grant of bail on the ground that there is an active role of the petitioner in the commission of the offence in question. Hence, he prays for dismissal of the present petition. Custody certificate has been filed by the State Counsel, which is taken on record. As per the said certificate, the petitioner is in custody for the last more than two years.

5. I have heard the learned counsel for the parties and perused the record.

6. Keeping in view the facts and circumstances of the case and taking into consideration the fact that the petitioner is in custody for the last more than two years coupled with the fact the trial of the case has not made much headway, due to which the trial against the petitioner might take a long time to conclude, this Court is of the opinion that the petitioner deserves concession of regular bail. Moreover, bail is rule and jail is exception. Since the continuous incarceration of the petitioner would not serve the ends of

justice, this Court deems it fit to grant the concession of regular bail to the petitioner during the pendency of the trial.

6.1. Indubitably, the present petition is the second attempt on behalf of the petitioner for securing regular bail. The first one bearing no. CRM-M-17063-2025 was dismissed as withdrawn on 15.05.2025 (Annexure P-4). However, keeping in view the entirety of facts and circumstance of the case in hand especially keeping in view the extended custody and pace of trial, this Court is inclined to favourably consider the instant plea for bail. A profitable reference, in this regard, can be made to a judgment of this Court passed in **CRA-S-2332-2023** titled as ***Rafiq Khan versus State of Haryana and another***; relevant whereof reads as under:

“10. As an epilogue to the above discussion, the following principles emerge:

I Second/successive regular bail petition(s) filed is maintainable in law & hence such petition ought not to be rejected solely on the ground of maintainability thereof.

II. Such second/successive regular bail petition(s) is maintainable whether earlier petition was dismissed as withdrawn/dismissed as not pressed/dismissed for non-prosecution or earlier petition was dismissed on merits.

III For the second/successive regular bail petition(s) to succeed, the petitioner/applicant shall be essentially/pertinently required to show substantial change in circumstances and showing of a mere superficial or ostensible change would not suffice. The metaphoric expression of seeking second/successive bail plea(s) ought not be abstracted into literal iterations of petition(s) without substantial, effective and consequential change in circumstances.

IV No exhaustive guidelines can possibly be laid down as to what would constitute substantial change in circumstances as every case has its own unique facts/circumstance. Making such an attempt is nothing but an utopian endeavour. Ergo, this issue is best left to the judicial wisdom and

discretion of the Court dealing with such second/successive regular bail petition(s).

V In case a Court chooses to grant second/successive regular bail petition(s), cogent and lucid reasons are pertinently required to be recorded for granting such plea despite such a plea being second/successive petition(s). In other words, the cause for a Court having successfully countenanced/entertained such second/successive petition(s) ought to be readily and clearly decipherable from the said order passed.”

7. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on regular bail on his furnishing requisite bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.
8. It is clarified that if while on bail so granted through the instant order, the petitioner is found indulged in any other criminal case/activity, it shall be open to the State to seek cancellation of his bail.
9. Nothing discussed hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

30.03.2026

Naveen

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No