



CRM-M-42654-2025

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

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CRM-M-42654-2025

Date of decision: 07.08.2025

Gurjant Singh

...Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. R.P.S. Jammu, Advocate for the petitioner.

Mr. Tarun Aggarwal, Additional Advocate General, Haryana.

SUMEET GOEL, J. (Oral)

1. The present petition is the second attempt under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') for grant of pre-arrest/anticipatory bail to the petitioner in case bearing FIR No.294 dated 19.05.2025, registered for the offences punishable under Sections 18, 25 of the NDPS Act at Police Station Sector 32-33, District Karnal.

The petitioner had earlier applied for grant of pre-arrest/anticipatory bail before this Court which was dismissed as withdrawn on 13.06.2025. The relevant part of said order reads as under:-

“After arguing for some time, learned counsel for the petitioner seeks to withdraw the present petition in hand.

Ordered accordingly.”

Thereafter, the present petition i.e. the second petition for grant of anticipatory/pre-arrest bail has been preferred by the petitioner on 05.08.2025.



2. The gravamen of the FIR in question reflects that on 18.05.2025, ASI Satish Kumar alongwith other police officials was on patrol duty in a government vehicle. When they reached near village Phoosgarh, they spotted a black Hyundai car (Reg. No.HR07AB-120). On seeing the police party, one person fled the scene while the other was apprehended who identified himself as Jaipal Singh. He disclosed that the absconding person was Gurjant Singh (petitioner herein) and that they were en route to sell opium. Search of the vehicle led to the recovery of 332 grams of opium and a purse containing driving license, Aadhaar card, 04 ATM cards of Gurjant Singh (petitioner herein) and the vehicle registration certificate. No valid permit or license for the contraband was produced. Following due procedure, accused Jaipal Singh was arrested and presented before the Court.

3. Learned counsel for the petitioner has iterated that the petitioner was not apprehended at the spot and the allegation that he managed to flee in the presence of 5/6 armed police officials is highly improbable and raises serious doubts about the veracity of the version of the prosecution. Learned counsel has further iterated that the alleged recovery of 332 grams of opium, which falls under the non-commercial quantity, has already been effected from the co-accused Jaipal@ Sahajpal and hence there is no recovery attributable to the present petitioner. Learned counsel has further submitted that the petitioner has merely taken a lift in the vehicle approximately 30 minutes prior to the incident and had inadvertently left behind his purse, which contained his identification documents. The recovery of the said purse from the vehicle is the sole basis on which the petitioner has been implicated in the present case. It has been further argued that there is no



need for custodial interrogation of the petitioner, as nothing incriminating remains to be recovered from him. Learned counsel asserts that the petitioner has no intention of evading the process of law and undertakes to cooperate fully with the investigation. It is next submitted by the learned counsel that the petitioner is ready to join the investigation and hence no useful purpose would be served by sending him behind the bars. On the basis of the aforementioned submissions, the grant of the instant petition is entreated for.

4. *Conversely*, learned State counsel (on the strength of advance notice) has opposed the grant of anticipatory bail to the petitioner by arguing that the present petition is not maintainable, as it constitutes a second petition for anticipatory bail, without there being any substantial change in circumstances, thereby failing both on procedural grounds and on merits. Learned State counsel has submitted that the first petition was dismissed as withdrawn on 13.06.2025 before this Court and neither any prayer was made nor was any liberty granted to the petitioner to file afresh with better particulars. Accordingly, the State counsel has argued that the instant petition deserves dismissal on this score alone. Learned State counsel, opposing the plea in hand on merits, submits that petitioner was clearly named by co-accused Jaipal Singh at the time of his apprehension on the spot. It is further contended that on seeing the police party, the petitioner, who was present in the vehicle, fled from the spot, while the co-accused was apprehended. According to learned State counsel, the immediate flight of the petitioner from the scene is a strong incriminating circumstance against the petitioner. Learned State counsel asserts that although the recovery may fall within the non-commercial category, the nature of the offence and the



conduct of the petitioner raise serious concerns regarding his involvement in a wider nexus of narcotic trafficking activities. Furthermore, granting bail to the petitioner at this stage may seriously hamper the ongoing investigation and embolden the petitioner to tamper with evidence or influence key witnesses, many of whom may be susceptible to pressure or intimidation. Given the gravity of the offence, the larger public interest involved in curbing the menace of drug trafficking, and the potential threat to the fair conduct of the trial, it is most respectfully submitted that the petitioner does not deserve the concession of anticipatory bail and it is prayed that the present petition deserves to be dismissed.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. It would be apposite to refer herein to a judgment passed by this Court in a titled as ***Bhisham Singh vs. State of Haryana, 2024(3) RCR(Criminal) 65***, relevant whereof reads as under:-

“11. As an epilogue to the above rumination, the following principles emerge:

I Second/successive anticipatory bail petition(s) filed under Section 438 of Cr.P.C., 1973 is maintainable in law & hence such petition ought not to be rejected solely on the ground of maintainability thereof.

II Such second/successive anticipatory 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 anticipatory 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.

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. Accordingly, this issue is best left to the judicial wisdom and discretion of the Court dealing with such second/successive anticipatory bail petition(s).

V In case a Court chooses to grant second/successive anticipatory 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.

VI Once a plea for anticipatory bail has been dismissed as withdrawn/dismissed as not pressed/dismissed for non-prosecution or dismissed on merits by the High Court, no second/successive anticipatory bail petition(s) shall be entertained by a Sessions Court.”

7. The present petition is a second petition for grant of anticipatory bail by the petitioner. A second anticipatory bail petition is indeed maintainable under law; however, it requires demonstration of a substantial change in circumstances since the earlier petition. It is a settled proposition of law that such a change must be significant and not merely superficial or technical, to warrant reconsideration. This standard ensures that the remedy of successive bail petitions is not misused through repeated filings but is available when new and material factors arise that alter the initial assessment of the case. The first anticipatory bail filed by the petitioner was dismissed as withdrawn on 13.06.2025. The instant petition i.e. second petition for grant of anticipatory bail has been filed thereafter on 05.08.2025. No fresh substantial change in circumstance has been brought forward which would indicate that the petitioner is entitled to maintain his second petition for grant of anticipatory bail. From the entire factual conspectus brought forward in the present petition, no fresh ground or circumstance is made out so as to enable the petitioner to file and maintain



the second anticipatory bail petition. However, since the first anticipatory bail petition was dismissed as withdrawn and there was no adjudication on merits thereof, this Court deems it appropriate to decide the instant one on merits thereof as well.

8. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. It emerges from the record that on 18.05.2025, the police while on patrol duty near village Phoosgarh intercepted a black Hyundai car. Upon noticing the police, one occupant fled the scene while the other identified as Jaipal Singh was apprehended. He disclosed that the absconding person was Gurjant Singh (petitioner herein) and that they were transporting opium for sale. A search of the vehicle led to the recovery of 332 grams of opium and a purse containing the petitioner's driving licence, Aadhaar card, four ATM cards and the vehicle registration certificate. During preliminary interrogation, co-accused Jaipal Singh disclosed that the person who had fled from the spot was none other than Gurjant Singh (petitioner herein) and further revealed that both of them were en route to deliver opium to a prospective buyer.

9. In the present case, the petitioner was admittedly not apprehended on the spot and is alleged to have fled from the vehicle upon noticing the police. His identity was disclosed by the co-accused at the very initial stage and his official identification documents were recovered from within the vehicle. While the petitioner seeks to explain his presence indirectly by stating that he had taken a lift and inadvertently left his purse behind, this explanation appears to be an afterthought and is not supported by any independent material. The act of fleeing from the scene, particularly



in the presence of police personnel, cannot be lightly brushed aside especially when coupled with other corroborative material such as the recovery of personal documents from the vehicle containing the contraband.

10. It is also pertinent to note that while the quantity of contraband is non-commercial in nature but this by itself, cannot be treated as a mitigating factor to overlook the gravity of the offence or the potential role of the petitioner in the broader chain of illicit narcotic supply. Furthermore, the matter involves transportation of narcotic substances for sale as per the disclosure of the co-accused and the role of the petitioner needs to be thoroughly investigated. Mere non-recovery from the petitioner does not absolve him especially when circumstances strongly link him to the offence. The nature of the offence, the mode of operation and the fact that the investigation is at a nascent stage necessitate custodial interrogation. Furthermore, the apprehension expressed by the prosecution that the petitioner, if released on bail, may abscond or attempt to influence witnesses who may be vulnerable to coercion also appears to be not without basis. Given the seriousness of the offence, the stage of investigation, the possibility of tampering with evidence or obstructing justice, and the overarching public interest in deterring the menace of narcotic drug trafficking, this Court is of the view that the petitioner does not merit the concession of bail at this juncture. Moreover, in view of the serious allegations, the custodial interrogation of the petitioner is indispensable and crucial for unearthing the broader conspiracy and identifying the other potential accomplices that may be within the exclusive knowledge or possession of the petitioner. Moreover, the grant of anticipatory bail at this



premature stage may seriously prejudice the ongoing investigation and potentially result in tampering with evidence or influencing material witnesses.

11. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interest(s). The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. It is imperative that every person in the Society can expect an atmosphere free from foreboding & fear of any transgression. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to be establish a reasonable basis for the accusation of the petitioner. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In **State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039**], the Supreme Court held as under : (SCC p.189, para 6)

“6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an



argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders.”

12. Accordingly, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand. Moreover, custodial interrogation of the petitioner is necessary for an effective investigation & to unravel the truth. The present petition is, thus, devoid of merits and is hereby dismissed.

13. Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

14. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

August 07, 2025

Ajay

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No